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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

*The Supreme Council
of the Republic of Latvia
has adopted a Law*

On Trade Unions

Chapter I General Provisions

Section 1. Concept of Trade Unions

In accordance with the Declaration on the Restoration of the Independence of the Republic of Latvia and the laws of Latvia, the inhabitants of the Republic have the right to form trade unions freely.

Trade unions of the Republic of Latvia are independent public organisations, which express, represent and protect labour and other social and economic rights and interests of their members in accordance with the Law of the Republic of Latvia On Trade Unions, other current legislation of the Republic of Latvia, and the by-laws of trade unions of the Republic of Latvia, as well as observing the principles and norms specified in the Universal Declaration of Human Rights and other international covenants and conventions.

Section 2. Freedom to Form Trade Unions

The inhabitants of the Republic of Latvia who work or study have the right to form trade unions.

Trade unions may be formed following the professional, sectoral, territorial or other principles. Employers may form their own trade unions. The by-laws approved by the trade unions and this Law shall determine and regulate the form of operation of the trade unions, the organisational structure and procedures for the establishment thereof.

Members of a trade union shall take a decision regarding the termination of activities of trade unions or the integration thereof into territorial, sectoral or other unions following the procedures specified in the by-laws.

Section 3. Registration of Trade Unions

A State notary of the Enterprise Register of the Republic of Latvia shall examine a submission for registration of a trade union in accordance with the procedures specified by regulatory enactments after receiving the submission and a by-law. A State fee shall be paid for the registration of a trade union, registration of by-law amendments and other changes, the exclusion of a trade union from the trade union register and the issuance of a registration certificate duplicate. The Cabinet shall determine the amount of the State fee, as well as the procedures for the payment thereof, and the fee relief.

A trade union shall be registered if not fewer than 50 members or not less than one fourth of the people employed in an undertaking, institution, organisation, a profession or sector have united therein. If necessary, the Enterprise Register of the Republic of Latvia may request information regarding the number of members in the trade union to be registered.

A trade union shall not be registered if the requirements of this Law have been violated, as well as if the by-law of such trade union provides for activities which are in conflict with the current legislation of the Republic of Latvia. The Enterprise Register of the Republic of Latvia shall announce the refusal to register a trade union within a period of three days, specifying the reasons for the refusal.

The decisions and actions of State notaries of the Enterprise Register of the Republic of Latvia may be contested in accordance with the procedures specified by law by submitting a relevant submission to the Chief State Notary of the Enterprise Register of the Republic of Latvia. The decisions and actions of the Chief State Notary of the Enterprise Register of the Republic of Latvia may be appealed to a court in accordance with the procedures specified by law.

[9 June 2005]

Section 4. Independence and Equality of Trade Unions

Trade unions in their activities shall be independent from the State authorities and administrative bodies, other organisations, and they shall be mutually equal. They shall operate in accordance with the current legislation of the Republic of Latvia.

Any activity, the purpose of which is to directly or indirectly subordinate trade unions to State or other institutions and organisations, or which may impede the operation of trade unions provided for in the Law and the by-laws, is prohibited.

Trade unions are entitled to join international organisations of trade unions, enter into agreements with them, as well as with the trade unions of other states.

Section 5. Trade Unions as Legal Persons

After the registration thereof, trade unions shall obtain the rights of a legal person.

A structural unit of the trade union shall obtain the rights of a legal person in accordance with the procedures specified in the by-law of the relevant trade union.

Chapter II

Trade Union Relations with the State Authorities and Administrative Bodies

Section 6. Right of Legislative Initiative

Trade unions have the right of legislative initiative in the person of the republic bodies thereof.

Section 7. Right to Participate in the Elaboration of Economic and Social Development Programmes and Legislation

Trade unions have the right to participate in the elaboration of such economic and social development programmes, laws and other regulatory enactments, which concern labour conditions and payment, price formation, social insurance and social security, health protection and other matters of labour and social development. Trade unions shall implement such right in the Supreme Council of the Republic of Latvia and the Council of Ministers of the Republic of Latvia through their republic bodies. The submitted proposals shall be examined, and in case of rejection a justified reason shall be provided.

Section 8. Right to Participate in the Determination of the Criteria for National Living Standard

Trade unions shall participate in the determination of the criteria for the national living standard. Trade unions have the right to receive from the State authorities information regarding the social and economic situation of the population and the changes therein free of charge, to request that the government of the Republic determines a justified subsistence minimum, not less than once a year balances wages, pensions, stipends and allowances in conformity with the increase of the price index.

Chapter III

Trade Union Relations with Employers

Section 9. Trade Union Member Interest Representation in Trade Union – Employer Relations

Trade unions shall be independent from an employer, they shall, through their elected bodies, represent the union members in the relations with the employer and protect their labour, professional and social rights and interests.

Section 10. Collective Agreement

On behalf of the members thereof, trade unions shall enter into a collective agreement with an employer regarding labour and other social and economic matters.

Section 11. Relations with Employers

An employer shall decide on labour, social and economic matters in the cases provided for in the Law, co-ordinating them with the elected bodies of trade unions.

Section 12. Economic and Financial Relations with Employers

The laws of the Republic of Latvia, the collective agreement and other agreements shall determine the economic and financial relations of trade unions with an employer.

Chapter IV Protection of Trade Unions and the Members Thereof

Section 13. Implementation of Trade Union Rights

Trade unions shall determine the forms of protection of the members thereof in by-laws, collective and other agreements.

Trade unions are entitled to propose to hold liable and even dismiss officials, who do not comply with the legislation regarding labour, collective farms, co-operative societies, housing, as well as nature protection.

The collegial authorities of trade unions have the right to submit instructions regarding the revision of the decisions of administrative and economic bodies, as well as to request the suspension of operation of such decisions if they are in conflict with the Law of the Republic of Latvia On Trade Unions, disregard the labour, housing and other social and economic rights and legitimate interests of workers. The instructions of the trade unions shall be examined within a period of ten days with the representatives of the relevant trade union participating.

Section 14. Right of Trade Unions to Represent and Protect the Members Thereof

Trade unions have the right to represent and protect the members thereof before the State authorities and other organisations in the areas of labour relations, compensation for damage to health, housing and other social and economic interests, in the adjudication of individual and collective disputes; as well as apply to a court for the protection of rights and interests of the trade union members.

Section 15. Guarantees for Trade Union Members

A breach of an employment contract concluded with a trade union member at the initiative of an employer shall not be allowed without prior consent of the trade union, except in the cases where work discipline and employment contract provisions have been violated.

Section 16. Additional Guarantees for Elected Members of Trade Unions

The imposition of a disciplinary punishment on any elected employee of a trade union institution of any level shall not be allowed without discussing such issue at a meeting of the administration and the trade union.

Workers and clerks who have been dismissed from work due to the election thereof to positions in trade union organisations shall be returned the previous job or, with their consent, another equivalent job (position) after their term of office in the elected position expires. If it is not possible, they shall be assigned guarantees and compensations, which are provided for by law in case of release of employees.

In accordance with the collective agreement, the elected employees of trade unions, who are not dismissed from their direct job, may be granted the right to perform public duties

in the interests of employees during working hours, as well as to participate in the trade union training while maintaining the average earnings.

Section 17. Liability of Officials

Officials who are guilty of a trade union rights violation, as well as of a failure to fulfil the legal requirements thereof, shall be held disciplinary, administratively or materially liable in accordance with the procedures specified by law, but officials guilty of interference with the legal operation of trade unions – criminally liable.

Part V

Participation of Trade Unions in the Examination of Labour, Social and Economic Disagreements and Disputes

Section 18. Labour Disputes to be Examined Together with Employers

Trade unions shall examine individual and collective labour disputes together with the representatives of an employer.

If, in examining individual labour disputes, an agreement is not reached, they shall be settled by a court.

Section 19. Examination of Disagreements among Trade Unions and Employers, State and Economic Administrative Bodies

The highest bodies of the relevant trade unions and economic administration shall examine the disagreements arising between the collegial authorities of the trade unions and an employer regarding the setting or changing the labour conditions, as well as the social and economic issues within a period of ten days, with the participation of the employer and the trade union representatives.

A court shall adjudicate the disagreements, which the highest bodies of the relevant trade unions and economic administration are unable to settle (or no such bodies exist), as well as the disagreements between the trade unions and the State authorities regarding labour and other social and economic issues.

Section 20. Right of Trade Unions to Declare Strikes

Trade unions have the right to declare strikes in accordance with the procedures specified by law.

Chapter VI

Trade Union Property and Economic and Financial Activities

Section 21. Objects of Property

The property of a trade union shall be formed from admission and membership fees, the income of undertakings and bodies of the trade union, as well as donations, gifts and other monetary means.

Trade union undertakings, publishing houses, polygraphic resources, medical treatment institutions, recreational, educational, culture, sports, children and other institutions together with buildings and equipment, as well as other property appropriate for the tasks and purposes of the trade unions.

Section 22. Financial and Economic Activities

Trade unions have the right to establish undertakings, institutions for culture, education, medical treatment, sports and other institutions referred to in Section 21 of this Law, to participate in the foundation and activities of joint undertakings, as well as foreign undertakings and associations, to provide loans, organise lotteries and charity events, insure trade union members, expand other economic and financial activities in accordance with the trade union tasks and purposes and the laws of the Republic of Latvia.

Chapter VII Termination of Trade Union Activities

Section 23. Termination of Activities

A trade union shall terminate the activities thereof in accordance with the decision of the highest body of the trade union.

If a trade union terminates activities, the trade union by-laws shall determine the procedures for the utilisation of the trade union property in accordance with the laws of the Republic of Latvia.

Chairperson of the Supreme Council of the Republic of Latvia

A. Gorbunovs

Secretary of the Supreme Council of the Republic of Latvia

I. Daudišs

Rīga, 13 December 1990