

An excerpt of the Labour Law:

Section 4. Employers

(2) If an employment contract is entered into with an employee by a work placement service, in order to appoint the employee to perform work for the benefit and under the management of the recipient of the work placement service, the employer shall be considered to be the work placement service provider.

Section 7. Principle of Equal Rights

(4) It is the duty of the work placement service as the employer to ensure the same working conditions and apply the same employment regulations to an employee who has been appointed for a specified time to perform work in the undertaking of the recipient of the work placement service as would be ensured and applied to an employee if employment legal relationships between the employee and the recipient of the work placement service had been established directly and the employee was to perform the same work.

(5) The working conditions and employment regulations referred to in Paragraph four of this Section shall apply to work and recreation time, work remuneration, to pregnant women, women during the period following childbirth up to one year, women who are breastfeeding, to the protection assigned to children and adolescents, as well as to the principle of equality and the prohibition of differential treatment.

Section 10. Representation of Employees

(5) In calculating the number of employees upon the reaching of which authorised employee representatives may be elected in an undertaking, or institutions of representation may be established, as well as in calculating the number of employees represented, the employees with whom an employment contract has been entered into for a specified term as well as the employees who are performing work in the undertaking within the scope of the work placement service shall also be taken into account.

Section 11. Rights and Duties of Employee Representatives

(1) Employee representatives, when performing their duties, have the following rights:

1) to request and receive from the employer information regarding the current economic and social situation of the undertaking, and possible changes thereto as well as relevant information regarding the employment in the undertaking of an employee appointed by the work placement service;

Section 28. Employment Legal Relationships and Contracts of Employment

(4) If an employee has been posted to perform work for the benefit of and under the management of the recipient of the work placement service within the scope of the work placement service, it is the duty of the recipient of the work placement service to ensure the employee with safe and harmless working conditions during the period of posting according to the requirements of regulatory enactments regulating labour protection, except mandatory health examinations.

(5) During the period of posting an employee shall be responsible to the recipient of the work placement service for the losses caused thereto in accordance with the regulations of this Law regarding the compensation of losses caused by employees.

(6) During the period of posting the recipient of the work placement service shall be responsible to the employee of the work placement service for the losses caused thereto in accordance with the regulations of this Law regarding the compensation of losses caused by employers.

Section 40. Form of an Employment Contract

(8) In addition to the information referred to in Paragraph two of this Section, in the employment contract being entered into by the work placement service provider as the employer and the employee who shall perform work for the benefit and under the management of the recipient of the work placement service, it shall be indicated that the employer is the work placement service provider and also that the employee, when performing the work, also has the duty to be subject to the order of work and orders specified by the recipient of the work placement service insofar as this is not in contradiction with the orders of the employer.

Section 74. Remuneration in Cases where the Employee does not Perform Work due to a Justifiable Reason

(7) During the time period between postings, regardless of the contracted period of work, remuneration shall be paid to an employee of the work placement service provider which is not less than the minimum monthly salary specified by the State, proportionate to the time period between postings.

Section 96.¹ Special Rights of an Employee Posted by a Work Placement Service Provider

(1) A work placement service provider shall inform an employee posted by a work placement service provider regarding free work places in an undertaking.

(2) An employee posted by a work placement service provider has the right to use the facilities, common premises or other opportunities of the undertaking of the recipient

of the work placement services, as well as transport services with the same conditions as the employees with which the work placement service recipient has established employment legal relationships directly, except where differential treatment may be justified with objective reasons.

(3) An agreement which prohibits or restricts the rights of an employee posted by a work placement service to establish employment legal relationships directly with the recipient of the work placement service shall not be in force.

Support for Unemployed Persons and Persons Seeking Employment Law:

Section 17. Restrictions on the Provision of Work Placement Services

(1) Work placement services are:

1) mediation services in work placement:

a) services within the scope of which the work placement service provider ensures for the person establishment of employment legal relationships or civil service relations, as well as work for remuneration in international youth cultural, educational, employment and exchange of experience programmes (international *au pair* exchange programmes, educational and employment programmes, employment and travel and holiday employment programmes and other programmes),

b) work-finding services, understanding by this consultation with respect to work placement issues, informing regarding free work places and other equivalent services, which are provided for in order to offer or relieve a person in founding employment legal relationships, and

c) services to employers in the recruitment of potential employees, except for services, which are associated with the placement of employment advertisements and advertising save as the purpose of such advertising is not the provision of work placement services; and

2) services regarding securing a workforce within the scope of which the work placement service provider as an employer sends employees for a specified time period to a person for whose benefit and under whose management work shall be performed.

(2) The provision of work placement services (except manning of a ship) shall be permitted to merchants whom the State Employment Agency has issued a relevant licence.

(3) Merchants who have received a special authorisation (licence) from the Latvian Maritime Administration shall be permitted to engage in manning of a ship.

(4) If a merchant registered in another Member State of the European Union has the right to provide work placement services in accordance with the regulatory enactments of the relevant state, the referred to merchant, prior to commencing the

provision of such services in Latvia, has a duty to inform in writing the State Employment Agency of this, indicating the date of provision of the service, the place where it shall take place and the duration of the planned service, and submit a copy of the document issued by such competent institution of the relevant Member State, which certifies, that the merchant is entitled to provide work placement services in the relevant Member State.

(5) An administrative act regarding the issuing of a licence, as well as regarding the suspension of the operation of a licence or the cancellation of a licence, shall be issued by the State Employment Agency.

(6) A dispute or appeal of an administrative act regarding the issuing of a licence, as well as regarding the suspension of the operation of a licence or the cancellation of a licence shall not suspend the operation thereof.

(7) Within the scope of labour provision services the contract entered into by the provider of the labour provision services and the recipient of the labour provision services, which prohibit or restrict the right of the provider of the labour provision services to establish employment legal relationships with the designated employee, directly with the recipient of the labour provision services, shall not be in effect.

(8) The provider of labour provision services and the recipient of the labour provision services may reach agreement regarding a reasonable compensation to the labour provision services provider for costs, which have arisen through placement, recruitment and training of the employee, if the employee of the labour provision provider establishes employment legal relationships with the relevant recipient of the labour provision services.

(9) A provider of work placement services shall not have the right to specify a payment for work placement services from a person seeking employment or an employee.