

## ***An excerpt of the Labour Law:***

### **Section 130. Concept of Working Time**

(1) Working time within the meaning of this Law shall mean a period from the beginning until the end of work within the scope of which an employee performs work or is at the disposal of the employer, with the exception of work breaks.

(2) The beginning and end of working time shall be specified by working procedure regulations, shift schedules, or by an employment contract.

### **Section 131. Regular Working Time**

(1) Regular daily working time of an employee may not exceed eight hours, and regular weekly working time – 40 hours. Daily working time within the meaning of this Law shall mean working time within a 24-hour period.

(2) If daily working time on any weekday is less than the regular daily working time, the regular working time of some other weekday may be extended, but not more than by one hour. In such case the provisions of the length of weekly working time shall be complied with.

(3) Regular working time of employees associated with a special risk may not exceed seven hours a day and 35 hours a week if they are engaged in such work for not less than 50 per cent of the regular daily or weekly working time. The Cabinet may determine regular shortened working time also for other categories of employees.

### **Section 132. Working Time for Persons Under 18 Years of Age**

(1) For persons who are under 18 years of age a working week of five days shall be specified.

(2) Children who have reached the age of 13 years may not be employed:

1) for more than two hours a day and more than 10 hours a week if the work is performed during the school year;

2) for more than four hours a day and more than 20 hours a week if the work is performed at the time when there are holidays at an educational institution but if the child has reached 15 years of age – for more than seven hours a day and more than 35 hours a week.

(3) Adolescents may not be employed for more than seven hours a day and more than 35 hours a week.

(4) If persons who are under 18 years of age continue to, in addition to work, acquire basic education, secondary education or an occupational education, the time spent on studies and work shall be summed and may not exceed seven hours a day and 35 hours a week.

(5) If persons who are under 18 years of age are employed by several employers, the working time shall be summed.

### **Section 133. Length of a Working Week**

(1) A working week of five days is specified for an employee. If it is not possible to determine a working week of five days due to the nature of the work, an employer, after consultation with the representatives of employees, shall specify a working week of six days.

(2) If a working week of six days is specified, the length of daily working time shall not exceed seven hours. The length of the daily working time for employees whose regular working time may not exceed the length specified in Section 131, Paragraph three of this Law may not exceed six hours.

(3) Work on Saturdays shall be ended earlier than on other days. The length of the working day on Saturdays shall be specified by a collective agreement, working procedure regulations, or by an employment contract.

(4) If within the framework of a working week one day falls in between a public holiday and weekly rest time, an employer may specify such working day as a holiday and transfer it to Saturday of the same week or of another week within the framework of the same month. Employees of the institutions to be financed from the State budget for whom a working week of five days is specified from Monday to Friday, the Cabinet order regarding the transfer of a working day shall be issued for the next year not later than until 1 July of the current year.

(5) If an employee cannot arrive at work on the transferred working day due to his or her religious belief or other justifiable reasons, such day shall be considered as a day of the employee's annual leave or, upon agreement with the employer, it shall be worked off in another time.

### **Section 134. Part-time Work**

(1) An employer and an employee may agree in an employment contract on part-time work that is shorter than the regular daily or weekly working time.

(2) An employer shall determine part-time work if it is requested by a pregnant woman, a woman during the period following childbirth up to one year, but if the woman is breastfeeding – in the whole period of breastfeeding, as well as by an employee who has a child in the age of up to 14 years or a child with a disability in the age of up to 18 years.

(3) The same provisions, which apply to an employee who is employed for regular working time, shall apply to an employee who is employed part-time.

(4) Refusal by an employee to change over from regular working time to part-time or vice versa may not of itself serve as a basis for a notice of termination of an employment contract or restriction of the rights of an employee in any other way. This provision shall not restrict the right of an employer to give a notice of termination of an employment contract if such notice of termination is adequately substantiated with the performance of urgent economic, organisational, technological or similar measures in the undertaking.

(5) An employer shall, upon the request of an employee, transfer the employee from regular working time to part-time or vice versa if such possibility exists in the undertaking.

(6) An employer shall inform the representatives of employees regarding the possibility of employing employees part-time in the undertaking if the representatives of employees request such information.

(7) If part-time work is determined for an employee, employing of him or her over such working time is permissible on the basis of a written agreement between the employer and the employee.

### **Section 135. Length of Daily Working Time before Public Holidays**

The length of the working day shall be reduced by one hour before public holidays, unless a shorter working time has been specified by a collective agreement, working procedure regulations, or an employment contract.

### **Section 136. Overtime Work**

(1) Overtime work shall mean work performed by an employee in addition to regular working time.

(2) Overtime work is permitted if the employee and the employer have so agreed in writing.

(3) An employer has the right to employ an employee on overtime without his or her written consent in the following exceptional cases:

1) if this is required by the most urgent public need;

2) to prevent the consequences caused by force majeure, an unexpected event or other exceptional circumstances which adversely affect or may affect the normal course of work activities in the undertaking;

3) for the completion of urgent, unexpected work within a specified period of time.

(4) If overtime work in the cases referred to in Paragraph three of this Section continues for more than six consecutive days, the employer needs a permit from the State Labour Inspectorate for further overtime work, except for the cases when repetition of similar work is not expected.

(5) Overtime work may not exceed eight hours on average within a seven-day period, which is calculated in the accounting period that does not exceed four months.

(6) It is prohibited to employ in overtime work persons who are under 18 years of age.

(7) A pregnant woman, a woman during the period following childbirth up to one year, and a woman who is breastfeeding for the whole period of breastfeeding, but not longer than until two years of age of the child, may be employed in overtime work if she has given a written consent.

(8) If an employer determines one working day, which falls in between a public holiday and weekly rest time, as a holiday and transfers it to Saturday of the same week or of another week within the framework of the same month, in case of transfer of a working day the abovementioned work shall not be considered as overtime work.

(9) Concurrently with an agreement on overtime work or with appointing to do it, an employee and an employer may come to an agreement that the supplement to the employee for overtime work is substituted with paid rest in another period of time according to the number of overtime hours worked, and also on the procedures for granting such paid rest time.

(10) If the supplement for overtime work is not granted to an employee, but it is substituted with paid rest, then such paid rest shall be granted within one month from the day of doing overtime work, but if the aggregated working time is specified for the employee, then the paid rest shall be granted on the following accounting period, but not later than within three months. Upon an agreement between the employee and the

employer the paid rest may be added to the annual paid leave, deviating from the general procedures laid down in this Paragraph.

(11) If the employee and the employer have reached an agreement that paid rest will be granted to the employee for overtime work, but the employment relationship is terminated before the day of using the paid rest, the employer has an obligation to disburse the relevant supplement for overtime work.

### **Section 137. Accounts of Working Time**

(1) Employer has the obligation to keep accurate accounts for each employee of total hours worked, as well as separately overtime hours, hours worked at night, on the weekly rest time and public holidays.

(2) For employees who, on the basis of an order of the employer, concurrently are acquiring an occupation (profession, trade), the time spent on studies and work shall be summed and shall be regarded as working time.

(3) An employee has the right, in person or through the representatives of employees, to verify the accounts of working time kept by the employer.

## **Chapter 32 Organisation of Working Time**

### **Section 138. Night Work**

(1) Night work shall mean any work performed at night for more than two hours. Night-time shall mean the period of time from 10:00 pm to 6:00 am. Night-time with respect to children within the meaning of this Law shall mean the period of time from 8:00 pm to 6:00 am.

(2) A night shift employee shall mean an employee who normally performs night work in accordance with a shift schedule, or for at least 50 days in a calendar year.

(3) Regular daily working time for a night shift employee shall be reduced by one hour. This provision shall not apply to employees who have been prescribed regular shortened working time. Regular daily working time for a night shift employee shall not be reduced if such is required due to the particular characteristics of the undertaking. It is prohibited to employ a night shift employee whose work is associated with special risk for more than eight hours within a twenty-four-hour period, in which he or she has performed night work, but this provision need not be applied in the cases referred to in Section 140, Paragraph two of this Law after consultations with the representatives of employees.

(4) A night shift employee has the right to undergo a health examination before he or she is employed in night work, as well as the right to subsequently undergo regular health examinations at least every two years, while an employee who has reached the age of 50 years, at least once a year. Expenditures associated with such health examinations shall be covered by the employer.

(5) An employer shall transfer a night shift employee to an appropriate job to be performed during the day if there is a doctor's opinion that the night work negatively affects the health of the employee.

(6) It is prohibited to employ at night persons who are under 18 years of age, pregnant women and women during the period following childbirth up to one year, but if a woman is breastfeeding then during the whole period of breastfeeding if there is a

doctor's opinion that the performance of the relevant work causes a threat to the safety and health of the woman or her child.

(7) An employee who has a child less than three years of age may be employed at night only with his or her consent.

### **Section 139. Shift Work**

(1) If it is necessary to ensure continuity of a work process, an employer, after consultation with the representatives of employees, shall determine shift work. In such case the length of a shift may not exceed the regular daily working time prescribed for the respective category of employees.

(2) It is prohibited to assign an employee to work two shifts in succession.

(3) One shift shall relieve the other at the time specified by a shift schedule. If a shift is not relieved at the specified time, an employee who has not been relieved has the obligation to continue work if interruption of work is not permissible. The employee shall, without delay, inform the employer of the continuance of work. The time worked by an employee after the end of a shift shall be considered to be overtime work.

(4) Transition from one shift to another shall be organised in accordance with the procedures specified by a shift schedule, but not less frequently than weekly.

(5) An employer has the obligation to familiarise employees with the shift schedules not later than one month before they come into effect.

### **Section 140. Aggregated Working Time**

(1) If due to the nature of the work it is not possible to comply with the length of the regular daily or weekly working time determined for the relevant employee, the employer, after consultation with the representatives of employees, may determine aggregated working time so that the working time in the accounting period does not exceed regular working time determined for the relevant employee. If the aggregated working time is determined for the employee, the employer has the obligation to inform the employee in writing thereof, specifying the length of the accounting period, as well as to familiarise the employee with the work schedule in due time.

(2) The length of daily and weekly rest time laid down in the law need not be applied within the framework of aggregated working time if:

- 1) an employee has to spend a long time on the way to the work;
- 2) an employee is performing security guarding or surveillance activities;
- 3) it is necessary to ensure continuity of the work due to the nature of the work;
- 4) an employee is performing seasonal work;
- 5) a temporary expansion of the undertaking operations or an increase in production volumes is anticipated.

(3) Unless a longer accounting period is provided for by the collective agreement or the employment contract, the aggregated working time accounting period shall be one month. The employee and the employer may agree in the employment contract regarding the length of the accounting period, however, not longer than three months, but in the collective agreement – not longer than 12 months.

(4) In any case within the framework of the aggregated working time it is prohibited to employ the employee for more than 24 hours in succession and 56 hours a week. An employee shall be granted the rest time immediately after performance of the work.

(5) The work performed by the employee over the regular working time determined in the accounting period shall be regarded as overtime work.

(6) If aggregated working time is determined, an employer shall assure that during the accounting period the daily rest time shall not be shorter than 12 hours a day on average, and the weekly rest time shall not be shorter than 35 hours a week on average, including the daily rest time.

(7) An employer is not entitled to change the work schedule determined for the employee during a period of temporary incapacity of an employee as well as during the time when the employee is not performing his or her work due to other justifiable reasons.

## **Division Seven Rest Time**

### **Chapter 33 General Provisions of Rest Time**

#### **Section 141. Concept of Rest Time**

(1) Rest time within the meaning of this Law shall mean a period of time during which an employee does not have to perform his or her work duties and which he or she may use at his or her own discretion.

(2) Rest time shall include rest breaks during work, daily rest, weekly rest, public holidays and leave.

#### **Section 142. Daily Rest**

(1) The length of a daily rest within 24 hours shall not be less than 12 consecutive hours. This provision need not apply if aggregated working time has been prescribed.

(2) For children the length of a daily rest within 24 hours shall not be less than 14 consecutive hours.

#### **Section 143. Weekly Rest**

(1) The length of a weekly rest period within a seven-day period shall not be less than 42 consecutive hours. This provision need not apply if aggregated working time has been prescribed.

(2) If a working week of five days is specified, an employee shall be granted two weekly rest days, and if a working week of six days is specified, one weekly rest day. Both of the weekly rest days are customarily granted as consecutive days.

(3) Generally the weekly rest day shall be Sunday. If it is necessary to ensure continuity of a work process, it is permitted to have an employee work on a Sunday, granting him or her a day of rest on another day of the week.

(4) An employee, with a written order by the employer, may be engaged to work during the weekly rest time, granting him or her equivalent compensatory rest and ensuring not less than two weekly rest periods referred to in Paragraph one of this Section in any time period of 14 days, in the following cases:

1) if this is required by the most urgent public need;

2) to prevent the consequences caused by force majeure, an unexpected event or other exceptional circumstances which adversely affect or may affect the normal course of work activities in the undertaking;

3) for the completion of urgent, unexpected work within a specified period of time.

(5) In accordance with the provisions of Paragraph four of this Section, it is prohibited to employ persons who are under 18 years of age, pregnant women and women during the period following childbirth up to one year, but if a woman is breastfeeding – during the whole period of breastfeeding, but no longer than until two years of age of the child.

(6) If an employer determines one working day, which falls in between a public holiday and weekly rest time, as a holiday and transfers it to Saturday of the same week or of another week within the framework of the same month, the length of the weekly rest time shall not be less than 35 consecutive hours.

#### **Section 144. Work on Public Holidays**

(1) Employees shall not be required to work on public holidays prescribed by law.

(2) If it is necessary to ensure continuity of the work process, it is permitted to require an employee to work on a public holiday by granting him or her rest on another day of the week or by disbursing appropriate remuneration.

### **Chapter 34 Breaks**

#### **Section 145. Work Breaks**

(1) Every employee has the right to a work break if his or her daily working time exceeds six hours. Adolescents have the right to a work break if his or her daily working time exceeds four and a half hours.

(2) Breaks shall be granted not later than four hours after the start of work. The employer shall determine the length of a break after consultation with the representatives of employees, however, it may not be less than 30 minutes. Taking into account principles of safety at work and health protection, the collective agreement may specify other procedures for granting breaks. A break shall not be included in the working hours, unless otherwise provided for in the employment contract or the collective agreement. If possible, an adolescent shall be granted a break when he or she has worked for one half of the daily working time contracted for.

(3) During breaks an employee has the right to leave his or her workplace unless otherwise provided for by the employment contract, the collective agreement or working procedure regulations. Prohibition against leaving a workplace during breaks shall be adequately substantiated. If during a break the employee is prohibited from leaving his or her workplace and the employee cannot use this period of time as he or she deems necessary, such break shall be included in the working time.

(4) If it is impossible to determine a break for eating due to the nature of the work, an employer shall ensure employees with the possibility of having a meal during working time.

(5) A break for rest shall be provided in any case. If a break for rest cannot be granted all at once, it is permitted to divide the break into parts, which may not be less than 15 minutes each.

(6) Employers shall grant an additional break to employees who are exposed to special risk. The employer shall determine the length of breaks after consultation with the representatives of employees and such breaks shall be included in the working time.

### **Section 146. Breaks for Feeding a Child**

(1) An employee who has a child under one and a half years of age shall be granted additional breaks for feeding a child. The employee shall in good time inform the employer of the necessity for such breaks.

(2) Breaks of not less than 30 minutes for feeding a child shall be granted not less than every three hours. If an employee has two or more children under one and a half years of age, a break of at least one hour shall be granted. The employer shall determine the length of breaks after consultation with the representatives of employees. When determining the procedures for granting a break, the wishes of the respective employee shall be taken into consideration as far as possible.

(3) Breaks for feeding a child may be added to breaks in work or, if such is requested by the employee, transferred to the end of the working time thus shortening the length of the working day accordingly.

(4) Breaks for feeding a child shall be included in the working time, retaining remuneration for such time. Employees for whom a piecework wage has been specified shall be disbursed average earnings for such time.

### **Section 147. Temporary Absence**

(1) An employer shall ensure an opportunity for a pregnant woman to leave the workplace in order to undergo health examination in the prenatal period if it is not possible to undergo such examination outside of working time.

(2) An employee has the right to temporary absence if his or her immediate presence at work is not possible due to force majeure, an unexpected event or other exceptional circumstances.

(3) An employee having care of a child under 18 years of age has the right to temporary absence in the case of the child's illness or accident, as well as for the purpose of participating in the child's health examination when it is not possible to undergo this examination outside working hours.

(4) The employee shall inform the employer of such temporary absence in due time. Temporary absence shall not serve as a basis for the right of an employer to give notice of termination of an employment contract.

### **Section 148. General Provisions for Organisation of Working Time**

(1) The provisions of Section 131, Paragraph one, Section 136, Paragraph five, Section 138, Paragraph three, Section 142, Paragraph one, Section 143, Paragraph one and Section 145 of this Law, complying with the principles of safety at work and health protection, as well as ensuring sufficient rest, may be excluded from application to situations where in recognition of the characteristics of the respective work or occupation the length of working time is not measured or determined in advance or it may be determined by the employees themselves. The accounts of working time need not be performed in the abovementioned cases.

(2) The provisions of Section 138, Paragraph one, Section 142, Paragraph one, Section 143, Paragraph one and Section 145 of this Law, complying with the principles of safety at work and health protection, as well as ensuring sufficient rest, may be excluded from application in respect of employees who are employed in an undertaking

which ensures the carriage by road, carriage by air or inland waterways of passengers and freight, and the work or activities of which are associated with travel or movement.

(3) The provisions of Paragraph two of this Section shall not apply to employees who perform work with city public means of transport.

### **Section 149. Annual Paid Leave**

(1) Every employee has the right to annual paid leave. Such leave may not be less than four calendar weeks, not counting public holidays. Persons under 18 years of age shall be granted annual paid leave of one month.

(2) By agreement of an employee and the employer, annual paid leave in the current year may be granted in parts, nevertheless one part of the leave in the current year shall not be less than two uninterrupted calendar weeks.

(3) In exceptional cases when the granting in the current year of the full annual paid leave to an employee may adversely affect the normal course of activities in the undertaking, it is permitted to transfer part of the leave to the subsequent year with the written consent of the employee. In such case, the part of the leave in the current year shall not be less than two consecutive calendar weeks. The part of the transferred leave shall as far as possible be added to the leave of the next year. Part of the leave may be transferred only to the subsequent year.

(4) The provisions of Paragraph three of this Section shall not apply to persons who are under 18 years of age, pregnant women and women during the period following childbirth up to one year, but if a woman is breastfeeding then during the whole period of breastfeeding, but no longer than until two years of age of the child.

(5) The annual paid leave may not be compensated with money, except for the cases when the employment relationship is terminated and the employee has not used his or her annual paid leave. An employer has the obligation to disburse remuneration for the entire period for which the employee has not used his or her annual paid leave.

(6) After annual paid leave, an employee has the right to such improvements to working conditions and employment provisions to which he or she would have been entitled if he or she had not be on leave. This provision applies also to the leave referred to in Sections 151, 153, 154, 155, 156 and 157 of this Law, as well as to employees during sick leave or during the non-performance of work due to other justifiable reasons.

### **Section 150. Procedures for Granting Annual Paid Leave**

(1) Annual paid leave shall be granted each year at a specified time in accordance with agreement between the employee and the employer or with a leave schedule which shall be drawn up by the employer after consultation with the representatives of employees. All employees shall become acquainted with the leave schedule and amendments to it, and it shall be available to each employee.

(2) When granting the annual paid leave, an employer has the obligation to take into consideration the wishes of employee as far as possible.

(3) An employee may request the granting of annual paid leave for the first year if he or she has worked for the employer for at least six months without interruption. The employer has the obligation to grant such leave in full.

(4) A woman at her request shall be granted annual paid leave before prenatal and maternity leave or immediately after irrespective of the time the woman has been employed by the relevant employer.

(5) An employee under the age of 18 years and an employee who has a child under the age of three years or a disabled child in the age of up to 18 years shall be granted with annual paid leave in summer or at any other time of his or her choice. If an employee under the age of 18 years continues to acquire education, annual paid leave shall be granted as far as possible to match the holidays at the educational institution.

(6) Annual paid leave shall be transferred or extended in case of temporary incapacity of an employee.

### **Section 151. Supplementary Leave**

(1) Annual paid supplementary leave shall be granted to:

1) employees caring for three or more children under the age 16 years or a child with a disability in the age of up to 18 years – three working days;

2) employees whose work is associated with a special risk – at least three working days;

3) employees caring for less than three children under 14 years of age – at least one working day.

(2) A collective agreement or an employment contract may determine other cases (night work, shift work, long-term work, etc.) where an employee shall be granted annual paid supplementary leave.

(3) Annual paid supplementary leave shall be transferred or extended in case of temporary incapacity of an employee.

(4) The annual paid supplementary leave for the current year shall be granted and it shall be used until the annual paid leave of the next year.

(5) It is not permitted to compensate the annual paid supplementary leave with money, except for the case when the employment relationship has been terminated and the employee has not used his or her annual paid supplementary leave.

### **Section 152. Time that Gives the Right to Annual Paid Leave**

(1) The time which gives the right to annual paid leave shall include the time during which an employee was actually employed by the respective employer, and the time during which the employee did not perform work for justifiable reasons, including:

1) a period of temporary incapacity;

2) a period of pregnancy leave and maternity leave;

3) a period of short-term absence;

4) a period of forced absence from work if the employee was dismissed illegally and has been reinstated in his or her previous position;

5) the period of leave referred to in Section 155 of this Law.

(2) The time period referred to in Paragraph one of this Section shall not include the period of parental leave and a period of leave without retention of remuneration which is longer than four weeks within one year.

### **Section 153. Leave without Retention of Remuneration**

(1) An employer may grant a leave without retention of remuneration, if it is requested by an employee to the care and supervision of which a child to be adopted has been

given before the approval of adoption by a court on the basis of a decision of the Orphan's and Custody Court. Such leave shall be granted for the time period as is specified in the decision of the Orphan's and Custody Court on the care and supervision of the child to be adopted. If the Orphan's and Custody Court takes the decision on the extension of the time period for care and supervision, the leave shall be extended up to the time of the coming into effect of the court decision on the approval of the adoption. Such leave shall be counted in the total length of service, but it shall not be counted towards the annual paid leave.

(1<sup>1</sup>) An employer shall grant a leave without retention of remuneration when requested so by an employee taking care of a child in the capacity of a foster family or a guardian, as well as by an employee who is actually caring for and upbringing another person's child in accordance with a decision by an Orphan's and Custody Court. Such leave shall be granted for the time period which is laid down in the decision of the Orphan's and Custody Court, but no longer than until the child is one and a half years old. Such leave shall be counted in the total length of service, but it shall not be counted towards the annual paid leave.

(1<sup>2</sup>) An employer shall grant leave without retention of remuneration to an employee who is performing his or her service in the National Guard of the Republic of Latvia, provided that the Commander of the National Guard unit has informed the employer regarding involvement of the employee in the execution of the tasks of the National Guard in accordance with the time period and procedures laid down in the laws and regulations governing the service in the National Guard. The leave without retention of remuneration shall be granted for a term specified in the statement issued by the Commander of the National Guard unit.

(2) The previous position of an employee who uses the leave referred to in Paragraph one, 1.<sup>1</sup> and 1.<sup>2</sup> of this Section shall be preserved. If this is not possible, the employer shall ensure similar or equivalent position with not less advantageous working conditions and employment provisions.

(3) An employer, upon the request of an employee, may grant him or her leave without retention of remuneration also in other cases.

#### **Section 154. Prenatal and Maternity Leave**

(1) Prenatal leave of 56 calendar days and maternity leave of 56 calendar days shall be summed and 112 calendar days granted irrespective of the number of days of prenatal leave that have been utilised prior to child-birth.

(2) A woman who has initiated pregnancy-related medical care at a preventive medical institution by the 12th week of pregnancy and has continued for the whole period of pregnancy shall be granted a supplementary leave of 14 days, adding it to the prenatal leave and calculating 70 calendar days in total.

(3) In case of complications in pregnancy, childbirth or postnatal period, as well as if two or more children are born, a woman shall be granted a supplementary leave of 14 days, adding it to the maternity leave and calculating 70 calendar days in total.

(4) Leave granted in connection with pregnancy and childbirth shall not be included in annual paid leave.

(5) A woman who makes use of prenatal or maternity leave shall have ensured her previous position. If this is not possible, the employer shall ensure the woman similar or equivalent work with not less favourable working conditions and employment provisions.

### **Section 155. Leave to Father of a Child, Adopters and Other Persons**

(1) The father of a child is entitled to a leave of 10 calendar days. Leave to the father of a child shall be granted immediately after the birth of the child, but not later than within two months from the birth of the child.

(2) If a mother has died in childbirth or within a period up to the 42nd day of the period following childbirth, or in accordance with the procedures prescribed by law has refused to take care and bring up the child up to the 42nd day of the period following childbirth, the father of the child shall be granted leave for the period up to the 70th day of the child's life. The abovementioned leave shall be granted also to another person who actually takes care of the child.

(3) If a mother cannot take care of the child up to the 42nd day of the period following childbirth due to illness, injury or other health-related reasons, the father or another person who actually takes care of the child shall be granted leave for those days on which the mother herself is not able to take care of the child.

(4) [22 January 2004]

(5) For a family, which has adopted a child up to 18 years of age, one of the adopters shall be granted 10 calendar days of leave.

(6) A child's father, adopter or another person who in fact cares for the child and who makes use of the leave referred to in this Section shall have preserved his or her previous position. If this is not possible, the employer shall ensure the child's father, adopter or another person who in fact cares for the child similar or equivalent position with not less favourable working conditions and employment provisions.

### **Section 156. Parental Leave**

(1) Every employee has the right to parental leave in connection with the birth or adoption of a child. Such leave shall be granted for a period not exceeding one and a half years up to the day the child reaches the age of eight years.

(2) Parental leave, upon the request of an employee, shall be granted as a single period or in parts. The employee has the obligation to notify the employer in writing one month in advance of the beginning and the length of the parental leave or parts thereof.

(3) The time spent by an employee on parental leave shall be included in the total length of service.

(4) The previous position of an employee who makes use of parental leave shall be retained. If this is not possible, the employer shall ensure similar or equivalent position with not less advantageous working conditions and employment provisions.

(5) An early termination of parental leave before the term of the granted leave shall be performed according to the procedures laid down by the collective agreement or employment contract, or based on the agreement between the employer and the employee. An employee has the right to return to work by notifying the employer thereof no less than two weeks in advance, if objective grounds for further parental care no longer exist.

### **Section 157. Study Leave**

(1) An employee who, without discontinuing work, studies at an educational institution of any type shall be granted study leave with or without retention of wage in accordance with a collective agreement or an employment contract. If a piecework wage has been

specified for the employee, study leave shall be granted disbursing average earnings or not disbursing it.

(2) An employee shall be granted a study leave of 20 working days for the taking of a State examination or the preparation and defence of a diploma paper with or without retaining the wage. If a piecework wage has been specified for the employee, a study leave shall be granted with or without disbursing the average earnings.