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European Monitoring Centre on Change

Latvia: Staff information and consultation on restructuring plans

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Latvia

Phase:

Anticipation

Type: Staff information and consultation on restructuring plans

Last modified: 10 December, 2021

Native name: Darba likums

English name: Labour law

Article

10, 11, 104, 105, 106, 107, 117, 120

Description

Employee representatives (trade unions or works councils) have a general right to receive timely information and to consult with the employer before the adoption of decisions that may affect the interests of employees, in particular their salary, working conditions and employment with the company.

In the case of a transfer of an undertaking, both the transferor and the acquirer have to inform their employee representatives (or their employees if employee representatives do not exist) about the transfer date or the expected transfer date (before the transfer takes place), the reasons behind it and the consequences of the transfer, as well as the measures which will be taken with respect to employees. The transferor of an undertaking has to inform the employees no later than one month before the transfer of the undertaking, while the acquirer of an undertaking no later than one month before the transfer of the undertaking starts to directly affect the working conditions and employment provisions of his or her employees.

If any organisational, technological or social measures will be implemented in relation to the employees, the transferor and acquirer shall start consultations with employee representatives no later than three weeks in advance in order to reach agreement on these measures.

The transferor and/or acquirer of an undertaking or an employer carrying out collective redundancy have to consult with their employees, but the extent to which the employer may choose any measures is not set by law.

In any case, if the employer chooses dismissal rather than other measures, it has to explain the reasons behind it.

The legislation specifies that in case of collective redundancies (within 30 days, dismissals of at least 5 workers in companies with 21-49 employees, at least 10 dismissals in companies with 50-99 employees, at least 10% in companies with 100-299 employees or at least 30 dismissals in larger firms) employers consult with trade unions (if any exist in the workplace) or with elected employee representatives. Employers have a legal obligation to start consultation before making a public announcement.

The rules on collective redundancy do not apply to public administration employees.

During consultations regarding collective redundancies the employer and the employee representatives shall examine all possibilities of avoiding the collective redundancy or of reducing the number of employees to be made redundant and how to alleviate the effects of such redundancy by taking social measures that create the possibility to further employ or retrain the employees made redundant.

Any reduction of the number of employees (including collective redundancy) shall be sufficiently justified by urgent commercial, organisational, technological or similar measures to be implemented in the undertaking.

Dismissal cannot be implemented prior to the lapsing of a 30 day period after the public authorities have been informed. In practice, this means that 30 days is considered the minimum period of consultation. In exceptional cases the State Employment Agency may extend the time limit to 60 days. Law on the Management of the Spread of COVID-19 Infection allows that the State Employment Agency may shorten the time period for a notification. In that case the State Employment Agency must immediately notify in writing an employer and representatives of employees of the shortening of the time period.

The legislation states that employers must consult on the number of employees planned to be dismissed, the social guarantees for these employees, procedures for collective dismissal, and possible ways of minimising redundancies.

Comments

In practice, consultation rarely happens.

Cost covered by

Not applicable







Involved actors other than national government

Trade union
Works council

Thresholds

No, applicable in all circumstances

Sources

-  [EMCC actors in restructuring](#)
-  [Eurofound, 2009, The impact of the Information and Consultation Directive, EIROnline Articles](#)
-  Karnīte, R., 2011, Evaluation of the operation and effects of information and consultation directives in the EU/EEA countries, Fitness Check, National Report Latvia, European Commission, DG for Employment, Social Affairs and Inclusion
-  [Labour law](#)
-  [Iřēna Kalniņa. Darbinieku aizsardzība uzņēmuma pārejas gadījumā](#)
-  [Law on the Management of the Spread of COVID-19 Infection](#)

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