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EUROPEAN SOCIAL CHARTER

10th National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF LATVIA

Articles 2, 3, 4, 5, 6, and 20

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CYCLE 2024

EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX

6 June 2024

Proposed questions from the European Committee of Social Rights for the next statutory report

Group 1

To be submitted by States Parties not having accepted the collective complaints procedure by 31 December 2024

Introduction

Following the reform of the reporting procedure adopted by the Committee of Ministers[1], States Parties not having accepted the collective complaints procedure, shall submit a report every two years covering provisions from one of two groups[2] of the Charter.

In co-operation, the European Committee of Social Rights (ECSR) and the Governmental Committee of the European Social Charter and European Code of Social Security (GC) shall define a limited number of targeted questions to be answered in the report, and which will be adopted by the GC.

The number of themes or topics to be covered in one report should in principle not exceed about a dozen.

Accordingly, on the basis of consultations between the two committees, the States Parties due to submit a report on the accepted provisions of the Charter by 31 December 2024 should respond to the questions found in this document. The questions build in part on previous questions posed and on previous conclusions of non-conformity. As such, while the relatively limited number and scope of the questions very much reflect the spirit and form of the new, simplified reporting procedure, their content will enable continuity in terms of the ECSR's reporting work.

In this respect, it is proposed that a particular focus be given to Article 5 (right to organise) and Article 6 (right to bargain collectively), in order to further clarify, reaffirm and develop certain aspects of the ECSR's case law on these key provisions.

In the same spirit of simplification, it has been agreed that States Parties should not be requested to provide information in response to previous conclusions of non-conformity.

Finally, it is recalled that following the above-mentioned reform of September 2022, the previous system of reference periods has been abolished and reports should therefore focus on the situation pertaining at the time of submitting the report. This also means that statistical information should be as recent as possible unless otherwise indicated.

1 See decision of 27 September 2022 based on CM(2022)114-final.

2 **First Group**
Article 1 - Article 2 - Article 3 - Article 4 - Article 5 - Article 6 - Article 8 - Article 9 - Article 10 - Article 18 - Article 19 - Article 20 - Article 21 - Article 22 - Article 24 - Article - 25 - Article 28 - Article 29.
Second Group
Article 7 - Article 11 - Article 12 - Article 13 - Article 14 - Article 15 - Article 16 - Article 17 - Article 23 - Article 26 - Article 27 - Article 30 - Article 31.

Article 2 – The right to just conditions of work

Explanatory remark:

A question on working time has been included as previous conclusions suggested that there are certain occupations in States Parties where weekly working hours can exceed 60 hours. States Parties responses would allow the Committee to have a more comprehensive overview of the situation.

The question pertaining to seafarers has been included as the previous conclusions suggested that the ECSR would re-examine its case law in relation to this category of employees.

Moreover, there has been an outstanding issue regarding on-call periods, with many States Parties not in conformity with the Charter on this point.

Questions:

Article 2§1 Reasonable daily and weekly working hours

a) Please provide information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including:

- information on the exact number of weekly hours that persons in these occupations can work;
- information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.

According to Paragraph one, Article 291 of the Maritime Code of 29 May 2003 the hours of work means time when a seafarer is required to work on the ship. The normal hours of work shall be eight hours, including short breaks with one day of rest in a week and rest during holidays. For its part, Paragraph two, Article 291 of the Maritime Code prescribes that a seafarer may be employed for more than the specified normal hours of work, however not exceeding 14 hours in a 24 hour-period and 72 hours in a seven-day period.

Hours of rest means time during which a seafarer is not required to do work duties. Hours of rest do not include short breaks. A seafarer's hours of rest shall not be less than 10 hours in a 24-hour period and 77 hours in a seven-day period. The daily hours of rest may be divided into two parts of which the length of at least one part shall not be less than six hours but the interval between these parts shall not exceed 14 hours. Hours of rest used for the performance of work duties shall be compensated to the seafarer with adequate hours of rest (Paragraph four, Article 291 of the Maritime Code).

The records of the seafarer's hours of work and hours of rest on a ship shall be kept by the master of the ship or a person authorised by the master. Each month the master of the ship or a person authorised by the master shall inform the seafarers of their hours of work and hours of rest. The Maritime Administration of Latvia shall control the records of the hours of work and hours of rest. If the record documents or other evidence indicate infringement of provisions governing hours of work and hours of rest, the Maritime Administration of Latvia shall take measures to rectify infringements, and also review the minimum manning of the ship in order to avoid future infringements (Paragraph five, Article 291 of the Maritime Code).

As shipowner has an obligation to ensure that the schedule of hours of work and hours of rest is periodically reviewed and approved and that its compliance with the requirements of the laws and regulations governing hours of work and hours of rest is monitored (Paragraph six, Article 291 of the Maritime Code).

Ship musters and other drills shall be organised in a manner that minimises the disturbance of hour of rest of seafarers and does not induce fatigue (Paragraph seven, Section 291 of the Maritime Code).

Pursuant to Paragraph nine, Section 291 of the Maritime Code that specified in Paragraphs one, two, and four of this Section need not be applied to seafarers who are working on board the ship in Latvian waters which is intended only for coastal or internal navigation or navigation in port waters. In such case the rest and work hours shall be accounted for such seafarers, applying the general provisions of the Labour Law.

According to Paragraph one, Section 131 of the Labour Law of 20 June 2001 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 shall mean working time within a 24-hour period. Section 136 of the Labour Law governs provisions for overtime work:

- Overtime work shall mean work performed by an employee in addition to regular working time (Paragraph one, Section 136 of the Labour Law).
- Overtime work is permitted if the employee and the employer have so agreed in writing (Paragraph two, Section 136 of the Labour Law).
- An employer has the right to employ an employee on overtime without his or 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;
3) for the completion of urgent, unexpected work within a specified period of time (Paragraph three, Section 136 of the Labour Law).
- If overtime work in the cases referred to in Paragraph three of this Section continues for more than six consecutive days, the employer needs a permit from the State Labour Inspectorate for further overtime work, except for the cases when repetition of similar work is not expected or the Cabinet has declared an emergency situation or state of exception (Paragraph four, Section 136 of the Labour Law).
- Overtime work may not exceed eight hours on average within a seven-day period, which is calculated in the accounting period that does not exceed four months (Paragraph five, Section 136 of the Labour Law).
- It is prohibited to employ in overtime work persons who are under 18 years of age (Paragraph six, Section 136 of the Labour Law).

At the same time, Paragraph one, Section 137 of the Labour Law prescribes that an employer has the obligation to keep accurate accounts for each employee of total hours worked, and also separately overtime hours, hours worked at night, on the weekly rest time, and public holidays, and also furlough time. An employee has the right, in person or through the representatives of employees, to verify the accounts of working time kept by the employer (Paragraph three, Section 137 of the Labour Law).

b) Please provide information on the weekly working hours of seafarers.

Please see the answer to the previous question a).

c) Please provide information on how inactive on-call periods are treated in terms of work or rest time.

No specific national regulation as regards on-call time. The time when the employee is not at the disposal of the employer and does not perform his/her work duties is considered as rest time.

Article 3 – The right to safe and healthy working conditions[1][3]

Explanatory remark:

The proposed questions which focus on health and safety raise issues identified in the most recent conclusions, notably on Article 3 (right to health and safety at the workplace), or focus on new issues such as risks to health and safety caused by climate change (e.g. having to work in extreme heat or cold). Other proposed questions on Article 3 focus on new issues that were covered by the Committee's Statement of interpretation on Article 3§2 of the Charter in Conclusions 2021, notably the right to digital disconnect.

Furthermore, the questions on Article 3 cover self-employed and vulnerable categories of workers, such as domestic workers, as there were previously many non-conformities on the ground that self-employed and domestic workers were not adequately protected by occupational health and safety regulations. An emphasis has been placed on supervision, as supervision is crucial if the effective implementation of the right to safe and healthy working conditions is to be guaranteed, especially for vulnerable categories of workers (such as domestic workers, digital platform workers, posted workers and workers employed through subcontracting). Workers are more often exposed to environmental-related risks such as climate change and pollution.

Questions:

Article 3§1 Health and safety and the working environment

Please provide information on the content and implementation of national policies on psychosocial or new and emerging risks, including:

- in the gig or platform economy;
- as regards telework;
- in jobs requiring intense attention or high performance;
- in jobs related to stress or traumatic situations at work;
- in jobs affected by climate change risks.

The national policy for occupational safety and health (hereinafter - OSH) is included in the strategic document "Social protection and Labour Market Policy Guidelines for 2021-2027" adopted by the Cabinet of Ministers on 1 September 2021. There are two 3-year action plans covering the strategy period: "Development Plan of Labour Protection Sector for 2021-2023" and "Development Plan of Labour Protection Sector for 2024-2027". These action plans provide detailed measures and topics to be implemented and covered within this period of time. All these policy documents are intended to implement the strategic objectives of the EU strategic framework on health and safety at work 2021-2027.

The Development Plans of Labour Protection Sector for years 2021-2023 and years 2024-2027 cover specific measures, respective results, responsible authorities and deadlines. Most of the measures are implemented by the State Labour Inspectorate, the State Employment Agency and the Institute of Occupational Safety and Environmental Health in cooperation with the Ministry of Welfare and social partners – the Employers` Confederation of Latvia and the Free Trade Union Confederation of Latvia.

[3] [1] Please note that Article 3 of the European Social Charter also applies to the self-employed.

The goal of the national strategy is to ensure a safe and healthy work environment and to improve the working life of the employees, as a result it is expected to reduce the number of serious and lethal accidents at work. The strategy also highlights the increasing number of nervous system diseases and psychological and behavioural disorders associated with overload and burn-out at work.

One of the tasks prescribed in both Plans involves the raise of awareness of the society, especially of employers, employees and OSH specialists regarding labour law and OSH issues (in different forms of employment) and development of preventive culture. As a part of this task, informative materials are being developed and workshops on different OSH issues are being carried out. The topics of these activities specifically include **prevention of diseases of the musculoskeletal system, psycho-emotional risks, effects of climate change, digitalisation issues, technological development, protection against chemical substances, specific risks of various industries etc.**

Another task included in both Plans refers to improving the employees` legal protection, their understanding and knowledge of labour legal relations, especially for those working in non-standard/new forms of employment. The activities within this task include the elaboration of informative materials and educational measures in order to provide knowledge and information for digital platforms as well as for employers, employees and OSH experts regarding health and safety in different forms of employment including platform work and remote work.

Also, Annual Plans of Preventive Measures on OSH are developed at the national level. Every year, the Plan is confirmed by the Information Council, which includes representatives from the Ministry of Welfare, the State Labour Inspectorate, the Free Trade Union Confederation of Latvia, the Employers' Confederation of Latvia and the Institute for Occupational Safety and Environmental Health. The Plan includes preventive activities like elaboration of informative materials and guides, organising seminars and campaigns on specific OSH topics.

Article 3§2 of the Revised Charter (Article 3§1 of 1961 Charter) Health and safety regulations

a) Please provide information on:
   - the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours (including the right to disconnect);

The Labour Law provides for strict rules on working time, including overtime work, and rest time that must be observed. The working time specified for the employee must be included in the employment contract.

According to Paragraph one, Article 52 of the Labour Law an employee has the obligation to perform work within the limits of a specified working time. Also, Paragraph one, Article 137 of the Labour Law prescribes that an employer has the obligation to keep accurate accounts for each employee of total hours worked, and also separately overtime hours, hours worked at night, on the weekly rest time, and public holidays, and also furlough time. An employee has the right, in person or through the representatives of employees, to verify the accounts of working time kept by the employer (Paragraph three, Article 137 of the Labour Law).

The right to disconnect is not governed by the national legislation.

In cases when the employer does not observe regulatory enactments governing employment legal relationships and labour protection, the employee can appeal to the State Labour Inspectorate. According to Paragraph one, Article 3 of the State Labour Inspectorate Law of

19 June 2008 the function of the Labour Inspectorate is the implementation of 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 Paragraph one of this Article, the Labour Inspectorate shall perform the following tasks: supervise and control observance of the requirements of the regulatory enactments regarding employment legal relationships and labour protection; control how employers and employees mutually fulfil the obligations specified in employment contracts and collective labour agreements (Clauses 1 and 2, Paragraph two, Article 3 of the State Labour Inspectorate Law). The State Labour Inspectorate has the right to issue warnings and orders, as well as to impose administrative fines on employers in order to ensure the observance of the requirements of the regulatory enactments regulating employment legal relationships and labour protection.

At the same time, Article 30 of the Labour Law determines that individual disputes regarding rights between an employee and an employer, if they have not been settled within an undertaking, shall be settled in court. According to Article 4 of the Labour Dispute Law of 26 September 2002 an individual dispute regarding rights shall be such differences of opinion between an employee or employees (a group of employees) and an employer that arise by concluding, altering, terminating or fulfilling an employment contract, as well as by applying or interpreting the provisions of regulatory enactments, the provisions of a collective labour contract or working procedure regulations. Individual disputes regarding rights in an undertaking shall be settled as far as possible in negotiations between an employee and an employer (Paragraph one, Article 5 of the Labour Dispute Law). The employer and the representatives of employees may agree regarding the establishment of a labour dispute commission in the undertaking for the settlement of individual disputes regarding rights in relation to which an agreement between the employee and the employer has not been reached in negotiations. The employer and the representatives of employees may also agree regarding other procedures according to which individual disputes regarding rights shall be settled in the undertaking (Paragraph two, Article 5 of the Labour Dispute Law). Any party to an individual dispute regarding rights has the right to apply to the court if the individual dispute regarding rights has not been settled in negotiations between an employee and an employer or any of the parties is not satisfied with the decision of the labour dispute commission (Paragraph one, Article 7 of the Labour Dispute Law).

- how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.

The Labour Law prescribes prohibition to cause adverse consequences and prohibition of differential treatment:

"**Article 9. Prohibition to Cause Adverse Consequences**
(1) Sanctions may not be imposed on an employee or adverse consequences may not be, directly or indirectly, otherwise caused for him/her due to the fact that the employee, within the scope of employment relationship, exercises his/her rights in a permissible manner, as well as if he/she informs the competent authorities or officials of suspicions of the commitment of a criminal offence or an administrative offence in the workplace.
(2) If in the case of a dispute an employee indicates conditions, which could be the basis for the adverse consequences caused by the employer, the employer has an obligation to prove that the employee has not been punished or adverse consequences have not been directly or indirectly caused for him/her due to the fact that the employee, within the scope of employment relationship, exercises his/her rights in a permissible manner.

Article 29. Prohibition of Differential Treatment
(1) Differential treatment based on the gender of an employee is prohibited when establishing employment relationship, as well as during the period of existence of employment relationship, in particular when promoting an employee, determining working conditions,

remuneration or occupational training or further education, as well as when giving notice of termination of an employment contract.
(2) Differential treatment based on the gender of an employee 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 respective work or for the respective 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 the obligation 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 respective work or the respective 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 provision, criterion or practice causes or may cause adverse consequences for persons belonging to one gender, except for the cases where such provision, criterion or practice is objectively substantiated with a legal purpose for the achievement of which the selected means are commensurate.
(7) Within the meaning of this Law, the harassment of a person is the subjection of a person to such action which is unwanted from the point of view of the person, which is associated with his/her belonging to a specific gender, including action of a sexual nature if the purpose or result of such action is the violation of the person's dignity and the creation of an intimidating, hostile, humiliating, degrading or offensive environment.
(8) If the prohibition of 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 Articles 34, 48, 60, and 95 of this Law, insofar as they are not in conflict with the essence of the respective right, shall also apply to the prohibition of differential treatment based on race, skin colour, age, disability, religious, political or other conviction, ethnic or social origin, property or marital status, sexual orientation of an employee or other circumstances.

Article 48. Violation of the Prohibition of Differential Treatment when Giving Notice of Termination of an Employment Contract during the Probationary Period

If an employer when giving a notice of termination of an employment contract during the probationary 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. Equal Remuneration

(1) An employer has the obligation to specify equal 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.

Article 95. Violation of the Prohibition of Differential Treatment in Determining Working Conditions, Occupational Training or Further Education or Promotions
(1) If an employer in determining working conditions, occupational training or further education has violated the prohibition of differential treatment, the respective employee has the right to request the termination of such differential treatment.

(2) If an employer in determining working conditions, occupational training or further education or promotion of an employee has violated the prohibition of differential treatment, the respective 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.".

In cases when the employer does not observe regulatory enactments governing employment legal relationships and labour protection, the employee can appeal to the State Labour Inspectorate. According to Paragraph one, Article 3 of the State Labour Inspectorate Law the function of the Labour Inspectorate is the implementation of 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 Paragraph one of this Article, the Labour Inspectorate shall perform the following tasks: supervise and control observance of the requirements of the regulatory enactments regarding employment legal relationships and labour protection; control how employers and employees mutually fulfil the obligations specified in employment contracts and collective labour agreements (Clauses 1 and 2, Paragraph two, Article 3 of the State Labour Inspectorate Law). The State Labour Inspectorate has the right to issue warnings and orders, as well as to impose administrative fines on employers in order to ensure the observance of the requirements of the regulatory enactments regulating employment legal relationships and labour protection.

At the same time, the Labour Dispute Law governs the procedures for settlement of labour disputes, determining labour dispute settlement bodies.

Also, a person can turn for help to the Ombudsman Office. The Ombudsman shall have the following functions: to promote the compliance with the principles of equal treatment and prevention of any kind of discrimination (Clause 2, Article 11 of the Ombudsman Law of 6 April 2006). In the performance of the functions specified by this Law, the Ombudsman shall: accept and examine submissions of private individuals; initiate a verification procedure for the clarification of circumstances (Clauses 1 and 2, Article 12 of the Ombudsman Law).

b) Please provide information on:
   - the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations;
   - whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.

In light of the increasing prevalence of remote work, amendments to the Labour Protection Law of 20 June 2001 were adopted on 3 October 3 2019. These amendments include a definition of remote work and explicitly clarify that labour protection requirements apply to the safety and health of remote employees. Remote work is defined as any work that employees, ordinarily perform within the employer's premises, conduct either permanently or regularly outside the company, including tasks using information and communication technologies.

The Labour Protection Law also stipulates that employees performing remote work must cooperate with their employer by providing information regarding any conditions that may affect the safety and health of their remote workplace. To facilitate understanding of these

new requirements, various informational materials, including video and seminar presentations, have been developed and made available online on the website https://stradavesels.lv/. Additionally, a questionnaire has been created to help employees more easily identify workplace environmental risks (http://stradavessels.lv/Uploads/2020/03/16/405_2019_Attalinatais_darbs_A4_final.pdf).

The aforementioned amendments to the Labour Protection Law also extend protection requirements to self-employed individuals. The law specifies that self-employed persons must comply with the general principles of labour protection to the extent that they are relevant to the nature of the work being performed. For example, risks in the work environment must be mitigated, and hazardous conditions must be replaced with safer or less dangerous alternatives.

In situations where, self-employed individuals work alongside employees or are employed in a company's work environment, the employer, who is also the service recipient (such as someone who has entered into a contract with the self-employed individual), is required to ensure that the self-employed worker is provided with the same safe working conditions as the company's employees.

Furthermore, self-employed individuals are obligated to adhere to labour protection requirements in a manner consistent with their status as self-employed. If the service recipient, who has entered into a contract with the self-employed person, identifies any violations of labour protection regulations or situations that endanger the safety and health of the self-employed worker or others (such as unsafe work equipment or the absence of personal protective equipment), they have the right to prevent the individual from working or suspend their work.

Domestic workers as a category of employees are not excluded from the scope of occupational safety and health regulations. General labour protection requirements apply to these employees.

Also, temporary workers, interim workers and workers on fixed-term contracts are not excluded from the scope of occupational safety and health regulations and enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.

Article 3§3 of Revised Charter (Article 3§2 of 1961 Charter) Enforcement of health and safety health regulations

Please provide information on measures taken to ensure the supervision of implementation of health and safety regulations concerning vulnerable categories of workers such as:

- domestic workers;
- digital platform workers;
- teleworkers;
- posted workers;
- workers employed through subcontracting;
- the self employed;

- workers exposed to environmental-related risks such as climate change and pollution.

Control and supervision in the field of employment legal relationships and labour protection are carried out by the State Labour Inspectorate, which conducts an average of 10,000 company inspections annually. The control and supervision activities of the State Labour Inspectorate are applied to all categories of workers, including the vulnerable categories.

Functions and tasks of the State Labour Inspectorate are prescribed in Article 3 of the State Labour Inspectorate Law:

(1) The function of the Labour Inspectorate is the implementation of State supervision and control.
(2) In order to ensure the implementation of the function referred to in Paragraph one of this Article, the Labour Inspectorate shall perform the following tasks:
1) supervise and control observance of the requirements of the regulatory enactments regarding employment legal relationships and labour protection;
2) control how employers and employees mutually fulfil the obligations specified in employment contracts and collective labour agreements;
3) promote social dialogue;
4) take measures to facilitate the prevention of differences of opinion between an employer and employees and, where appropriate, invite representatives of the employees;
5) analyse matters of employment legal relationships and labour protection in order to provide proposals regarding the improvement of regulatory enactments;
6) carry out the investigation of accidents at work and perform uniform registration thereof in accordance with the procedures specified in regulatory enactments;
7) participate in the investigation of cases of occupational disease in accordance with the procedures specified in regulatory enactments;
8) control work equipment at workplaces, the utilisation of personal and collective worker protection equipment, and utilisation of substances harmful and dangerous to health pursuant to the requirements of regulatory enactments;
9) provide information regarding activities of the institutions and specialists competent in work safety issues in the field of labour protection;
10) provide free consultations to employers and employees regarding the requirements of regulatory enactments with respect to employment legal relationships and labour protection; and
11) organise the establishment and ensure the operation of a National Focal Point for the European Agency for Safety and Health at Work.

According to Article 4 of the State Labour Inspectorate Law the following shall be subject to the supervision and control of the Labour Inspectorate:

1) employers, any other persons who in the actual conditions are to be regarded as employers, as well as merchants and authorised persons thereof and
2) undertakings (organisational units in which employees work), workplaces in which an employee or any other person who in the actual conditions is to be regarded as an employee performs work, as well as any other place within the scope of an undertaking, which is accessible to an employee in the course of their work or where an employee works with the permission or order of an employer, and work equipment, also building objects, including building objects owned by a private person during construction work.

The State Labour Inspectorate also conducts an average of four preventive campaigns (thematic inspections) each year, targeting specific industries and focusing on the most critical issues and risks within their working environments.

Article 4 – The right to fair remuneration

Explanatory remark:

The ECSR considers that the inclusion of questions on gender equality are necessary in order to ensure the ECSR's approach to this issue as outlined in the *UWE* decisions on equal pay is applied across States Parties especially as regards measures taken to ensure pay transparency, to reduce the gender pay gap and to increase the representation of women in decision-making positions.

Questions:

Article 4§3 Right of men and women to equal pay for work of equal value

a) Please indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

Article 60, Paragraph one of the Labour Law provides that an employer has the obligation to specify equal remuneration for men and women for the same kind of work or work of equal value.

The legislative enactments do not contain the definition of equal work and work of equal value but the concept of equal work and work of equal value is defined in Article 1 "Purpose of this Law" of the Law on Remuneration of Officials and Employees of State and Local Government Authorities ("The purpose of this Law is to achieve compliance with equal conditions in the determination of remuneration for officials (employees) of State and local government authorities".). In practice it is understood that by performing the same work, the employees perform the same tasks in terms of content. In order to determine whether employees are in a comparable situation and perform work of equal value, such factors as the nature of the work, the actual duties of the work, education, professional qualification, working conditions, as well as the skills required for the performance of the work, must be taken into account. In each company, the employer can set objective criteria on the basis of which wages are determined, not allowing different treatment and ensuring the observance of the principle of equal rights.
If it is violated, the employee has the right to demand compensation, which the employer usually pays for the same work or work of equal value, and if necessary, also apply to the court (this can be done within three months from the day when he/she learned or should have learned about this provision violation).

The above mentioned understanding of concept of equal work and work of equal value arises from Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (hereinafter – Directive 2006/54/EC) which is transposed into the Labour Law and from the Commission staff working document accompanying Report form the Commission to the Council and the European Parliament on the application of the Directive 2006/54/EC (2013) (hereinafter - Staff working document 2006/54/EC).

In the framework of transposition of Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms (hereinafter – Directive 2023/970), the definition of equal work and work of equal value will also be transposed into legislative enactments.

b) Please provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

The job classification and remuneration system is defined in the Law on Remuneration of Officials and Employees of State and Local Government Authorities in Article 7 and Article 7.[1] :

“Article 7. Catalogue of Positions of State and Local Government Authorities and Groups of Monthly Wages;
Article 7.[1] Monthly Wage of Officials (Employees) of State Institutions of Direct Administration”.

As of July 1, 2022, the new remuneration reform came into force (based on amendments in The Law on Remuneration of Officials and Employees of the State and Local Government Institution (hereafter referred to as ‘The Law’) and also the new Catalogue of Positions (Regulation of the Cabinet of Ministers of April 26, 2022 No. 262 "Catalogue of positions of state and local government institutions, procedure for developing position classification and position description" (hereafter referred to as ‘The Regulation’)). The classification of positions (set by The Regulation) and the new monthly salary scale (set by The Law) were significantly revised. The monthly salary scale consists of 3 levels: minimum, midpoint, maximum. The aim of the new remuneration system is to ensure competitive remuneration aligned with private sector, where 80% of similar value work corresponds to the midpoint of the salary scale. There is an exception or excellent employees who can be paid the maximum amount of the scale. For the determination of wages, each institution develops individual criteria for determining remuneration, providing a system for reaching the midpoint of the scale.
In state and local administration institutions determination of monthly salaries is based on the duties to be performed, responsibility, complexity of work and qualification requirements (education and professional experience). Gender is not taken into account. Each position is classified according to the Regulation to determine a family of position, level and also the corresponding group of monthly salary and then a specific amount of monthly salary is determined. The amount of the monthly salary of each individual may be influenced by the financial resources available to a particular institution, but in general for work of similar value, a similar monthly salary is determined to the extent possible.

Currently, the legislative enactments do not provide a mandatory obligation to create a job classification and remuneration systems that reflect the equal pay principle in the private sector. Still employers are bound by a duty to specify equal remuneration for men and women for the same kind of work or work of equal value (set in the Labour Law and the understanding of concept of equal work and work of equal value arises from Directive 2006/54/EC which is transposed into the Labour Law and from the Staff working document 2006/54/EC).

c) Please provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time. Please provide statistical trends on the gender pay gap.

Please also see the answer to question a).

In Latvia, there is already a legal framework for ensuring the principle of equal pay.

Article 60, Paragraph one of the Labour Law provides that an employer has the obligation to specify equal remuneration for men and women for the same kind of work or work of equal value.

Additionally, Article 60 of the Labour Law provides that if an employer has violated the obligation to specify equal remuneration for men and women for the same kind of work or

work of equal value, the employee has the right to request the remuneration that the employer normally pays for the same work or for work of equal value. An employee may 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.

Simultaneously, Article 62, Paragraph one of the Labour Law stipulates that an employer shall organise in the undertaking a time wage system or a piecework wage system, and a system of supplements and bonuses in accordance with laws and regulations and the collective agreement. This means that the employer must organise the time wage or piecework wage system, also respecting the principle of equal pay. Also, Article 71 of the Labour Law stipulates that, when paying wages, the employer issues a wage calculation, which indicates the wages paid, the taxes withheld and the mandatory state social insurance contributions made, as well as the hours worked, including overtime, at night and on holidays. hours worked per day. At the employee's request, the employer is obliged to explain this calculation.

In case the employer has violated the principle of equal pay the employee may also turn for help to the State Labour Inspectorate whose function is the implementation of State supervision and control in the field of employment legal relationships and labour protection. The State Labour Inspectorate has the right to issue warnings and orders, as well as to impose administrative fines on employers in order to ensure the observance of the requirements of the regulatory enactments regulating employment legal relationships and labour protection.

Directive 2023/970 provides for a whole series of additional rules that would ensure even more effective implementation of the principle of equal pay in practice. Regarding the pay gap, Latvia is on its way to amending the laws, regulations and administrative provisions necessary to comply with Directive 2023/970 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms by June 2026.

Information on statistical trends is available on the website: https://stat.gov.lv/en/statistics-themes/indicators-well-being-and-equality/gender-equality/6300-gender-equality

In 2023, the average gross hourly earnings of Latvian women were by 16.5 per cent lower than those of men, i.e., for each euro a male employee earned, women earned only 84 cents. The lowest gender pay gap since 2011 (14.1 per cent) was observed in 2021 (14.6 per cent), while the highest pay gap was reached in 2020 (22.3 per cent). The smallest gender pay gap can be observed among young people under 25 years (9.5 per cent) and in the age group of 65+ (10.7 per cent).

The biggest difference is in the age group 35-44 years (23.2 per cent). Although the number of employed persons is similar, 4.3 thousand more men work as managing directors and company managers, while 4.6 thousand more women work as shop assistants and salespeople.

Industry, transportation, storage, information and communication sectors are economic activities more popular among males, whereas trade as well as education sectors are the most popular among females. The largest share of females may be observed in human health and social care activities (85.6 %), while the largest share of males in construction (91.0 %).

More data can be found in database table: Unadjusted gender pay gap[2] and thematic section: Gender pay gap[3].

Information can also be found in Gender Equality section in Official Statistics of Latvia portal[4].

[2]https://data.stat.gov.lv/pxweb/en/OSP_PUB/START__EMP__DS__DSA/DSA040/?loadedQueryId=712&timeType=top&timeValue=1

[3] https://data.stat.gov.lv/pxweb/en/OSP_PUB/START__EMP__DS__DSA/?tablelist=true

Additionally, it is important to raise awareness about pay transparency and an inclusive work environment and to fight gender-based stereotypes, which cause labour market and education segregation.

Thus, Plan for the Promotion of Equal Rights and Opportunities for Women and Men for the Year 2024-2027 provides for a line of activities concerning pay transparency and inclusive work environment. For instance, educational measures for employers on reducing the wage gap between women and men in the company, creation of methodological material for employers on issues of inclusive work environment and prevention of discrimination, employers` training on inclusive work environment and conditions, especially aspects of equal opportunities and rights for women and men etc.

Besides, the Society Integration Foundation implements the following measures: informative and explanatory measures for employers, training programmes, information platform www.dazadiba.lv, informational campaigns.

Article 5 – The right to organise

Article 6 – The right to bargain collectively

Explanatory remark:

Questions concerning the long-term decline in unionisation and collective bargaining coverage rates across Europe from a social rights perspective are proposed. While the causes of low trade union density rates are complex, these include deindustrialization and globalization, as well as the presence of large non-unionized segments of the workforce, including many workers who are low paid and/or have a precarious contractual situation. One of the questions under Article 5 seeks to articulate the scope of State Party obligations in arresting that decline, without unduly interfering with trade union freedom. Another question looks at some of the reported ways in which unionisation at the workplace has been undermined, for instance by the promotion of alternative sources of representation that are more prone to being controlled by the employer. The decline in trade unionisation is accompanied in many places by the demotion of joint consultation mechanisms in bipartite and tripartite mechanisms, by diluting the contents of the matters of joint interest addressed or downgrading the status of these exchanges.

The decline in collective bargaining coverage has been uneven, with some countries more affected than others. However, in many cases the decline has been associated with a decentralisation of collective bargaining arrangements and an increase in the discretion afforded to employers in terms of fixing the terms and conditions of the employment relationship. The targeted questions seek to uncover some of the common elements underpinning this process, including, for example, the way in which collective bargaining is articulated across different bargaining levels. They also seek
to ascertain what measures are taken by States Parties to arrest and reverse this decline, in line with their duty under Article 6§2 to promote collective bargaining. The questions under Article 6§4 take a closer look at some of the restrictions to the right to strike reported in many States Parties, including the minimum service requirement or the availability of injunctive relief for preventing a strike from taking place.

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[4] https://stat.gov.lv/en/statistics-themes/indicators-well-being-and-equality/gender-equality/6300-gender-equality

Questions:

Article 5 Right to organise

a) Please indicate what measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

The right to organise and protection of the freedom of trade unions is enshrined in the Constitution of the Republic of Latvia (hereinafter – Constitution). Everyone has the right to form and join associations, political parties and other public organisations (Article 102 of the Constitution). Employed persons have the right to a collective labour agreement, and the right to strike. The State shall protect the freedom of trade unions (Article 108 of the Constitution).

At the same time, the right of employees to unite in organisations and to join them freely is defined in the Labour Law. According to Article 8 of the Labour Law:

"**Article 8. Right to Unite in Organisations**
(1) Employees as well as employers have the right to unite in organisations and to join them freely, without any direct or indirect discrimination in relation to any of the circumstances referred to in Article 7, Paragraph two of this Law in order to defend their social, economic and occupational rights and interests and use the benefits provided by such organisations.
(2) Affiliation of an employee with the organisations referred to in Paragraph one of this Article 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."

Also, the Law on Trade Unions of 6 March 2014 determines the right to establish a trade union and to join a trade union. Pursuant to Article 4 of the Law on Trade Unions:

"**Article 4. Right to Establish a Trade Union and Join a Trade Union**
(1) Everyone has the right to freely, without any direct or indirect discrimination establish a trade union and, in compliance with the articles of association of a trade union, to join a trade union and also not to join a trade union.
(2) Membership of a person in any trade union or the wish of a person to join or not to join a trade union cannot serve as basis for restricting the rights of a person.".

Along with the regulatory framework, various measures aimed at strengthening the freedom of employee associations are being implemented. On 5 September 2023, the Cabinet of Ministers adopted the Regulation No.509 that determines the procedure for implementing the measure 4.3.4.4. "Development of social dialogue, strengthening the performance of social partners to participate in the negotiation process of legislation, national reforms and conclusion of collective agreements" of the specific support objective "Promote active inclusion to promote equal opportunities, non-discrimination and active participation, as well as improve employment, especially for disadvantaged groups" of the European Union cohesion policy programme for 2021-2027.

The purpose of the measure is to strengthen the capacity of social partners to participate in social dialogue at all levels, including in the negotiations of collective agreements, thereby promoting quality employment in the sectors.

The target group of the measure is the organisations that ensure the representation of employers' and employees' interests in national-level tripartite social dialogue institutions (the National Tripartite Cooperation Council and its sub-councils).

The following activities are supported within the framework of the measure:

- capacity building measures;
- attraction of consultants, experts and specialists;
- carrying out evaluations, researches, expertise and analyses;
- support for the creation and maintenance of various cooperation mechanisms;
- support for involvement in the development and improvement of such regulatory framework that promotes the conclusion of collective agreements between employers and employee organisations;
- creation of cooperation platforms and implementation of digital solutions;
- information and publicity measures, including measures to ensure communication and visual identity requirements;
- ensuring project management and implementation.

Also, in the previous periods there have been measures and financial support for strengthening the capacity of employee associations. On 6 September 2016, the Cabinet of Ministers adopted the Regulation No.600 that determines the procedure for implementing the measure 3.4.2.2. "Development of social dialogue in the development of better legal regulation in the field of business support" of the specific support objective "Professional improvement of the State administration, development of public services and social dialogue for the promotion of support of small and medium-sized merchants, for the promotion of prevention of corruption and reduction of the shadow economy" within the priority direction "Competitiveness of small and medium-sized merchants" of the operational programme "Growth and employment".

The aim of the measure was to ensure the development of bilateral sectoral social dialogue in the development of better legal regulation for promotion of the improvement of business environment in five priority sectors - wood industry, chemical industry and its related industries, construction, transport and logistics, telecommunications and communications.

The target group of the measure was organisations that ensure the representation of the interests of employers and employees in strengthening the sectoral social dialogue, and employees in the sectors.

Within the framework of the measure, in order to achieve the result indicator – conclusion of general agreements, the following activities were supported:

- attraction of experts of the beneficiary of funding and cooperation partners;
- trainings, seminars, conferences, discussions, working groups, experience exchange visits, internship events organised by the beneficiary of funding;
- trainings, seminars, informative events, working groups organised by cooperation partners;
- participation of the beneficiary of funding and cooperation partners in trainings, seminars, conferences, discussions, working groups, experience exchange visits, internship events, informational events, as well as events of sectoral employers' and employees' organisations;
- surveys of entrepreneurs and citizens and policy impact assessments;
- development of methodologies, manuals, guidelines, recommendations, instructions, summaries of information, surveys, analytical descriptions and summaries of opinions;
- improvement of the internal operating system of the beneficiary of funding;
- provision of information and publicity;
- ensuring project management and project implementation.

Within the mentioned support measure, three sectoral collective agreements were concluded as a result of stimulating sectoral social dialogue (binding on representatives of organisations or associations of organisations that have signed this agreement) in the construction (2019), fiberglass (2019) and hospitality (2020) sectors. Sectoral collective agreements are

considered to be an instrument that affects the business environment, which reduces illegal employment and the shadow economy, contributing to the achievement of the objectives of the European social partners' work programme. Work and negotiation processes in a number of other sectors (forest, gas management, printing, postal) on the possibilities for signing sectoral collective agreements are still ongoing.

The social partners have strengthened their capacity and that of their member organisations in a variety of forms of training, exchange of experience, conferences, consultations and other activities. The work of experts involved in providing proposals for the improvement of the regulatory framework of the Labour Law relating to the reduction of administrative barriers to conclusion of collective agreements and general agreements across sectors has also been important.

In addition, on 1 February 2022 the Free Trade Union Confederation of Latvia started implementing the project “Trade Union for a Fair Recovery: Strengthening the Role of Trade Unions in Mitigating the Impact of the COVID-19 Crisis” (ETUC Project No.2021/11). The project's activities were aimed at strengthening trade union capacity and rights realization in this time affected by the COVID-19 pandemic. To ensure epidemiological safety, all activities planned in the project took place through online platforms. The project was implemented until 30 September 2023 and included the following online activities:

- training programme for trade union members on digital communication skills and tools available on various internet platforms (Zoom, Microsoft Teams, etc.);
- training programme for trade union leaders to develop strategies for attracting new members aligned with the specifics of the industry;
- youth capacity building seminars in order to activate young trade unionists in the Free Trade Union Confederation’s of Latvia affiliated organisations;
- publicity activities of the Free Trade Union Confederation of Latvia and member organisations – press briefings and thematic plots, press releases, participation in TV talk shows, etc. to promote trade union work.

b) Please describe the legal criteria used to determine the recognition of employers’ organisations for the purposes of engaging in social dialogue and collective bargaining.

The Employers' Organisations and their Associations Law of 29 April 1999 prescribes the legal status and system of employers' organisations, as well as the rights and duties thereof in relations with trade unions and State and local government institutions.

Provisions of the Employers' Organisations and their Associations Law determine the following:

- An employers' organisation is a public organisation established by at least five employers which represents and protects the economic, social and professional interests of its members, as well as other interests that conform to the objectives and functions of the employers' organisation (Paragraph one, Article 2).
- Employers' organisations and their associations have a duty to represent the interests of their members in relations with trade unions and State and local government institutions (Paragraph one, Article 7).
- Employers' organisations shall fulfil the following functions: represent the interests of the employers' organisation in relations with trade unions and State and local government institutions; co-operate with trade unions in the preparation and entering into of collective agreements and in other employment relationship issues (Clauses 2 and 3, Article 8).
- In addition to the functions specified in Article 8 of this Law associations of employers' organisations shall fulfil the following functions: represent the interests of the association of employers' organisation in relations with trade unions, State and local government

institutions in trilateral co-operation councils, as well as international employers' organisations (Clause 1, Article 9).
- The Latvian Association of Employers' Organisations shall negotiate, on behalf of its members, enter into collective agreements and general agreements, agree regarding general co-operation principles, negotiate regarding the solution of conflict situations with the Latvian Association of Sectoral and Professional Trade Unions, which represents most of the working population of the State (Paragraph one, Article 11). Sectoral employers' organisations and their associations shall negotiate, enter into agreements with sectoral trade unions, promote prevention of conflicts causing strikes and other conflicts at the sectoral level (Paragraph two, Article 11). Territorial employers' organisations and their associations shall negotiate, enter into agreements with territorial trade unions, promote prevention of conflicts causing strikes and other conflicts at the territorial level (Paragraph three, Article 11).
- The Latvian Association of Employers' Organisations which unites the employers employing most of the working population in the State and which is a member organisation of the International Labour Organisation shall nominate negotiators for the National Tripartite Co-operation Council and its Sub-councils (Paragraph one, Article 12). Sectoral and territorial employers' organisations and their associations which unite the employers employing most of the workers in a sector or administrative territory shall nominate negotiators for the relevant sectoral and territorial bilateral or trilateral co-operation institutions (Paragraph two, Article 12).

Pursuant to Clause 1 of the Regulations of the National Tripartite Cooperation Council of 30 October 1998, the National Tripartite Cooperation Council consists of representatives nominated by the Cabinet of Ministers (hereinafter - the Government), the Employers` Confederation of Latvian and the Free Trade Union Confederation of Latvia on the basis of parity.

The main task of the National Tripartite Cooperation Council is to ensure and promote the cooperation of the government, employers' and employees' organisations (trade unions) at the national level with the aim of ensuring a coordinated solution to the problems of socio-economic development in line with the interests of the entire society and the state, by developing and implementing strategies, programmes and regulatory enactments in social and economic matters, which would guarantee social stability and increase the level of well-being in the country, and increase the co-responsibility of social partners for the decisions made and their fulfilment (Clause 2 of the Regulations of the National Tripartite Cooperation Council).

c) Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining.

The Law on Trade Unions lays down general provisions for the establishment and activity of trade unions and their associations (hereinafter also - the trade unions) and also the principles to be followed by the trade unions in co-operation with employers, employers' organisations and their associations, State and local government institutions.

Provisions of the Law on Trade Unions determine the following:

- A trade union shall acquire the status of a legal person from the moment when it is entered in the Register of Associations and Foundations (Paragraph one, Article 10). A trade union may have territorial and other divisions in accordance with the articles of association thereof (Paragraph two, Article 10). A trade union may establish independent units which have the status of a legal person (Paragraph three, Article 10).
- While representing and defending labour, economic, social and professional interests of employees, trade unions have the right to organise collective negotiations, to receive

information and to consult with employers, employers' organisations and their associations, to conclude collective agreements (general agreements), to declare strikes and also to exercise other rights specified in laws and regulations (Paragraph one, Article 12).
- The representation of the trade unions in a social dialogue with employers, employers' organisations and their associations shall be implemented on the basis of an agreement concluded by the trade unions with employers, employers' organisations or their associations (Article 15).
- The interests of the trade unions at the national level in relations with the Cabinet shall be represented by an association of trade unions which unites the largest number of employees in the country (Paragraph one, Article 16). The interests of the trade unions in relations with the State and local government institutions at the level of the industry, profession or administrative territory shall be represented by the trade union which is part of an association that unites the largest number of employees in the country (Paragraph two, Article 16). If necessary, in the cases referred to in Paragraphs one and two of this Article, the State and local government institutions may co-operate with other trade unions and their associations (Paragraph three, Article 16).
- Representatives of the trade unions in the National Tripartite Cooperation Council and sub-councils thereof shall be nominated by the association of trade unions that unites the largest number of employees in the country (Paragraph one, Article 17). Representatives of the trade unions in industry, profession or territorial tripartite co-operation institutions shall be nominated by a trade union or an association of trade unions that unites the largest number of employees in the respective industry, profession or administrative territory (Paragraph two, Article 17).

Pursuant to Clause 1 of the Regulations of the National Tripartite Cooperation Council, the National Tripartite Cooperation Council consists of representatives nominated by the Cabinet of Ministers (hereinafter - the Government), the Employers` Confederation of Latvian and the Free Trade Union Confederation of Latvia on the basis of parity.

The main task of the National Tripartite Cooperation Council is to ensure and promote the cooperation of the government, employers' and employees' organisations (trade unions) at the national level with the aim of ensuring a coordinated solution to the problems of socio-economic development in line with the interests of the entire society and the state, by developing and implementing strategies, programmes and regulatory enactments in social and economic matters, which would guarantee social stability and increase the level of well-being in the country, and increase the co-responsibility of social partners for the decisions made and their fulfilment (Clause 2 of the Regulations of the National Tripartite Cooperation Council).

In addition, provisions of the Labour Law specify the following:

- Employees shall exercise the defence of their social, economic and occupational rights and interests directly or through the mediation of the representatives of employees. Within the meaning of this Law, the representatives of employees shall mean: 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; authorised representatives of employees who have been elected in accordance with Paragraph two of this Article (Clauses 1 and 2, Paragraph one, Article 10).
- Representatives of employees, when fulfilling their duties, have the following rights: 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 the relevant information regarding the employment in the undertaking of employees appointed by the work placement service provider; 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; to enter the territory of the undertaking, as well as to have access to workplaces; to hold meetings of employees in the territory and premises of the undertaking; to monitor how laws and regulations, the collective agreement and working procedure regulations are being complied with in the employment relationship (Clauses 1 to 6, Paragraph one, Article 11).
Within the meaning of this Law, informing shall mean a process in which the employer transfers information to the representatives of employees, allowing them to become acquainted with the relevant issue and to investigate it. Information shall be provided to the representatives of employees in good time, as well as in an appropriate way and amount (Paragraph two, Article 11).
Within the meaning of this Law, consultation shall mean the exchange of views and dialogue between the representatives of employees and the employer for the purpose of achieving agreement. The consultation shall be performed at an appropriate level, in good time, as well as in an appropriate way and amount so that the representatives of employees may receive substantiated answers (Paragraph three, Article 11).

Please provide information:

- on the status and prerogatives of minority trade unions;

According to Paragraph one, Article 4 of the Law on Trade Unions everyone has the right to freely, without any direct or indirect discrimination establish a trade union and, in compliance with the articles of association of a trade union, to join a trade union and also not to join a trade union.

Paragraph three, Article 6 of the Law on Trade Unions prescribes that the trade unions shall have equal rights.

- on the existence of alternative representation structures at enterprise-level, such as elected worker representatives.

Provisions of Article 10 of the Labour Law prescribe:

- Employees shall exercise the defence of their social, economic and occupational rights and interests directly or through the mediation of the representatives of employees. Within the meaning of this Law, the representatives of employees 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 representatives of employees who have been elected in accordance with Paragraph two of this Article (Clauses 1 and 2, Paragraph one, Article 10).
- Authorised representatives of employees may be elected if an undertaking employs five or more employees. Authorised representatives of employees shall be elected for a specified term of office by a simple majority vote of the persons present at a meeting in which at least half of the employees employed by an undertaking of the respective employer participates. The course of the meeting shall be recorded in minutes and decisions taken shall be entered in the minutes. Authorised representatives of employees shall express a united view with respect to the employer (Paragraph two, Article 10).
- 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 (Paragraph four, Article 10).
- In calculating the number of employees upon the reaching of which authorised representatives of employees may be elected in an undertaking, or institutions of representation of employees 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 period as well as the employees who are performing work in the undertaking within the scope of the work placement service for a specified period shall also be taken into account (Paragraph five, Article 10).

d) Please indicate whether and to what extent the right to organise is guaranteed for members of the police and armed forces.

The Law on Police of 4 June 1991 does not prohibit police officers to establish trade unions and to join them. In addition, Paragraph five, Article 23 of the Law on Police specifies that to satisfy their needs for culture and sport, police officers may form societies and clubs the activities of which are regulated by articles of association adopted and registered in accordance with the procedures specified in law.

Clause 1, Paragraph one, Article 15 of the Military Service Law of 30 May 2002 determines that soldiers are prohibited from joining trade unions. At the same time, Paragraph two of Article 10 of the Military Service Law prescribes that a soldier has the right to be a member of such associations and foundations which do not have a political nature, as well as to establish associations and foundations for soldiers and participate in other non-political activities if such activities do not interfere with the performance of service duties.

Soldiers have the right to nominate a representative in each unit from amongst their number to protect the interests of soldiers and to solve practical issues in relationships with the unit commander (superior officer) and higher officials. The representative of soldiers shall exercise his or her powers in accordance with the procedures stipulated by the Minister for Defence (Paragraph three of Article 10 of the Military Service Law).

A soldier has the right to appeal the decisions of officials taken in respect of him/her to a court if such decisions restrict his/her rights or infringe upon his/her honour and dignity without grounds and if he/she has utilised all means to dispute the decision according to the subordination procedures to higher officials, including the Minister for Defence (Paragraph four of Article 10 of the Military Service Law).

The procedures for submitting and examining service complaints shall be specified in the Rules of Procedure for the Military Interior Service (Paragraph five of Article 10 of the Military Service Law).

Article 6§1 Joint consultation

a) Please state what measures are taken by the Government to promote joint consultation.

The National Tripartite Cooperation Council– coordinates and organises the tripartite social dialogue between employers' organisations, state institutions and trade unions in order to harmonize the interests of these organisations in social and economic issues. The National Tripartite Cooperation Council operates according to its regulations.

Tripartite social dialogue is of great importance in the development, adoption and implementation of policy decisions, especially in matters of the labour market, labour legislation and social security. The National Tripartite Cooperation Council and its 10 sub-

councils consider various social issues in order to agree on the most appropriate decision for all parties involved.

The National Tripartite Cooperation Council is made up of representatives nominated by the government, the Employer's Confederation of Latvia and the Free Trade Union Confederation of Latvia on the basis of parity. Nine representatives have been nominated from each participating party, including the head of each participating party. The head of the government side is Prime Minister, it consists of several government ministers, the head of the employers' side is the president of the Employer's Confederation of Latvia, and the head of the trade unions is the chairman of the Free Trade Union Confederation of Latvia.
The meetings of the National Tripartite Cooperation Council are convened by the Prime Minister as necessary.
The National Tripartite Cooperation Council includes the following sectoral sub-councils: Budget and Tax Policy Tripartite Cooperation Sub-Council, Labour Affairs Tripartite Cooperation Sub-Council, Social Security Sub-Council, Vocational Education and Employment Tripartite Cooperation Sub-Council, Health Care Sector Sub-Council, Transport and Communications Sector Tripartite Cooperation Sub-Council, Environmental Protection Tripartite Cooperation Sub-Council, Regional Development Tripartite Cooperation Sub-Council, Public Security Sub-Council, and the Competitiveness and Sustainability Tripartite Cooperation Sub-Council.
The Tripartite Cooperation Council and its sub-councils are organised to involve social partners of the government in the development, adoption, and implementation of policy decisions, particularly on social issues, including labour market, labour legislation, competitiveness and social security matters.
In addition to this format, representatives of employers and employees are involved in various working groups to develop regulatory frameworks. Several regulatory acts, including legislative changes that directly or indirectly affect business environments in different sectors, the labour market, and areas related to human capital development, are coordinated with employer representatives.

b) Please describe what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

The following agreements have been reached during the discussions on tax reform and the budget for 2025:

- Raising the proportion of parental benefit payable to working parents from 50 per cent to 75 per cent, which will facilitate early participation of parents in part-time work;
- Raising the pensioner's non-taxable minimum from 500 EUR to 1000 EUR per month, which is particularly important for working pensioners;
- From the existing 480 EUR to 700 EUR, it is planned to increase the eligible expenses for the employee's catering and medical treatment expenses specified in the collective agreement paid by the employer, as well as expenses related to the employee's move to another place of residence, accommodation expenses and transport expenses;

Abolishing the differentiated non-taxable minimum.

c) Please state if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

Given that the green transition involves a wide range of topics and the development of various planning documents, the Employers' Confederation of Latvia has been involved in various discussions. The Employer's Confederation of Latvia have been involved in tuning national positions and initial positions as well as instructions in order to define the common

national position regarding the transition to climate neutrality and the raising of targets. A similar process was also developed when working on specific amendments to regulations and directives under the Fit for 55 packages. Accordingly, the Employer's Confederation of Latvia is actively involved also in the development of the national Energy and Climate Plan by organising meetings regarding the relevant sectors and regarding the inclusion of policies and planned measures, as well as the developed scenarios for reduction of greenhouse gases, working groups of the national Energy and Climate Plan were formed within the framework of different ministries (prior to official examination of the document). The Employer's Confederation of Latvia remains actively involved in the development of the National Energy Climate Plan, such as socio-economic evaluation and environmental impact development.

Article 6§2 Collective bargaining

a) Please provide information on how collective bargaining is coordinated between and across different bargaining levels including information on:

- the operation of factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements;
- the operation of the favourability principle and the extent to which local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.

The Labour Law provides for the right to conclude collective agreements in an undertaking, sector or territory, including generally binding collective agreements in the sector or general agreements.

A collective agreement in an undertaking shall be entered into by the employer and an employee trade union or authorised representatives of employees if the employees have not formed a trade union (Article 18, Paragraph one of the Labour Law).

A collective agreement in a sector or territory (hereinafter also - the general agreement) shall be entered into by an employer, a group of employers, an organisation of employers or an association of organisations of employers with an association of trade unions which unites the largest number of employees in the State, or a trade union which is part of an association which unites the largest number of employees in the State, if the parties to the general agreement have the relevant authorisation or if the right to enter into the general agreement is provided for by the articles of association of such associations (unions). The employer, the group of employers, the organisation of employers or the association of organisations of employers, if it has the relevant authorisation or the right to join an already existing collective agreement in the sector or territory provided in the articles of association of an organisation or an association of organisations, may join a collective agreement already entered into in the sector or territory (Article 18, Paragraph two of the Labour Law).

The general agreement entered into by an organisation of employers or an association of organisations of employers shall be binding on the members of the organisation or the association of organisations. This provision shall also apply to members of the organisation of employers or the association of organisations of employers, if the respective organisation of employers or the association of organisations of employers has joined a collective agreement already entered into in the sector or territory. 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 (Article 18, Paragraph three of the Labour Law).

If the employers, the group of employers, the organisation of employers or the association of organisations of employers who have entered into the general agreement, including also

employers which have joined a collective agreement already entered into in the sector or territory, employ more than 50 per cent of employees in any sector according to the data of the Central Statistical Bureau or the turnover of their goods or volume of services is more than 50 per cent of the turnover of goods or volume of services in the sector, then the general agreement shall be binding on all employers of the respective sector and apply to all employees employed by such employers. With respect to the abovementioned employers and employees, the general agreement shall come into effect not earlier than three months after the day of its publication in the official gazette Latvijas Vēstnesis and if another - later - time for coming into effect has not been specified therein. The general agreement shall be published in the official gazette Latvijas Vēstnesis on the basis of a joint application of the parties (Article 18, Paragraph four of the Labour Law).

Article 19, Paragraph one Labour Law of the provides that a collective agreement shall be entered into for a specified period or for a period required for the performance of a specific work. A collective agreement shall come into effect on the date it was entered into, unless the collective agreement specifies another time for coming into effect. If a collective agreement does not specify a period of validity, the collective agreement shall be deemed to have been entered into for one year.

Paragraph two of the same Article prescribes that a collective agreement may be terminated before the expiry of its term on the basis of:

1) agreement by the parties;

2) notice of termination by one party if such right has been agreed upon in the collective agreement.

Paragraph three provides that upon termination of a collective agreement, its provisions, except for the obligation specified in Article 17, Paragraph two, Clause 1 of this Law, shall remain in effect until the time of coming into effect of a new collective agreement, unless agreed otherwise by the parties.

Article 20, Paragraph one of the Labour Law provides that a collective agreement shall be binding on the parties and its provisions shall apply to all employees who are employed by the respective employer or in the respective undertaking of the employer, unless otherwise provided for in the collective agreement. It shall be of no significance whether the employment relationship with the employee was established prior to or after the coming into effect of the collective agreement.

Article 20, Paragraph two of the same Law provides that an employee and an employer may, in the employment contract, derogate from the provisions of a collective agreement only if the respective provisions of the employment contract are more favourable to the employee.

Article 6 of the Labour Law states that provisions of a collective agreement, working procedure regulations, as well as the provisions of an employment contract and orders of an employer which, contrary to laws and regulations, erode the legal status of an employee shall not be valid. Provisions of an employment contract which contrary to a collective agreement erode the legal status of an employee shall not be valid. In the cases specified in the law, derogation from the provisions of Paragraph one of this Article shall be permitted with a collective agreement concluded with an employee trade union without reducing the overall protection level of employees.

Article 68, Paragraph three of the Labour law provides that with the general agreement, which has been entered into in conformity with Article 18, Paragraph four of the Labour Law and provides for a substantial increase in the minimum wage or hourly rate specified by the State in the sector in the amount of at least 50 per cent above the minimum wage or hourly rate specified by the State, the amount of the supplement for overtime work may be

determined less than that specified in Paragraph one of this Article[5] but not less than in the amount of 50 per cent of the hourly rate specified for the employee, moreover where a piecework wage has been agreed upon, a supplement of not less than 50 per cent of the specified piecework rate for the amount of work done.

Paragraph four of the said Article states that if the State determines the minimum wage or hourly rate in such amount that the amount of the minimum wage or hourly rate specified within the framework of the general agreement in force in the sector no longer complies with the criterion referred to in Paragraph three of this Article, and if the supplement for overtime referred to within the framework of the general agreement in question has been determined in a smaller amount than the amount specified in Paragraph one of this Article, amendments shall be made to the relevant general agreement in such a way as to ensure compliance with Paragraph three of this Article. If the abovementioned amendments are not made, the general agreement shall cease to be valid one year after the date of the occurrence of the non-compliance.

The Labour Law of the Republic of Latvia also includes a provision that the terms of a collective bargaining agreement remain in force even after the expiration of its specified term until a new collective bargaining agreement comes into effect. This essentially means that a collective bargaining agreement cannot be terminated unless it includes specific provisions allowing either party to unilaterally terminate it before the expiration date, or it explicitly states that its terms do not remain in effect after the expiration date.

The provisions of the Labour Law of the Republic of Latvia may be deviated through a collective bargaining agreement if the terms of the collective bargaining agreement are more favourable to employees than those stipulated by law.

b) Please provide information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining).

The legislative system of Latvia does not contain any obstacles hindering the collective bargaining and such obstacles are not known to exist in everyday practice also.

However, it should be mentioned that Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union, setting the general principles of minimum wages, simultaneously provides for certain obligations of Member States regarding the promotion of social dialogue and the involvement of social partners in collective bargaining negotiations.

Currently, in cooperation with social partners, work is underway on the development of an Action Plan of the National Tripartite Cooperation Council to facilitate collective bargaining. An initial assessment suggests that the Action Plan could include issues about:

- development of practices for concluding collective agreements;

- review and enhancement of regulatory framework;

- collection of data on the coverage and scope of collective bargaining agreements;

- strengthening the capacity of social partners;

- governance and reporting mechanisms.

It is envisaged to adopt this plan in National Tripartite Cooperation Council in 2025.

[5] 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 a piecework wage has been agreed upon, a supplement of not less than 100 per cent of the piecework rate for the amount of work done (Paragraph one, Article 68 of the Labour Law).

At the same time, it should be emphasised that the capacity of social partners has also been strengthened by implementing various projects in previous years, currently and in the near future. For more detailed information on this matter please see the answer to question 5 a).

c) Please provide specific details on:

- the measures taken or planned in order address those obstacles;
- the timelines adopted in relation to those measures;
- the outcomes achieved/expected in terms of those measures.

Please see the answer to question b).

d) Please provide information on the measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent (self-employed) persons showing some similar features to workers and (ii) self-employed workers.

Currently there are different additional measures taken and Latvia as EU Member State follows Guidelines–on collective agreements by solo self-employed people adopted by the Commission.

Article 6§4 Collective action

a) Please indicate:

- the sectors in which the right to strike is prohibited;

Article 16 of the Strike Law of 23 April 1998 prescribes that judges, prosecutors, police officers, employees of fire safety, fire-fighting and rescue services, border guards, employees of the State security institutions, warders and persons who serve in the National Armed Forces are prohibited from striking.

- those sectors for which there are restrictions on the right to strike;
- sectors for which there is a requirement of a minimum service to be maintained.

Article 17 of the Strike Law determines the following:

- The employer and the strike committee shall ensure that during a strike the minimum amount of work is continued in the services, undertakings necessary to public (hereinafter - the services necessary to public) the discontinuation of which would cause a threat to national security or the safety, health or life of the entire population, certain groups of inhabitants or particular individuals (Paragraph one, Article 17).
- The services necessary to public within the meaning of this Law shall be:
1) medical treatment and first aid services;
2) public transport services;
3) drinking water supplies services;
4) electricity and gas production and supplies services;
5) communications services;
6) air traffic control services and the services which provide air traffic control services with meteorological information;
7) services related to the safety of movement of all forms of transport;
8) waste and waste water collection and treatment services;

9) radioactive substances and waste storage, utilisation and control services;
10) civil defence services (Paragraph two, Article 17).

Please give details about the relevant rules concerning the above and their application in practice, including relevant case law.

Paragraph one, Article 19 of the Strike Law determines that conformity of the strike procedures to this Law and other laws and regulations shall be supervised by the State Labour Inspectorate.

Administrative offences in the field of right to strike are governed by Articles 34, 35 and 36 of the Strike Law:

"Article **34.** For forcing the employee who does not participate in a strike to assume the work of the striking employees, and also for hiring employees to replace the striking employees in order to prevent or suspend the strike or to hinder the fulfilment of the demands of the striking employees, a fine from twenty-eight to seventy units of fine shall be imposed on the employer if it is a natural person but a fine from seventy to one hundred and forty units of fine - if it is a legal person.

Article **35.** For inviting to an illegal strike as a result of which an illegal strike takes place, a fine from twenty-eight to seventy units of fine shall be imposed on the employee or the authorised official of a trade union.

Article **36.** For continuing an illegal strike, a fine from twenty-eight to seventy units of fine shall be imposed on the authorised official of a trade union.".

The administrative offence proceedings for the offences referred to in Articles 34, 35, and 36 of this Law shall be conducted by the State Labour Inspectorate (Article 37 of the Strike Law).

It should be noted that on 16 May 2007 the Constitutional Court of the Republic of Latvia passed a judgment (case No.2006-42-01) by which Paragraph three of Article 24 of the Strike Law was recognized compatible with Article 108 of the Constitution of the Republic of Latvia. Paragraph three of Article 24 of the Strike Law prescribes that if an application regarding the acknowledging of the declaration of a strike to be illegal has been submitted to the court by the date of the commencement of the strike specified in the declaration of the strike, the strike may not be commenced until the judgment of the court comes into effect. For its part, Article 108 of the Constitution of the Republic of Latvia provides for the right to a collective labour agreement and the right to strike, as well as protects the freedom of trade unions. The judgement available on the website: https://likumi.lv/ta/id/157485-par-streiku-likuma-24-panta-tresas-dalas-atbilstibu-latvijas-republikas-satversmes-108-pantam

b) Please indicate whether it is possible to prohibit a strike by seeking injunctive or other relief from the courts or other competent body (administrative body or arbitration body). If affirmative, please provide information on the scope and number of decisions in the last 12 months.

Articles 23, 24 and 25 of the Strike Law govern provisions for acknowledging strike or declaration of strike to be unlawful:

"Article **23.** (1) A strike or an declaration of a strike shall be regarded as illegal if:
1) this Law has been violated;
2) the strike has been declared during the term of validity of a collective agreement which has already been entered into in order to change the conditions of this collective agreement, thus violating the procedures for amending a collective agreement referred to therein;

3) it is a strike of solidarity which is not related to the fact that the general agreement (regarding tariffs, labour and other social protection guarantees) has not been entered into or fulfilled;

4) the strike is initiated in order to express political requirements, political support or political protest.

(2) A strike shall be considered to be unlawful if it pertains to the issues upon which the parties have already agreed during strike negotiations.

Article **24.** (1) Only the court may acknowledge a strike or the declaration of a strike to be illegal.

(2) The employer shall submit to the court an application regarding the acknowledgement of the declaration of a strike to be illegal within a period of four days from the day of the declaration of a strike.

(3) If an application regarding the acknowledging of the declaration of a strike to be illegal has been submitted to the court by the date of the commencement of the strike specified in the declaration of the strike, the strike may not be commenced until the judgment of the court comes into effect.

Article **25.** A strike, which has been acknowledged to be unlawful, must be discontinued immediately, but if the strike has not yet been commenced and the court has acknowledged the declaration of the strike to be unlawful, it is prohibited to commence the strike.".

Article 392 of the Civil Procedure Law provides that the court shall hear an application for a strike or strike application to be declared unlawful within 10 days from the date of its receipt.

However, after the court has examined the application, it has the general time-limit set out in Article 199 of the Civil Procedure Law, i.e. within the next 30 days, to deliver its judgment.

Article 20 – Right to equal opportunities between women and men

Explanatory remark:

See the remark above under Article 4.

Questions:

a) Please provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical). Please provide information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

Females take leading positions in decision-making occupations less often than males. In 2023, females accounted for 53.5 per cent of the employees in occupying manager positions. Regardless of the fact that the indicator is comparatively high, women constitute only one fourth (23.9 per cent) of the members of the board of the largest Latvian companies.

In Latvia, representation of females in decision-making has risen significantly over the past years. Women accounted for almost one third of deputies elected to national parliament – Saeima – in 2022 (30 females out of 100 deputies or 30 per cent).

Relatively high share of women may also be observed in local governments. In 2017 local government elections 34 per cent of elected deputies were females but only each fourth local government (24.4 per cent) was led by a female. After Riga City Council elections in 2020, the local government elections in June of 2021 and Varakļāni and Rēzekne municipality elections in September, a total of 30.5 per cent of all 43 municipal elected deputies were women. On the other hand, municipal chairman positions are still dominated by males – only three local governments (7.0 per cent) are led by a female.

Since September 15, 2023, the Prime Minister is a female. The Cabinet of Ministers (including Prime Minister) consists of 15 ministers, five of which are females (33.3 per cent). Since Latvia regained its independence, the country has had 17 Prime Ministers, only two of which were female. During the period, Latvia had eight Presidents, only one of which was female.
Since September 20, 2023, Saeima Speaker position is taken by a female. Since the restoration of independence of the Republic of Latvia, Saeima in total has had 11 Saeima Speakers, five of which were females.
In the European Parliament, there always have been two or three female deputies from Latvia. In the election of 2019, three women deputies were elected among eight European Parliament Members from Latvia, however work in the Parliament was overtaken by four males and four females. In the election of 2024 only two female deputies were elected among nine European Parliament Members.
More information about women's participation in employment can be found in the Gender Equality section in Official Statistics of Latvia portal[6] section on Employment and earnings[7] and key indicators section on Power and decision-making[8].
Data can also be found in EIGE database on Women and men in decision-making[9].
Data can also be found in EIGE Gender Equality Index for Latvia[10].

In 2023, the employment rate for men was 67.1 per cent and for women – 61.6 per cent.[11] At the EU level, the rate of women's participation in the labour market is quite high – according to 2023 data of European Gender Equality Index Latvia ranks 7th in the EU in the sub-domain in labour market participation.[12]

One of challenges when it comes to gender equality and employment in Latvia is the vertical and horizontal segregation of the labour market which stems from gender stereotypes in education and society as a whole. According to national data, the most common sectors in which men in Latvia are employed are transportation, industry, logistics, information and communication technologies, construction. Meanwhile, women are mostly employed in such sectors as care, education and various service-related industries. The largest proportion of women are employed in the health and social sector (85.6 per cent), while the largest proportion of men are employed in construction (91 per cent).[13] In addition to this horizontal segregation, vertical segregation can also be observed in Latvian labour market – women are less likely to hold high decision-making positions and involved in politics.

When it comes to advancement of equality in the world of work, promotion of employment and unemployment protection schemes, Support for Unemployed Persons and Persons Seeking Employment Law[14] stipulates that, when implementing active employment reduction measures, differential treatment based on a person's sex is prohibited. The State Employment Agency (hereinafter- SEA) offers its support measures to all unemployed taking into account their preferences, skills, previous work experience and education, as well as specific eligibility criteria and needs, regardless of person's sex. Women tend to register more actively than men with SEA, thus applying more actively for training and other active labour market support policies.

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[6] https://stat.gov.lv/en/statistics-themes/indicators-well-being-and-equality/gender-equality-0
[7] https://stat.gov.lv/en/statistics-themes/indicators-well-being-and-equality/gender-equality/6300-gender-equality?themeCode=GE
[8] https://stat.gov.lv/en/statistics-themes/indicators-well-being-and-equality/gender-equality/6298-gender-equality-power-and?themeCode=GE
[9] https://eige.europa.eu/gender-statistics/dgs/browse/wmidm
[10] https://eige.europa.eu/gender-equality-index/2023/domain/work/LV
[11] https://stat.gov.lv/en/statistics-themes/labour-market/employment/10235-employment
[12] https://eige.europa.eu/gender-equality-index/2023/LV
[13] https://stat.gov.lv/en/statistics-themes/indicators-well-being-and-equality/gender-equality/6300-gender-equality
[14] https://likumi.lv/ta/en/en/id/62539-support-for-unemployed-persons-and-persons-seeking-employment-law

Regarding services available for unemployed women, currently, the following are available (regardless of the person's sex): participation in short and longer-term training measures to acquire skills, competences and professions demanded on the labour market, including information communication technologies (hereinafter – ICT) and language training on different levels; subsidised employment measures provided by companies (work contract from the first day of participation); support measures for the unemployed with addiction problems; regional mobility support for covering transportation costs or living costs; psychological support (both in groups and individual).
Women tend to register more actively than men with SEA, thus applying more actively for training and other active labour market support policies. According to SEA's data, of the total number of registered unemployed (50,344) at the end of December 2023, 52.6 per cent (26,471) were women, and 47.4 per cent (23,873) were men. In 2023, approximately 60 per cent of women and 40 per cent of men took part in training.

SEA also offers a career guidance service and women have used counselling slightly more actively (on average, 20 per cent more than men). SEA's career services are free, there is an opportunity to get career counselling even without registering as unemployed.

To promote entrepreneurship, SEA has activities that facilitate business and self-employment start-ups, which are aimed at providing consultative and financial support to unemployed persons with the business skills and motivation to start business activities or self-employment and successfully work in the chosen field at least for 2 years. The measure includes consultations on developing and implementing a business plan, business grant up to 5000 EUR depending on the approved budget estimate, monthly subsidies for the first six months of business plan implementation in the amount of 750 EUR, funding for the adaptation of the place of implementation of the business plan up to 1000 EUR, if the person has a disability and other support. There is a higher proportion of women among the participants of this activity (see table below). Every year, an average of 50 business plans receive a positive evaluation by experts and are directed to their implementation.

	2019	**2020**	**2021**	**2022**	**2023**
Overall participants	156	158	160	157	397
Women	107	106	115	114	261
Men	49	52	45	43	136

Data source: SEA

To fight gender-based stereotypes in the labour market and raise awareness about gender pay gap, the Plan on the Promotion of Equal Rights and Opportunities for Women and Men 2021 – 2023 included various activities to raise awareness about these issues. For example, it contained educational activities for young people tackling the issue of gender segregation, reduction of gender pay gap and gender-based discrimination in the labour market by offering discussions on these topics, as well as ICT and leadership training for girls. Additionally, it contained activities aimed at employers to foster a more inclusive work environment, especially for persons who suffer from various forms of discrimination, as well as capacity building seminars for Roma women. To raise awareness of employees, employers and relevant state institutions about gender pay gap, Ministry of Welfare together with NGO "Corporate Sustainability and Responsibility Institute" also organised two rounds of seminars and discussions in 2021[15] and 2022[16] about this issue by bringing together human resources (HR) specialists, employees, relevant state institutions, employers, social partners and guests from other countries to talk about the issue of gender pay gap and search for possible solutions.

[15] https://www.lm.gov.lv/lv/diskusiju-cikls-par-vienlidziga-atalgojuma-veicinasanu
[16] https://www.lm.gov.lv/lv/seminari-par-vienlidziga-atalgojuma-veicinasanu

Additionally, the newly approved “Plan on the Promotion of Equal Rights and Opportunities for Women and Men 2024 – 2027” includes various activities to promote equal opportunities and rights for women and men in the labour market and education: strengthening the capacity and knowledge of employers to create inclusive work environments, providing support to employees to recognize and overcome gender-based stereotypes in the labour market, reduction of gender-pay gap and implementation of pay transparency system in Latvia, strengthening girls’ leadership and entrepreneurial skills, implementation of measures to promote equal rights and opportunities in higher education, as well as promoting equal share of unpaid care work. To achieve the goal, three directions of action have been put forward: (1) equal rights and opportunities for women and men in the labour market and education; (2) reducing negative gender stereotypes; 3) integration of the principle of gender equality in policy planning processes. Segregation by gender in the context of employment and the wage gap between women and men are recognized as one of the main challenges in Latvia.

b) Please provide information on:

- measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors;
- the implementation of those measures;
- progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.

Within the process of drafting "The Law on Gender Balance to be Ensured in Enterprise Management Institutions", there is a commitment to provide advice to employers on promoting gender balance.
Currently Saeima is in the process of adopting amendments to the Commercial Law, the purpose of which is to determine the procedure by which board members can use the right to leave related to child care. It is planned to determine the right of a board member to use maternity leave, leave for the child's father, adopter and another person, child care leave, as well as leave without salary retention, if an adopted child, foster child or a child in guardianship has to be taken care of[17]. An equal maternity leave policy for managers is crucial to improving the representation of women in senior management positions.
Compared to the EU average level, Latvia is in the leading positions in terms of the proportion of women in managerial positions. In 2023, 53.5 per cent of all managers were women. Although this indicator is relatively high, this representation is not equal in all sectors. There are 23.9 per cent of women on the boards of Latvia’s largest companies. “Plan on the Promotion of Equal Rights and Opportunities for Women and Men 2024 – 2027” includes activities that will help to promote a parity in the representation of women and men in the decision-making process. For example, it is planned to develop legal framework and monitoring mechanism to ensure balanced participation of women and men on large publicly listed company boards by transposing EU Directive 2022/2381, as well as various awareness raising activities on how to promote women’s involvement in politics and other decision-making positions.

c) Please provide statistical data on the proportion of women on management boards of the largest publicly listed companies, and on management positions in public institutions.

[17] titania.saeima.lv/LIVS14/saeimalivs14.nsf/webSasaiste?OpenView&restricttocategory=640/ (page 14, available only in Latvian)

In 2023 the participation rate of women on management boards of the largest publicly listed companies was 23.9 per cent. (Data source – Central Statistical Bureau of Latvia).

Regarding the proportion of women in senior civil servant positions in Latvia, women usually tend to be specialists, experts or unit/ department managers. For example, in 2023 36 per cent of state secretaries were women, at the same time 79 per cent of women were specialists and 76 per cent of women were unit/department managers. (Data source: *State Chancellery*).