

An excerpt of the Labour Law:

Section 29. Prohibition of Differential Treatment

(..)

(5) Direct discrimination exists if in comparable situations the treatment of a person in relation to his or her belonging to a specific gender is, was or may be less favourable than in respect of another person. Less favourable treatment due to granting of a prenatal and maternity leave, or a leave to the father of a child shall be considered as direct discrimination based on the gender of a person.

(..)

Section 37. Prohibitions, Restrictions and Liability of Employment

(..)

(7) An employer, after receipt of a doctor's opinion, is prohibited from employing pregnant women and women during the period following childbirth not exceeding one year, but if the woman is breastfeeding – during the whole period of breastfeeding if it is considered that performance of the respective work poses a threat to the safety and health of the woman or her child. In any case, it is prohibited to employ a pregnant woman two weeks prior to the expected birth and a woman two weeks after childbirth. The time of the expected birth and the fact of birth shall be certified by a doctor's opinion.

(..)

Section 53. Place of Discharge of Work

(..)

(3) A pregnant woman, a woman during the period following childbirth up to one year and a woman breastfeeding may be sent on official trip or a work trip if she has given her written consent.

(..)

Section 62. Organisation of Remuneration

(..)

(3) If a piecework wage has been specified for a pregnant woman, for a woman during a period following childbirth up to one year, but if a woman is breastfeeding then during the whole period of breastfeeding, but not longer than until the age of two years of the child, and in accordance with a doctor's opinion work norms have been reduced for her, the employer has the obligation to pay the employee for such period the previous average earnings.

(..)

Section 99. Obligation of an Employer to Amend Provisions of an Employment Contract

(1) In order to prevent any risk, which may negatively affect the safety and health of a pregnant woman, an employer, after receipt of a doctor's opinion, has the obligation to ensure such working conditions and working time for the pregnant woman as would prevent her exposure to the abovementioned risk. If it is not possible to ensure such working conditions or working time, the employer has the obligation to temporarily transfer the pregnant woman to a different, more appropriate job. The amount of remuneration after making amendments to the employment contract may not be less than the previous average earnings of the woman.

(2) If such transfer to another job is not possible, the employer has the obligation to grant the pregnant woman with a temporary leave. During the period of such granted leave the previous average earnings of the pregnant woman shall be maintained.

(3) The provisions of this Section shall also apply to a woman during the period following childbirth up to one year, but if a woman is breastfeeding, during the whole period of breastfeeding.

Section 101. Notice of Termination by an Employer

(1) An employer has the right to give a written notice of termination of an employment contract only on the basis of circumstances related to the conduct of the employee, his or her abilities, or of economic, organisational, technological measures or measures of a similar nature in the undertaking in the following cases:

(..)

11) the employee does not perform work due to temporary incapacity for more than six months, if the incapacity is uninterrupted, or for one year within a three-year period, if the incapacity recurs with interruptions, excluding a prenatal and maternity leave in such period, as well as a period of incapacity, if the reason of incapacity is an accident at work, the cause whereof being related to the exposure to the environment factors or an occupational disease.

Section 109. Prohibitions and Restrictions on a Notice of Termination by an Employer

(1) An employer is prohibited from giving a notice of termination of an employment contract to a pregnant woman, as well as to a woman 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, except for the cases laid down in Section 101, Paragraph one, Clauses 1, 2, 3, 4, 5, and 10 of this Law.

(..)

Section 134. Part-time Work

(..)

(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.

(..)

Section 136. Overtime Work

(..)

(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.

(..)

Section 138. Night Work

(..)

(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 143. Weekly Rest

(..)

(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 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 149. Annual Paid Leave

(..)

(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.

(..)

Section 150. Procedures for Granting Annual Paid Leave

(..)

(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.

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.

(..)

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.

(1¹) 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.

(1²) 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, 1.¹ and 1.² 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.