

# Extensive amendments proposed to Employment Act 2/14/22

On 15 March 2022 proposals for amending [the Employment Act](#) were endorsed by the Cabinet of Ministers and submitted to Parliament for approval. The amendments are being made in order to transpose two EU directives that Latvia must pass by August 2022 and to implement [the Constitutional Court's ruling No. 2019-33-01](#) of 12 November 2020, which recognises that [section 155\(1\) of the Employment Act](#), giving a childbirth leave entitlement to the father, is not consistent with the first sentence of [the Constitution's section 110](#) insofar as it offers no protection or support for a female partner of the child's mother due to the birth of the child. This article explores key changes and how they affect workers and employers.

## Changes to the content of the employment contract

### *Identifying the place of work if this is up to the worker*

An employment relationship may not involve a strictly prescribed place of work, especially considering the labour market trends (e.g. workers employed remotely or on digital platforms). In that case the employment contract must be amended in writing to identify the worker's places of work, for instance stating not only the employer's office address but also the worker's home address.

### *A period of probation*

The employment contract will have to mention a probation period (along with the provisions of [the Employment Act's section 46](#)). If the employment contract is to run indefinitely and the employer has entered into a collective agreement with a trade union, the probation period is extended up to six months, without reducing the worker's overall level of protection.

### *Termination*

The employment contract must detail the termination procedure. This information may be replaced with a reference to statutory instruments.

### *Training and social security*

The employment contract will have to give information on any training the employer offers (along with the provisions of [the Employment Act's section 96](#)) and social security information (information on the National Social Insurance Agency as a social security institution within the meaning of the directive and on any private pension funds).

## A new type of leave – “carer” leave

Unlike the current rules, which allow the worker to ask for leave only in statutory cases, the new rules require the employer to grant unpaid leave of up to five working days a year if the worker needs to take personal care of their spouse, parent, child, or other close family member, or of a person living with the worker in one household and needing significant care or support for a serious medical reason. The employer will have to grant such leave on the basis of the worker's application.

## Leave for a child's father, adopters, or another person

Currently this leave is ten *calendar* days, yet the amendments provide for ten *working* days. According to the amendments, this leave may be claimed within six months after the child was born (two months currently).

## Annual leave

In future, if the worker claims their paid annual leave entitlement, this cannot be a basis for terminating the employment contract or restricting their rights in any other way. This will protect the worker from adverse consequences where they exercise their right to paid annual leave in a permitted way. This rule applies also to the types of leave mentioned in sections 151, 153, 154, 155, 156 and 157 of the **Employment Act**, as well as to the worker's periods of incapacity for work or any periods during which they do not carry out work for other valid reasons.

## Childcare leave

In future the worker will have a right to ask for childcare leave to be used in a flexible way, for instance every other week, which might be similar to working part-time. The employer will have to consider such a request and, within one month after receiving it, inform the worker of flexible childcare leave possibilities in the company, i.e. offer an objective explanation in the case of a refusal.

A worker caring for a child aged up to 8 will be allowed to request a working hours adjustment, for instance to take the child to sports and other after-school activities. At the worker's request the employer has to try and provide such adjustment if it is possible to adjust working hours, yet the employer may deny this because of objective circumstances.

Childcare leave must not be shorter than one uninterrupted calendar week, as opposed to the current rules, which allow the period to be split into days.

## Special rules for pay in the construction industry

In future, special rules imposing responsibility for paying employment remuneration will apply to all workers (whether posted to Latvia or employed in Latvia) who carry out construction work involved in erecting buildings or specialised construction work. Accordingly, if the employer as a subcontractor fails to pay remuneration to the worker, he has a right to demand payment of the outstanding remuneration from the next service provider in the chain of supply, i.e. the person that has directly assigned full or partial performance of the contractual obligations to the employer.

## Information that must be given to the worker before a business trip

In future, before sending the worker on a foreign business trip, the employer will have to duly inform them about the country or countries where work is to be carried out and about the expected length of work. The key difference is that the employer must inform the worker in writing and be able to demonstrate they have received and read that information.

If the business trip exceeds four consecutive weeks, the employer has to inform the worker about the currency in which their salary will be paid, about any job-related benefits in cash or in kind (e.g. travel and health insurance) and about repatriation possibilities and procedures.

Read more about the bill [here](#).