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Latvia: Effects of non-compliance with dismissal regulations

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Latvia

Phase:

Management

Type:

Effects of non-compliance with dismissal regulations

Last modified: 10 December, 2021

Native name: **Darba likums**

English name: **Labour Law**

Article

Part E

Description

No specific penalties are indicated with respect to non-compliance with dismissals regulation: the same penalties apply as for breaking labour related legislation.

In the case of violation of regulatory enactments regulating employment relations a warning or a fine from seven to 70 units of fine shall be imposed on the employer if it is a natural person, but a fine from 14 to 220 units of fine - if it is a legal person. A unit of fine is defined in Law on Administrative Liability and currently is €5. This means, that if the employer is a natural person a fine may vary from €35 to €350, while if the employer is legal person a fine may vary from €70 to €1,100.

There is a specific administrative liability for violation of prohibition of differential treatment in the field of employment relationship, which can occur, for example, while selecting employees for dismissal. For this violation a warning or a fine from 28 to 70 units of fine shall be imposed on the employer if it is a natural person, but a fine from 70 to 140 units of fine - if it is a legal person (according to current unit it is €140 - €350 for natural person, and €350 - €700 for legal person).

There are several other different provisions of administrative liability - for not providing the employment contract in written, not ensuring the state specified minimal monthly wage if the person is employed for a normal working time, not ensuring the minimal hourly tariff rates, or withdrawal from collective bargaining.

Administrative offence proceedings for the offences of Labour Law is conducted by the State Labour Inspectorate.

Comments

According to the statistics provided by the state labour inspectorate, in 2015 68% of all infringement cases detected by the inspectorate were related to non-compliance with legal norms on safety and health of employees at work; 27% were connected with violation of legal norms of labour rights, including dismissal regulations, which form 14% of all infringements of labour rights.

In 2019, violations of regulatory enactments regulating labor law accounted for 32.0% of all violations detected by the Labor Inspectorate in 2019. In turn, 97.0% of the detected violations of labor law were violations of the provisions of the Labor Law (78.0%) and regulations of the Cabinet of Ministers on registration of state social insurance mandatory contributors and reports on mandatory state social insurance contributions and personal income tax.

In 2019, as in previous years, employers most often did not comply with the requirements of Article 40 of the Labor Law, which applies to employment contracts, violations of which accounted for 31.0% of all violations of employment relations. The violations found were related to the conclusion of the employment contract in writing and the content of the employment contract. A significant part of labor law violations (16.0%) consists of violations related to termination of employment, while the majority of them (349 violations or 67.0%) were due to all amounts due to the employee on the day of dismissal, including compensation for unused leave.

Cost covered by

Employer

Involved actors other than national government

Other






Involvement others

State labour inspectorate

Thresholds

No, applicable in all circumstances

Sources

-  [EMCC legal framework of restructuring](#)
-  [Eurofound, 2009, The impact of the Information and Consultation Directive, EIROnline Articles](#)
-  Karnite, R., 2011, Evaluation of the operation and effects of information and consultation directives in the EU/EEA countries, Fitness Check, National Report Latvia, European Commision, DG for Employment, Social Affairs and Inclusion
-  [Labour Law](#)
-  [State labour inspectorate](#)

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