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The *Saeima*¹ has adopted
and the President has proclaimed the following Law:

State Labour Inspectorate Law

Section 1. Purpose of this Law

The purpose of this Law is to determine the legal status, the function, tasks and operational procedures of the State Labour Inspectorate (hereinafter – Labour Inspectorate).

Section 2. Legal Status of the Labour Inspectorate

- (1) The Labour Inspectorate is a direct administrative institution supervised by the Ministry of Welfare.
- (2) The Labour Inspectorate has a seal bearing the supplemented lesser State coat of arms of Latvia and the full name of the Labour Inspectorate.

Section 3. Functions and Tasks of the Labour Inspectorate

- (1) The function of the Labour Inspectorate is the implementation of State supervision and control in the field of employment legal relationships and labour protection.
- (2) In order to ensure the implementation of the function referred to in Paragraph one of this Section, the Labour Inspectorate shall perform the following tasks:
 - 1) supervise and control observance of the requirements of the regulatory enactments regarding employment legal relationships and labour protection;
 - 2) control how employers and employees mutually fulfil the obligations specified in employment contracts and collective labour agreements;
 - 3) promote social dialogue;
 - 4) take measures to facilitate the prevention of differences of opinion between an employer and employees and, where appropriate, invite representatives of the employees;
 - 5) analyse matters of employment legal relationships and labour protection in order to provide proposals regarding the improvement of regulatory enactments;
 - 6) carry out the investigation of accidents at work and perform uniform registration thereof in accordance with the procedures specified in regulatory enactments;
 - 7) participate in the investigation of cases of occupational disease in accordance with the procedures specified in regulatory enactments;
 - 8) control work equipment at workplaces, the utilisation of personal and collective worker protection equipment, and utilisation of substances harmful and dangerous to health pursuant to the requirements of regulatory enactments;
 - 9) provide information to the commission for the evaluation of institutions competent in the work safety issues of the Ministry of Welfare regarding activities of the institutions and specialists competent in work safety issues in the field of labour protection in the objects

¹ The Parliament of the Republic of Latvia

referred to in Section 4, Clause 2 of this Law and subject to the supervision and control of the Labour Inspectorate;

10) provide free consultations to employers and employees regarding the requirements of regulatory enactments with respect to employment legal relationships and labour protection; and

11) organise the establishment and ensure the operation of a National Focal Point for the European Agency for Safety and Health at Work.

Section 4. Persons and Objects Subject to the Supervision and Control of the Labour Inspectorate

The following shall be subject to the supervision and control of the Labour Inspectorate:

1) employers, any other persons who in the actual conditions are to be regarded as employers, as well as merchants and authorised persons thereof (hereinafter – persons subject to the supervision and control); and

2) undertakings (organisational units in which employees work), workplaces in which an employee or any other person who in the actual conditions is to be regarded as an employee performs work, as well as any other place within the scope of an undertaking, which is accessible to an employee in the course of their work or where an employee works with the permission or order of an employer, and work equipment, also building objects, including building objects owned by a private person during construction work (hereinafter – objects under supervision and control).

Section 5. Officials of the Labour Inspectorate

(1) Officials of the Labour Inspectorate shall be the Director of the Labour Inspectorate, the Deputy Director of the Labour Inspectorate, inspectors at all levels and other State civil servants of the Labour Inspectorate who implement the function of the supervision and control and tasks specified in this Law.

(2) Officials of the Labour Inspectorate have the right to:

1) upon presentation of a service identification document, at any time of day without prior notification or without receiving permission, also in the absence of the employer:

- a) visit and inspect persons and objects under their supervision and control, and
- b) check the work process, working environment and labour protection measures;

2) carry out examination, control and investigation or to request the information necessary in order to verify that the requirements of regulatory enactments are observed, and for this purpose:

a) to question employers, employees and other persons regarding matters of employment legal relationships and labour protection,

b) to request accounting, registration and other documents, which are necessary in accordance with the regulatory enactments regarding employment legal relationships and labour protection, to verify that the documents conform to regulatory enactments, as well as to request copies and extracts of such documents,

c) to request information necessary for resolving matters of employment legal relationships and labour protection,

d) to take measurements of work environment factors, to photograph, make audio and video recordings, as well as take samples of materials and substances for analysis,

e) to invite specialists for the performance of specific tasks, and

f) to request that employers, employees and other persons present a personal identification document or a driving licence, or an employee's certificate;

3) invite employers, employees or other persons to appear at the Labour Inspectorate in order to obtain information from them regarding matters of employment legal relationships and labour protection, or to provide such persons with information, explanations and other kinds of assistance on such matters;

4) organise meetings of employers, representatives of organisations of employers and employees and other persons in order to discuss matters of employment legal relationships and labour protection;

5) be provided by employers with such support, commensurate to the specific nature and location of the object to be inspected, and nature and duration of the inspection to be performed, as is necessary for the Labour Inspectorate in order to perform the task thereof;

6) take decisions regarding matters of employment legal relationships and labour protection, as well as to issue warnings and orders to employers in order to ensure the observance of the requirements of the regulatory enactments regulating employment legal relationships and labour protection;

7) completely or partially suspend the activities of persons or objects subject to their supervision and control (hereinafter also – suspension of activities of a person or object);

8) control the activities of institutions and specialists competent in work safety issues in the objects under their supervision and control;

9) impose administrative fines on employers, as well as on other persons for the examination of administrative violations in accordance with the procedures prescribed;

10) control whether employers perform efficient measures in order to ensure the fulfilment of orders of the Labour Inspectorate, and take into account the expressed warnings;

11) in accordance with the procedures specified in regulatory enactments, issue to law enforcement institutions materials regarding the violations of regulatory enactments in respect of employment legal relationships and labour protection; and

12) after complete or partial suspension of activities of a person or object:

a) apply a lead seal or to seal up control and communication devices, which start the devices to be stopped or supply them with energy, as well as to draw up a deed of applying a lead seal,

b) control whether a decision regarding suspension of activities of the person or object is executed.

Section 6. Director of the Labour Inspectorate

(1) Candidates for the position of Director of the Labour Inspectorate (hereinafter – Director), upon recommendation by the Minister for Welfare, shall be approved by the Cabinet. The Director shall be appointed to office and removed from office by the Minister for Welfare in conformity with the requirements of the State Civil Service Law.

(2) The Director shall fulfil the functions of a manager of a direct administration institution specified in the State Administration Structure Law and represent the Labour Inspectorate without specific authorisation, as well as perform the other duties specified in regulatory enactments.

(3) The Director is entitled:

1) to extend the time period for the elimination of violations of regulatory enactments specified in a written warning regarding the suspension of a person or object; and

2) with a justified decision to extend the time period of issuance of an administrative act from four months to one year if continued determination of facts is required for the issuance of the administrative act due to objective reasons.

Section 7. Procedures for Suspension of Activities of a Person or Object

- (1) Officials of the Labour Inspectorate are entitled to take a decision regarding suspension of activities of a person or object if they detect that labour protection regulatory enactments or the regulatory enactments regulating employment legal relationships have been violated.
- (2) Before a decision regarding suspension of activities of a person or object is taken, the respective official of the Labour Inspectorate shall warn the persons subject to their supervision and control in writing, by stating the detected violations of regulatory enactments and specifying the term for elimination thereof, except for the cases referred to in Paragraphs nine and ten of this Section.
- (3) The specified term referred to in Paragraph two of this Section for the elimination of a violation shall not be less than:
 - 1) two years if capital construction is necessary for elimination of the violation;
 - 2) six months if partial reconstruction of buildings or major repairs of installations is necessary for elimination of the violation; or
 - 3) one to three months – in other cases if the parties do not reach an agreement regarding a shorter term for elimination of the violation.
- (4) The terms for elimination of violations referred to in Paragraph three of this Section shall not apply to repeated warnings when the Labour Inspectorate may instruct to eliminate a violation in a shorter period of time or without delay.
- (5) If the violations referred to in the warning are not eliminated within the term specified in the warning, an official of the Labour Inspectorate may take a written decision regarding the suspension of activities of a person or object, taking into account the seriousness of the committed violation and the principle of proportionality.
- (6) Suspension of activities of a person or object shall be ensured by the person subject to the supervision and control with the participation of an official of the Labour Inspectorate.
- (7) Complete suspension of activities of a person or object shall be performed so that:
 - 1) the person subject to the supervision and control could prevent violations without hindrance; and
 - 2) the deterioration of premises and installations due to meteorological conditions or corrosion would be reduced as much as possible.
- (8) Partial suspension of activities of a person or object shall be performed so that:
 - 1) the person subject to the supervision and control could prevent violations without hindrance;
 - 2) the deterioration of premises and installations due to meteorological conditions or corrosion would be reduced as much as possible; and
 - 3) operation of other structural units and installations would be as unhindered as possible.
- (9) An official of the Labour Inspectorate has the duty to take a decision regarding the suspension of activities of a person or object without prior notice by issuing a written order if a violation of labour protection regulatory enactments, which causes threats to human life or may cause fire, explosion, release of dangerous substances or unforeseen increase of radiation, is detected during inspection of the person or object subject to the supervision and control.
- (10) An official of the Labour Inspectorate has the duty to take a decision without delay regarding the suspension of activities of a person or object without prior notice by issuing a written order if during survey of an object under supervision and control it is detected that 50% or more of the persons employed therein are illegally employed persons.

(11) If, after a decision regarding the suspension of activities of a person or object is taken, the activities of the respective person or object are continued or the seals are damaged or removed, the guilty persons shall be held liable as prescribed by law according to the offence.

(12) In case of the suspension of activities of a person or object the person subject to the supervision and control has the duty to notify the Labour Inspectorate regarding elimination of the violations of regulatory enactments in writing.

Section 8. Restoration of Activities of Persons or Objects Subject to Supervision and Control

(1) The Labour Inspectorate shall, not later than within five working days after receipt of a notification regarding elimination of the violations of regulatory enactments, inspect whether they have been eliminated and, if:

1) the results of the inspection testify that the violations of regulatory enactments referred to in a warning or a decision regarding suspension of the activities of persons or objects subject to the supervision and control have been eliminated, shall give written permission to restore the activities of persons or objects subject to the supervision and control; or

2) control and communication devices of installations were applied a lead seal or sealed up, an official of the Labour Inspectorate shall remove the lead seal from the respective device and remove seals, drawing up a deed thereof.

(2) If the violations of regulatory enactments referred to in a written warning or decision regarding the suspension of activities of persons or objects subject to the supervision and control have not been eliminated, the Labour Inspectorate shall provide a justified refusal to restore the activities of such persons or objects not later than within a time period of seven working days.

Section 9. Procedures for Financing the Labour Inspectorate

(1) The Labour Inspectorate shall be financed from the State budget, and it has a State budget account at the Treasury.

(2) Monetary administrative fines imposed by the Labour Inspectorate shall be included in the revenue of the State basic budget.

Section 10. Prohibition to Disclose Information

During the performance of official or work duties, as well as after termination of State civil service relations or appointment to another civil servant position, or if employment relationships with the Labour Inspectorate are terminated or discontinued, officials and employees of the Labour Inspectorate are prohibited to unlawfully disclose the following restricted access information:

1) information related to case materials of submissions and complaints examined by the Labour Inspectorate;

2) commercial secrets related to work processes that have become known during the performance of work or official duties; and

3) information regarding persons who have submitted complaints regarding violations of regulatory enactments, as well as the information that the inspection has been performed as a result of the receipt of such complaint.

Section 11. Provision of Information to Other Persons

(1) Officials of the Labour Inspectorate, in accordance with the regulatory enactments regarding the freedom of information, shall ensure access to the information at the disposal thereof.

(2) The Labour Inspectorate shall co-operate with the competent authorities of the European Union Member States which supervise and control the conformity with regulatory enactments in the area of employment legal relationships and labour protection. Such co-operation shall in particular be related to the provision of information with respect to the sending of employees to a relevant European Union Member State. The referred to information shall be provided free of charge.

Section 12. Provision of Information to the Labour Inspectorate

(1) Upon the request of officials of the Labour Inspectorate, employers, employees and other persons shall provide the Labour Inspectorate with information necessary for the performance of tasks thereof, as well as present a personal identification document or a driving licence, or an employee's certificate.

(2) Direct and indirect administration institutions, derived public persons or any other State institution shall provide the Labour Inspectorate with information free of charge, which is necessary for the performance of tasks thereof, not later than within one month from the day of receipt of the request of the Labour Inspectorate.

(3) A medical treatment institution and a medical practitioner, upon the request of the Labour Inspectorate, shall provide information free of charge, which is necessary for investigation and registration of accidents at work and occupational diseases, not later than within one month from the day of receipt of the request of the Labour Inspectorate.

(4) The Cabinet shall determine the procedures for the exchange of information, the conditions for provision thereof and the requirements for the integrated system of the Labour Inspectorate.

Section 13. The Right to Contest or Appeal Administrative Acts Issued by Officials of the Labour Inspectorate and Actual Actions Thereof

(1) An administrative deed issued by an official of the Labour Inspectorate or actual action thereof may be contested to the Director of the Labour Inspectorate. The administrative deed issued by the Director of the Labour Inspectorate or actual action thereof, as well as a decision regarding the contested administrative deed or actual action may be appealed to the court in accordance with the procedures specified in law.

(2) Contesting or appeal of the administrative deed or actual action shall not suspend the execution thereof, except in cases when it is suspended with a decision of the person examining the submission or application.

Transitional Provisions

1. With the coming into force of this Law, the State Labour Inspection Law (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2002, No. 2; 2003, No. 15; 2004, No. 22) is repealed.
2. Until the date of coming into force of a new Cabinet Regulation, but not later than 1 October 2008, Cabinet Regulation No. 258 of 25 June 2002, Regulations Regarding Procedures for Investigation of Accidents with Dangerous Equipment, shall apply.
3. Until the date of coming into force of a new Cabinet Regulation, but not longer than until 1 July 2009, Cabinet Regulation No. 431 of 21 June 2005, Regulations Regarding Procedures for Operative Exchange of Information, shall apply insofar as they are not in contradiction with this Law.

This Law shall come into force on 10 July 2008.

This Law has been adopted by the *Saeima* on 19 June 2008.

President V. Zatlers

Riga, 9 July 2008