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European Monitoring Centre on Change

Latvia: Selection of employees for (collective) dismissals

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Latvia

Phase:

Management

Type:

Selection of employees for (collective) dismissals

Last modified: 10 December, 2021

Native name:

Darba likums

English name:

Labour law

Article

47, 108, 109, 110

Description

In the case of a reduction in the number of employees (individual and collective dismissals), employees selected to continue employment are chosen among those who have higher performance results and higher qualifications. If performance results and qualifications do not substantially differ, the law also details selection criteria for further selection; those kept in employment are workers who:

- have worked for the relevant employer for a longer time;
- while working for the relevant employer, have suffered an accident or have fallen ill with an occupational disease;
- are raising a child up to 14 years of age or a disabled child up to 18 years of age;
- who, as parents, is in the care of an adult person with a childhood disability who needs special care;
- have two or more dependants;
- whose family members do not have a regular income;
- are disabled persons or are suffering from radiation sickness;
- have participated in the rectification of the consequences of the accident at the Chernobyl Atomic Power Plant;
- have less than five years remaining to reach retirement age;
- without discontinuing work, are acquiring a professional qualification in an educational institution;
- have been granted the status of politically repressed person (special status granted, by special Law, to people who suffered from 'Communist and Nazi totalitarian regimes and the political repression of these regimes against Latvian citizens and residents for their political beliefs or political activity').

None of the above mentioned preferences have priority in comparison with the others.

If the number of employees is being reduced, an employer cannot give a notice of dismissal to a pregnant woman, to a woman within the first year after giving birth or to a woman who is breast feeding during the whole period of breast feeding, but not longer than up to two years of the age of the child.

An employer is forbidden to give notice of termination of employment to an employee who is member of a trade union without prior consent of the relevant trade union (except if the employee was under the influence of alcohol, narcotic or toxic substances when performing work), if an employee who previously performed the relevant work has been reinstated at work, if the employer – legal person or partnership – is being liquidated, and during the probation period.

Comments

No information available.

Cost covered by

Not applicable


Involved actors other than national government

Trade union
Works council

Thresholds

No, applicable in all circumstances

Sources

 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 Commission, DG for Employment, Social Affairs and Inclusion

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