

Name of the country: [Latvia](#)

Transposition act = EWC Act (2019, consolidated) = Law on Informing and Consulting Employees of European Union-scale Undertakings and European Union-scale Groups of Undertakings

And: Labour Dispute Law

### 1. Presence of legally based administrative or judicial conflict solving procedures for:

		No	Yes	Unclear	brief explanation
A	SNB (including the pre-SNB phase, i.e. requesting the necessary information about the company, staff distribution, etc.)		Yes		
B	EWC based on Art. 6 agreements		Yes		
C	EWC based on art. 13 agreement	No			Exclusion by Section 3 of the EWC Act (2019, consolidated)
D	EWC based on subsidiary requirements		Probably		

### 2. Litigation on different sets of rights: presence of national provisions

		No	Yes	Which authority (e.g., court) is competent <sup>1</sup>
A	Breaches against the provision of information to the SNB as per art. 4 (4) of Directive 2009/38/EC (information on the number of employees)/Failure to establish a SNB		Yes	<p>For offences (breaches of the EWC law): State Labour Inspectorate</p> <p>Settling disputes: There are collective and individual disputes concerning 1. Rights<sup>2</sup>, 2. Interests (concern disputes that arise in relation to collective negotiation procedures determining new working conditions or employment provisions).</p> <p>Generally a 3-step procedure:</p> <ol style="list-style-type: none"> <li>1. Conciliation (attempted) directly with the other party (Section 10 of the Labour Dispute Act): if refused or not responded to it goes to:</li> <li>2. Settlement by a Conciliation Committee (Section 11, Labour Dispute Act)</li> </ol>

<sup>1</sup> Material and geographical competence.

<sup>2</sup> Section 9 of the Labour Dispute Act: "A collective dispute regarding rights shall be such differences of opinions between employees (a group of employees) or representatives of employees and an employer, employers (a group of employers), an organisation of employers or an association of such organisations, or an administrative authority of the sector that arise in concluding, altering, terminating or fulfilling an employment contract, as well as in applying or interpreting provisions of regulatory enactments, provisions of a collective labour contract or working procedure regulations."



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				<p>3. The Court (??? Which type??), can also be transferred to an Arbitration Court</p> <p>In collective disputes concerning interests there is also Mediation (Section 16 ff of the labour Dispute Act) and Arbitration (Section 20, ibid.) as next steps.</p>
B	Operation of the EWC: breaches and compliance with the law (statutes), agreement or Subsidiary Requirements		Yes	
C	Challenging management on the use of confidentiality and secrecy/withholding information)		No	
E	Individual rights of the SNB/EWC members under national EWC legislation		Yes	<p>Not clear if individual rights of EWC members can be considered 'individual disputes' (confirm).</p> <p>If yes then:</p> <ol style="list-style-type: none"> <li>1. Individual disputes are encouraged to be resolved via conciliation: 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.<sup>3</sup></li> </ol> <p>But reference to court is always possible (conciliation is not a pre-condition for going to court)<sup>4</sup></p>
F	(Others to be filled in)			

### 3. Capacity to act in court

		Brief explanation/ differences for 2A-2F above)
1	Who/which body can start a judicial procedure?	"employees (a group of employees) or representatives of employees and an employer,

<sup>3</sup> Section 5 of the Labour Dispute Law.

<sup>4</sup> Section 7 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.



		employers (a group of employers), an organisation of employers or an association of such organisations, or an administrative authority of the sector” → EWC members individually, but can an EWC collectively start proceedings (???) <sup>5</sup>
2	What legal status (ius standi) is a requirement to start a judicial procedure? (legal personality, capacity to act in courts, other forms?)	
3	What is the legal status of the EWC (legal personality or other capacity to act in court)?	Unclear if EWCs have a collective court/legal capacity
4	In case of lacking capacity to act in court: how can it be circumvented (think of representation by trade unions)?	Possibly representation by trade unions.
5	Who represents the EWC in law?	EWC members
6	What is the capacity to act in court of joint type ('forum' or French-type) EWCs composed of both management and employees' representatives and can it be an obstacle?	No reference in law

#### 4. Starting a procedure and timelines

		Brief explanation
1	Does the law set conditions as to how the EWC can take a valid decision on entering a judicial procedure? Think of voting, quorum, the necessity of a physical meeting to take a decision,...	No
1.a	Does the law contain any requirements on the internal rules concerning question 1?	
2	How does one file a case in court? (Who, format, steps)	1. It starts with making a submission to the other party concerned → the other party has 3 days to reply <sup>6</sup>

<sup>5</sup> The European Commission (2018: 34) claims EWCs can be party to proceedings.

<sup>6</sup> Section 10 of the Labour Dispute Act: (1) If there is a basis for a collective dispute regarding rights, the party to the collective dispute regarding rights shall submit a submission in writing to the other party in which its requirements shall be specified.

(2) The other party to the collective dispute regarding rights which has received a submission shall examine it immediately and shall within a time period of three days following receipt of the submission provide its reply in writing to the submitter of the submission. If the reply to the submission is negative or is not provided, a collective dispute regarding rights shall be settled in accordance with the procedures prescribed by Section 11 of this Law.



		<p>2. Parties shall establish a Conciliation Committee (Section 11 of the Labour Dispute Act) within 3 days since the previous step.</p> <p>3. Dispute at a Court (unclear which type), can also be transferred to an Arbitration Court<sup>7</sup></p>
3	What is the deadline to start a judicial procedure?	None indicated
4	Are there other relevant deadlines in the judicial procedure?	<p>3 days to reply to a submission by the other party concerned<sup>8</sup></p> <p>3 days to appoint members of the Conciliation Committee</p> <p>1 month to file a case to court, if disagreement with the outcome by the Conciliation Committee</p>
5	What is the role of out of court settlements once a case has been filed?	Conciliation in the Conciliation Committee is a mandatory step in the dispute resolution procedure, preceding litigation in court (Section 11 of the labour Dispute Act) <sup>9</sup>
6	How long does a judicial procedure typically take?	Before it goes to court: 3 days + 3 days to form a Conciliation Committee + 7 days for the Conciliation Committee to reach a decision → court
7	Is an injunction or a summary procedure possible?	

## 5. Costs

		Brief explanation
1	What are the court fees for a judicial procedure?	Mediation: mediation in which a public mediator participates shall be free of charge to the parties to a collective dispute regarding interests. <sup>10</sup>
2	Is legal representation by a lawyer required in a judicial procedure?	
3	Who pays the costs for:	General clause on covering the costs of operation of an SNB or EWC (but no reference to legal costs)

<sup>7</sup> Section 12 of the Labour Dispute Act.

<sup>8</sup> Section 10 of the Labour Dispute Act.

<sup>9</sup> Section 11: (3) The conciliation commission shall take a decision by agreement of the commission members. The decision shall be binding on both parties to the collective dispute regarding rights and it shall have the validity of a collective labour contract.

<sup>10</sup> Section 19 of the Labour Dispute Act.



	- Legal expert	(5) The Committee or the European Works Council shall use the assistance of experts selected at its discretion, if this is necessary for the performance of its tasks. (Section 28 of the EWC Act). Limited to one expert (Section 28 para 2, EWC Act)
	- Court fees	Conciliation and Mediation are free of costs
	- Other costs (travel/interpretation)	
4	Does a EWC normally have an independent budget and/or an own bank account under a given national legislation?	
5	Can the EWC be sentenced to pay the costs of the other party in the judicial procedure?	
6	Can the EWC <i>members</i> be sentenced to pay the costs of the other party in the judicial procedure?	

## 6. Sanctions

		Brief explanation
	How is a breach of law classified?	Administrative offence
1	What are the sanctions for breaches of EWC laws?	Variable: <ol style="list-style-type: none"> <li>1. For the failure to provide information to employees or their representatives regarding the structure, employees of a European Union-scale undertaking or a European Union-scale group of undertakings and the number and location of such employees in the Member States in a European Union-scale undertaking or a European Union-scale group of undertakings, a fine of up to one thousand four hundred and twenty units of fine shall be imposed on the employer.</li> <li>2. Sanction for breaches of confidentiality obligations by EWC/SNB members and experts: a fine from twenty-eight to seventy units of fine shall be imposed.<sup>11</sup></li> <li>3. For failing to provide resources to EWC/SNB: a fine of up to one thousand four hundred and twenty units of fine shall be imposed on the employer.</li> <li>4. For the failure to provide a report to the European Works Council on the development and prospects of commercial activities of a European Union-scale undertaking or a European Union-scale group of undertakings at least once a year, a fine of up to one thousand four hundred and twenty units of fine shall be imposed on the employer.</li> <li>5. For the failure to inform the European Works Council Committee or, in the absence thereof, the European Works Council of particular circumstances which significantly affect</li> </ol>

<sup>11</sup> Section 28 of the EWC Act.



		the interests of employees in a European Union-scale undertaking or a European Union-scale group of undertakings, a fine of up to one thousand four hundred and twenty units of fine shall be imposed on the employer.
2	Can the court rule to stop or reverse the companies' decision-making?	Maybe Arbitration Court?
3	Whom should fines be paid to?	
4	Can a member of management be held personally liable (personal vs. corporate liability)?	
5	Can individual EWC members be sentenced to pay fines or be subject to other sanctions?	Yes, in confidentiality breaches.
6	Can the EWC collectively be sentenced to pay fines or be subject to other sanctions?	

## 7. Out of court settlements

		Brief explanation
1.	In general, are alternative conflict resolutions available in a given country can out of court settlements be reached once a case has been filed? Does it happen in practice?	Yes, they are part of the dispute resolution system (see above) and mandatory steps in the procedure.

## 8. Resources for EWCs

		Brief explanation
1.	Can unions provide legal support or financing for litigation?	
2.	What other resources are available in terms of legal support to EWCs and/or EWC members in your country (e.g., Arbeiterkammer, legal support centres)?	

