



EU Posted Worker Directive

A new EU Posted Worker Directive came into effect on **30th July 2020**. All EU countries had until that date to transpose this directive in their national law. Here is a brief overview of the Posted Workers Notification in Latvia

Important points to remember :

1. Obligations of the employer in the event of posting workers to carry out work in Latvia
2. Obligation to inform the State Labour Inspectorate
3. Obligation to comply with the requirements provided for by regulatory enactments of Latvia as well as by collective agreements which have been recognised as generally binding
4. Obligations with respect to storage and presentation of documents

1

Obligations of the employer in the event of posting workers to carry out work in Latvia

If under an employment contract concluded abroad (in any EU or EEA country other than Latvia) the worker has more favourable working conditions and employment provisions compared with the minimum requirements set forth in the regulatory enactments of Latvia, as well as by the collective agreements, which have been recognised as generally binding, then in respect to the worker the conditions of the contract concluded with the worker continue to apply.

For example, if the employment contract of worker from another country provides for a higher salary than the Latvian minimum standards set by regulatory enactment, then such worker is paid the salary set forth in his/her employment contract, thus ensuring the employee's situation is not compromised.

The regulatory enactments of Latvia provide for a number of obligations the employer must comply with both before the employee is posted to Latvia, as well as during the posting period in Latvia.

2

Obligation to inform the State Labour Inspectorate

An employer who posts an employee to perform work in Latvia has a duty, prior to posting the employee to inform in writing in the Latvian language the Latvian State Labour Inspectorate regarding such posted employee.

3

Obligation to comply with the requirements provided for by regulatory enactments of Latvia as well as by collective agreements which have been recognised as generally binding

If an employee has been posted to perform work in Latvia, then, irrespective of the law applicable to the employment contract and employment legal relationships, such posted employee shall be ensured the working conditions and employment provisions provided for by the regulatory enactments of Latvia, as well as by collective agreements which have been recognised as generally binding and which regulate:

- **maximum working time and minimums rest time** : According to the general principle regular daily working time of an employee may not exceed 8 hours, but regular weekly working time – 40 hours. At the same time overtime work may not exceed an average of 8 hours in seven day period that is calculated within the accounting period that does not exceed four months.

4

- **minimum annual paid leave** : Labour Law defines that every employee has the right to annual paid leave. Such leave may not be less than four calendar weeks, not counting public holidays.
- **minimum wage rate, as well as supplementary payment for overtime work** : As of January 1, 2017, the minimum wage in Latvia within the scope of normal working time is set at EUR 380.00.
- **provisions regarding securing a workforce, especially with the intermediation of work placement services** : With regard to employment legal relationships in the above situations, the general provisions of the Labour Law shall apply, in so far as the law does not lay down specific provisions on the staff employed by provider of work placement services. In such cases, obligations are determined for both the provider of work placement services as an employer, as well as the person to whom the above service is provided. The legal framework for the activities of the provider of work placement services as such is set forth in the “Support for Unemployed Persons and Persons Seeking Employment Law”.

Obligations with respect to storage and presentation of documents

An employer who posts an employee to carry out work in Latvia, during the posting period shall ensure safekeeping of concluded employment contracts, payslips, time-sheets and documents which proofs the payment of wages by its representative in Latvia, who is authorised to represent the employer at the State institutions of Latvia and in a court, as well as their presentation to the monitoring and controlling institutions, and, if required by the supervisory and control authorities, translation of such documents into the official (Latvian) language.

An employer who posts an employee to carry out work in Latvia, has an obligation to deliver concluded employment contracts, payslips, time-sheets and documents which proofs the payment of wages to the supervisory and control authorities for a period of two years after the period of posting.

Source : http://www.lm.gov.lv/eng/index.php?option=com_content&view=article&id=83478

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