

# Latvia

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## PART 1 – NATIONAL FRAMEWORK

### Overview

National social dialogue	Principal Level of Collective Bargaining		Enterprise
	Workplace Representation		Union (and authorised workplace representatives)
	Board-level Representation		No
National worker representation	The most important level of collective bargaining is enterprise-level bargaining. Sector-level bargaining is represented in so-called 'general agreements'. Regional agreements are concluded with local governments and other regional organisations. Recently, efforts are focused on developing sectoral and regional social dialogue institutions. The main institution for national tripartite concertation is the National Tripartite Council ('Nacionālās trīspusējās sadarbības padome' – NTSP), which includes eight sub-councils.		
Principal legal documents on H&S	Labour Protection Law (came into force in Januray 2002 and mainly based upon the EU framework directive), with amending laws of 20 November 2003 and 16 December 2004. The Labour Protection Law transposes the requirements and principles of EU Framework Directive on safety and health at work. It replaces the Law „On Labour protection” of 4 May 1993.		
Public authorities on H&S	The leading role in the operation of the occupational safety and health protection system is played by the Ministry of Welfare responsible for development, planning and coordination of the labour protection system and policy. Employees' rights are ensured with the help of labour legislation and institutional control which is the responsibility of the State Labour Inspectorate (Valsts Darba inspekcija, VDI) under supervision of the Ministry. Labour courts do not exist in Latvia. Employment issues are resolved in regular courts, and employee rights are protected free of charge at the Court of First Instance.		
Employers' obligations on H&S	In accordance with the general principles of labour protection, an employer has an obligation to organise a labour protection system, including consultations with employees in order to involve them in improvement of labour protection; evaluation of work environment risks; internal supervision of the work environment; and establishment of labour protection organisational structures. In relation to the internal supervision of this work environment, the employer has an obligation to consult with employees or their representatives ("trusted representatives"). As such, the risk evaluation needs to involve trusted representatives or employee representatives and employees who are familiar with the concrete workplace.		
Worker representative bodies on H&S	Employees or their trusted representatives have the right to be consulted in the field of labour protection. Employee representation at the workplace is regulated by Section 10 of the Labour Law on the Representation of Employees. In an undertaking or unit thereof in which 5 or more employees are employed, one or more trusted representatives need to be elected (taking into account the number of employees, the nature of the work of the undertaking, and the work environment risks). A committee of trusted representatives needs to be established as from 10 elected trusted representatives are elected. This committee co-ordinates the work of the trusted representatives.		
Organisation of the social dialogue on H&S issues within the country	Actors involved	Their role	Scope of influence
	Sub-Council for Labour Affairs (TCSLA), a substructure of the National Tripartite Cooperation Council	The Subcouncil comprises representatives of the Ministry of Welfare, Ministry of Justice, State Labour Inspectorate, Latvian Free Trade Union Confederation (LFTUC) and Latvian Employers' Confederation (LEC). Tripartite cooperation is successful as regards to the drafting of legislation. Representatives of social partners are included in the work groups for elaboration of normative acts. TCSLA ensures and promotes cooperation and participation of government, employers' organisations and their associations and trade unions in improvement of the	National legislation

		fields of labour protection, regulation of industrial relations and equal opportunities in employment relations		
	Branch Ministries and branch trade unions	inform, consult, negotiate, co-decide	Branch	
	Labour Protection Committee of the Latvian Free Trade Union Confederation (LFTUC)	ensure co-ordination and methodological management of labour protection issues	National	
	OSH Focal Point within the State Labour Inspectorate	provide all users with updated information on occupational safety and health issues	National	
Specialized H&S bodies on regional, sectorial or another level	<i>Name</i>	<i>Setup conditions</i>	<i>Composition</i>	<i>Role and functions</i>
	Regional consultants on OSH issues	Engaged persons to LBAS	Contract with specialist	Consult employees, support at conflict situations
	Labour Protection Committee of LBAS	LBAS board decision	Branch trade unions nominations	To co-ordinate the activities of LBAS and branch trade unions; and to examine and approve draft laws and other normative documents.

## PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

General organisation and role on H&S issues	<p>1) Workers representatives or trusted representatives (TR) take part in the Internal Supervision of the Work Environment:</p> <ul style="list-style-type: none"> <li>– to take part in the risk assessment, planning of labour protection activities, and examination of their efficiency, as well as assessment of work equipment adequacy;</li> <li>– to take part in the investigation of accidents at work;</li> <li>– to request the employer to carry out all labour protection activities and to come up with suggestions, with their realisation directed towards elimination or diminishing of risk for employees' safety and health.</li> </ul> <p>2) The trusted representatives' committee has the following tasks:</p> <ul style="list-style-type: none"> <li>– to co-ordinate the activities of trusted representatives;</li> <li>– to co-operate with employer and/or OSH specialist, managers of structural units and the chief trusted representatives of structural units in labour protection issues;</li> <li>– to co-ordinate the operation of committees of trusted representatives of structural units.</li> </ul> <p>In performing their duties in the field of labour protection, trusted representatives co-operate with the employer and the OSH specialists (employees assigned by the employer responsible for the organisation and control of labour protection activities and the internal surveillance of working environment), by carrying out common workplace inspection, making suggestions on the required changes in the labour protection system of the enterprise, and other labour protection issues. Trusted representatives also co-operate with representatives from the State Labour Inspectorate, by providing them with information on the situation in the enterprise in regard to labour protection, as well as by taking part in the investigation of accidents.</p>
Interaction of H&S representation with the general representation of workers	In Latvia mainly trade unions organise interaction. A collective agreement or a work safety agreement may provide for more favourable work safety rules compared to the norms determined by work safety regulatory standards. A trusted representative participates in the negotiations regarding the conditions of such a collective agreement and amendments in the field of labour protection.
<b>Worker representation bodies on H&amp;S at work</b>	
Implementation of worker representation in H&S on enterprise level	All workers

<i>Thresholds of implementation</i>	In an undertaking or unit with 5 or more employees, these employees or their representatives shall elect one or more trusted representatives (TR) (the number is depending on the number of employees, the nature of the work of the undertaking and the work environment risks). If there are more than 2 trusted representatives, they have the right to elect a principal (chief) TR amongst themselves. If there are more than 10 trusted representatives, they may elect a trusted representative committee which coordinates the work of the trusted representatives.
<i>Role of the trade unions</i>	The trade union organizes the election of the trusted representatives (TR); and provides information, guidance and training to the representatives
<i>Composition, mode of nomination or election of members</i>	The trusted representatives shall be elected for a time period of three years, unless the collective agreement provides for a longer period. New elections shall also be held if substantial circumstances have arisen (for example, termination of employment) not allowing the trusted representative to fulfil obligations, if the employees recall the trusted representative or if the trusted representative does not wish to continue fulfilment of obligations. Similarly, the principal trustee representative shall also be elected for a time period of three years, unless the collective agreement provides for a longer period. This election is organised during a meeting of trusted representatives with at least half of the elected trusted representatives participating. The chairperson of the committee of trusted representatives is the principal trusted representative. Finally, the committee of trusted representatives is also elected at a meeting of trusted representatives for a time period of three years.
<i>Area of competencies</i>	Trusted representatives have the following main competencies regarding the workplace with its physical, chemical, psychological, biological, physiological and other factors to which an employee is subject in the performance of his or her work: <ul style="list-style-type: none"> <li>- To draw up proposals for enterprise's OSH system improving, to take public control measures.</li> <li>- To participate in collective bargaining for OSH items;</li> <li>- To participate in the internal supervision of the working environment and Accident Investigation</li> </ul>
<i>Functions</i>	inform, consult, negotiate, co-decide According to the law, trusted representatives should be consulted on issues which relate to: <ol style="list-style-type: none"> <li>1) measures which may affect the safety and health of employees;</li> <li>2) the establishment and activities of labour protection organisational structures;</li> <li>3) the designation of those employees to whom the provision of first aid has been entrusted, and the performance of fire fighting and evacuation of employees measures;</li> <li>4) the internal supervision of the work environment, and informing of employees regarding labour protection, also in cases, when working with another employer or with several employers;</li> <li>5) the planning and organisation of instruction and training in the field of labour protection; and</li> <li>6) other labour protection issues.</li> </ol>

#### Rights of workers' representatives on H&S

<i>Right of withdrawal, of production stop in case of immediate danger</i>	No (individual right) It is the right of individual employees to stop work and leave the threatened workplace in the case of serious and direct danger. However, this is only the case in theory; not in practice.
<i>Right to conduct surveys</i>	Yes However, this is only possible with consent of the employer
<i>Right to require external assessments</i>	Yes If the financial resources are available. However, trusted representatives have the right jointly with the State Labour Inspection to participate in evaluations of workplaces.
<i>Right to lodge an appeal</i>	Yes It is always the case in the occurrence of an accident. However the possibility is limited in case of litigation. As employees, trusted representatives have the right to turn to the State Labour Inspection with a submission if they consider that labour protection measures performed by the employer, as well as the means granted and utilised are insufficient to ensure safety and health protection of employees at work.
<i>Right to receive training</i>	Yes

	Each employee should legally receive instructions and training in the field of labour protection when commencing work, when there are changes in the nature or circumstances of the work, on the introduction of new or on changing the previous work equipment, and on the introduction of new technology. Additional training for trusted representatives in the field of labour protection should be organised by the employer within a period of one month after election thereof.	
	<i>Amount of training</i>	within a period of one month after their first election, they receive a 50 hours training course
	<i>Frequency of training</i>	Mandatory within one month of their election. Afterwards, repeated training varies according to branch trade unions' and enterprises' practices.
	<i>Training providers</i>	trade unions, specialized organisations (e.g. Institute of Occupational and Environmental Health (IOEH) or the enterprise
<i>Allocated time during working hours to conduct their role</i>	Yes	
	Legally, the employer should grant them the time during working hours which is specified in the collective agreement or other written agreement between the employer and employees for the performance of the duties of a trusted representative. In practice, this granted time is usually only for meetings or training sessions. Moreover, the employer pays the trusted representative average earnings for this time.	
<i>Protection against sanctions, dismissals in the frame of their mandate</i>	Yes	
	This is similar to the trade unions rights protection. The election of an employee as a trusted representative may not cause him or her unfavourable consequences or restrict in other way his or her right.	
<b>Link and the nature of the relations between the employee representatives and the trade unions</b>	90% of the elected safety representatives belong to the trade union, which ensures information, guidance, training and support.	

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### PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

#### Evolution

<b>Significant changes within the various instruments on H&amp;S issues during the last 5 years</b>	Yes	
	<i>Objectives of these changes</i>	National Strategy for the Development of the Labour Protection Field 2008–2013
	<i>Management of these changes</i>	Participation at working group established by the ministry of Welfare
	<i>Effects on the improvement or deterioration of the handling of these issues</i>	Reduced the number of lethal accidents by 30%.
<b>Assessment of the achievements on H&amp;S issues through social dialogue</b>	Stable	
	<i>Some important milestones</i>	Concluded agreement with SLI for cooperation

#### Perspectives to achieve a good social dialogue and workers' participation on H&S issues

<b>Missing factors</b>	Small amount of workers representatives elected (only at 10 % of the enterprises)
<b>Existing key success factors</b>	Active dialogue at national and branch level.

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## PART 4 – APPENDICES

### Glossary

<b>trusted representatives (TR)</b>	<i>Person elected by employees, who is trained in accordance with procedures specified by the Cabinet and who represents the interests of employees regarding labour protection</i>
<b>work environment</b>	<i>the workplace with its physical, chemical, psychological, biological, physiological and other factors to which an employee is subject in the performance of his or her work</i>
<b>labour protection</b>	<i>safety and health of employees at work</i>

### Interesting links

NTCC – National Tripartite Co-operation Council;  
TCSLA – Tripartite Co-operation Sub-Council for Labour Affairs;  
LEC – Latvian Employers' Confederation;  
LFTUC – Latvian Free Trade Union Confederation;  
SSIA – State Social Insurance Agency;  
AML – M

### Sources

<b>Trade union contacts</b>	<b>LBAS</b>	Antapsons Ziedonis
<b>Other</b>	<ul style="list-style-type: none"> <li>– <a href="http://www.worker-participation.eu">http://www.worker-participation.eu</a></li> <li>– questionnaire reply</li> <li>– Labour Protection Law</li> <li>– Eurofound</li> <li>– EU OSHA</li> </ul>	