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

Law on Trade Unions

Chapter I General Provisions

Section 1. Purpose of the Law

The purpose of the Law is to lay down general provisions for the establishment and activity of trade unions and their associations (hereinafter also - the trade unions) and also the principles to be followed by the trade unions in co-operation with employers, employers' organisations and their associations, State and local government institutions.

Section 2. Legal Framework for the Activity of Trade Unions

(1) The rights and obligations of the trade unions related to the representation of the rights and interests of employees is laid down in the Constitution of the Republic of Latvia, the provisions of international laws which are binding on Latvia, this Law and also other laws. The manner in which the trade unions defend the interests of employees shall be laid down in the articles of association of the trade unions.

(2) The activity of the trade unions shall be governed by this Law, provisions of the Associations and Foundations Law regarding associations, unless otherwise provided for by this Law, and also by the articles of association of the trade unions.

(3) The trade unions have the right to determine in their articles of association a regulatory framework that differs from that specified in the Associations and Foundations Law for matters concerning the procedures for the joining, withdrawal and exclusion of members, the competence of the meeting of members and the meeting of representatives, the procedures for its convocation, process and decision-making, the procedures for the election and decision-making, as well as the rights and obligations of an executive body and also the procedures for amending the articles of association.

Section 3. Notion of a Trade Union

A trade union is a voluntary association of persons that has been established to represent and protect labour, economic, social and professional rights and interests of employees.

Section 4. Right to Establish a Trade Union and Join a Trade Union

(1) Everyone has the right to freely, without any direct or indirect discrimination establish a trade union and, in compliance with the articles of association of a trade union, to join a trade union and also not to join a trade union.

(2) Membership of a person in any trade union or the wish of a person to join or not to join a trade union cannot serve as basis for restricting the rights of a person.

Section 5. Right of the Trade Unions to Organise

(1) The trade unions have the right to establish associations of trade unions and the right to join such associations.

(2) A trade union or an association of trade unions has the right to join an international association of trade unions and also has the right to establish such international associations of trade unions.

Section 6. Independence and Equality of the Trade Unions

(1) In their activities, the trade unions shall be independent from the State and local government institutions, and

also employers, employers' organisations and their associations.

(2) Any actions aimed at impeding, either directly or indirectly, formation of the trade unions, at subordinating them to the State and local government institutions, employers, employers' organisations and their associations, and also at impeding the fulfilment of the functions and achievement of the objectives of the trade unions and their associations determined by laws and articles of association shall be prohibited.

(3) The trade unions shall have equal rights.

Section 7. Establishment of a Trade Union and an Association of a Trade Union

(1) Only natural persons may establish the trade unions.

(2) The number of persons who establish a trade union of an undertaking cannot be less than 15 or less than one fourth of the total number of the persons employed at the undertaking that, on the other hand, cannot be less than five employees.

(3) The number of persons establishing a trade union to be formed outside an undertaking cannot be less than 50.

(4) An association of a trade union may be established if at least three trade unions registered in accordance with the procedures specified by the Law unite.

(5) The term 'undertaking' is used in this Law within the meaning of the Labour Law.

Section 8. Name of a Trade Union

The name of a trade union or an association of trade unions shall contain the word 'trade union'.

Section 9. Registration of a Trade Union

Information on a trade union, independent unit of a trade union or association of trade unions shall be entered in the Register of Associations and Foundations by indicating the scope of activity (a trade union) and the legal form (a trade union, independent unit of a trade union, association of trade unions).

Section 10. Legal Status of a Trade Union

(1) A trade union shall acquire the status of a legal person from the moment when it is entered in the Register of Associations and Foundations.

(2) A trade union may have territorial and other divisions in accordance with the articles of association thereof.

(3) A trade union may establish independent units which have the status of a legal person.

Section 11. Independent Unit of a Trade Union

(1) An independent unit of a trade union shall acquire the status of a legal person from the moment when it is entered in the Register of Associations and Foundations.

(2) The articles of association of a trade union shall prescribe the organisational structure and competence of an independent unit of the trade union, the procedures for its establishment, operation and decision-making. An independent unit of a trade union shall operate within the scope of the competence of the trade unions laid down in laws and regulations. The laws and regulations which determine the reorganisation and liquidation of the trade unions shall be applied to the procedures by which an independent unit of a trade union shall be reorganised and liquidated.

(3) An independent unit of a trade union may own property. An independent unit of a trade union shall be directly liable for its obligations. If an independent unit of a trade union lacks property and financial resources to fulfil its obligations, the trade union shall be liable for the obligations of its independent unit.

(4) An independent unit of a trade union shall be entered in the Register of Associations and Foundations, excluded from the Register of Associations and Foundations and also entries in the Register of Associations and Foundations shall be amended on the basis of an application and a decision of the trade union. The information referred to in Paragraph five, Clauses 1, 2, 3, 4, 5, and 6 of this Section shall be indicated in the application for the entry of an independent unit of a trade union in the Register of Associations and Foundations.

(5) The following information on an independent unit of a trade union shall be entered in the Register of Associations and Foundations:

1) name of the trade union which established the independent unit;

2) name of the independent unit of the trade union;

3) date when a decision on the establishment of the independent unit of the trade union was taken;

4) legal address of the independent unit of the trade union;

5) given name, surname, personal identity number (if there is none, date of birth, number and date of issue of a personal identification document, issuing country and authority) of the person entitled to represent the independent unit of the trade union, also indicating whether this person has the right to represent the independent unit of the trade union individually or jointly with another person;

6) validity period of the independent unit of the trade union if the independent unit of the trade union has been established for an indefinite term;

7) information on the prohibition against a public activity or another activity, termination, continuation of the activity, declaration or closure of insolvency proceedings, liquidation and reorganisation of the independent unit of the trade union;

8) information on the appointment of a liquidator by indicating his or her given name, surname, personal identity number (if there is none, date of birth, number and date of issue of a personal identification document, issuing country and authority) and whether this person is entitled to represent the independent unit of the trade union individually or jointly with another person;

9) information on the appointment of an administrator in the case of insolvency proceedings by indicating the given name, surname, personal identity number (if there is none, date of birth, number and date of issue of a personal identification document, issuing country and authority) and certificate number of the administrator;

10) date on which the entry was made;

11) other information if such information is directly provided for by the Law.

(6) Information on the basis of which new entries are to be made in the Register of Associations and Foundations on an independent unit of a trade union and also documents specified in the Law shall be submitted to the institution of the Register of Associations and Foundations within a period of 14 days from the date of taking the respective decision.

(7) A State fee shall be paid for the entry of an independent unit of a trade union in the Register of Associations and Foundations and further entries made therein in accordance with the regulations that govern the amount, procedures for the payment and relief of the State fee for making an entry in the Register of Associations and Foundations.

Chapter II

Competence and Activity of the Trade Unions

Section 12. Rights of Trade Unions and Exercising Thereof

(1) While representing and defending labour, economic, social and professional interests of employees, trade unions have the right to organise collective negotiations, to receive information and to consult with employers, employers' organisations and their associations, to conclude collective agreements (general agreements), to declare strikes and also to exercise other rights specified in laws and regulations.

(2) In accordance with the procedures laid down in laws and regulations, trade unions have the right to participate in the development of draft laws and regulations and policy planning documents and to provide opinions on these drafts, if they affect or could affect labour, economic, social and professional rights and interests of employees.

(3) The trade unions have the right to request and receive information which is needed for the fulfilment of their functions and achievement of their objectives from the State and local government institutions if no restrictions for the provision of such information are set forth in laws and regulations.

(4) The trade unions shall, within the scope of their competence and without special authorisation, represent and defend the rights and interests of their members.

(5) The employment contract of the members of a trade union who are not the authorised officials of the trade union shall be terminated in accordance with the provisions specified in the Labour Law.

Section 13. Authorised Officials of a Trade Union

(1) A trade union shall be represented by an institution or official authorised in the articles of association of the trade union (hereinafter - the authorised official of a trade union).

(2) A trade union shall inform the employer in writing about the authorised officials of a trade union who have the right to represent the trade union and the rights and interests of its members.

(3) The rights and obligations of the authorised officials of a trade union shall be specified in the laws that govern the representation of employees and also a collective agreement or another agreement of the employer and the trade union. The number of authorised officials of a trade union subject to the application of Paragraphs four and five of this Section may be determined by concluding a collective agreement or another agreement between the employer and the trade union.

(4) The authorised official of a trade union, who fulfils his or her duties in the capacity of a representative concurrently with the work agreed upon in the employment contract, has the right to fulfil these duties and to participate in the training organised by the trade union during the working time in accordance with the provisions laid down in the collective agreement or another agreement between the employer and the trade union, but not exceeding half of the agreed working time.

(5) In the cases referred to in Paragraph four of this Section, the work remuneration shall be retained to the authorised official of a trade union while fulfilling the duties of the representative or participating in the training organised by the trade union, if the time salary has been agreed upon, or average earnings, if the piecework salary has been agreed upon.

(6) If the employer has the intention to give a written reproof or issue a reprimand in writing to the authorised official of a trade union who concurrently with the contracted work fulfils also the duties of a representative for the violation of specified working procedures or an employment contract, it must consult promptly with the respective trade union.

(7) Without the consent of the respective trade union, the employer shall be prohibited from terminating the employment contract of the authorised official of a trade union who fulfils the duties of the representative, except in the cases prescribed by law. The employment contract of the authorised official of a trade union shall be terminated in accordance with the provisions specified in the Labour Law.

(8) If in accordance with the collective agreement or another agreement between the employer and the trade union the authorised official of the trade union fulfils the duties of the representative, but during the fulfilment of these duties does not perform the work agreed upon in the employment contract, his or her previous work shall be retained upon discontinuing the fulfilment of the duties of the representative. If this is not possible, the employer shall ensure similar or equivalent work with not less advantageous circumstances and employment provisions. If this is not possible, employment legal relationships shall be terminated in accordance with the regulations regarding the reduction in the number of employees.

Section 14. Right of a Trade Union to Perform Economic Activity

(1) A trade union has the right to perform economic activity related to the maintenance or use of its property, and also other economic activities in order to achieve its objective in the form of complementary activities.

(2) The income of a trade union may be used only for the achievement of the objective defined in the articles of association. The profit earned from the economic activity of a trade union cannot be shared between the members of a trade union or an association of trade unions.

(3) The property of a trade union shall consist of the joining and membership fees, the income of a trade union from economic activity and also donations, gifts and other property.

Chapter III Representation of the Trade Unions in a Social Dialogue and Tripartite Co- operation Institutions, and also in Relations with the State and Local Government Institutions

Section 15. Representation of the Trade Unions in a Social Dialogue

The representation of the trade unions in a social dialogue with employers, employers' organisations and their associations shall be implemented on the basis of an agreement concluded by the trade unions with employers, employers' organisations or their associations.

Section 16. Representation of the Trade Unions in Relations with the State and Local Government Institutions

(1) The interests of the trade unions at the national level in relations with the Cabinet shall be represented by an association of trade unions which unites the largest number of employees in the country.

(2) The interests of the trade unions in relations with the State and local government institutions at the level of the industry, profession or administrative territory shall be represented by the trade union which is part of an association that unites the largest number of employees in the country.

(3) If necessary, in the cases referred to in Paragraphs one and two of this Section, the State and local government institutions may co-operate with other trade unions and their associations.

Section 17. Representation of the Trade Unions in Tripartite Co-operation Institutions

(1) Representatives of the trade unions in the National Tripartite Cooperation Council and sub-councils thereof shall be nominated by the association of trade unions that unites the largest number of employees in the country.

(2) Representatives of the trade unions in industry, profession or territorial tripartite co-operation institutions shall be nominated by a trade union or an association of trade unions that unites the largest number of employees in the respective industry, profession or administrative territory.

Chapter IV Liability for the Violations of the Law

Section 18. Liability for the Violations of the Law

For the violations of this Law, persons shall be held liable as prescribed by law.

Transitional Provisions

1. With the coming into force of this Law, the law On Trade Unions (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1991, No. 3/4; *Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2003, No. 12; 2005, No. 14; *Latvijas Vēstnesis*, 2012, No. 100) is repealed.

2. Within six months from the day of entry into force of this Law, the Register of Enterprises of the Republic of Latvia shall include in the Register of Associations and Foundations all entries made in the Register of Trade Unions on the trade unions which have not been excluded from the Register of Trade Unions without changing the amount of information and without requesting re-registration thereof.

3. Within five years from the day of entry into force of this Law, the trade unions shall submit to the Register of Enterprises of the Republic of Latvia the articles of association that correspond to the requirements specified in this Law and other laws and regulations and information on persons entitled to represent the trade union.

4. The trade union, whose division has the status of a legal person in accordance with the law On Trade Unions, shall register the respective division in the Register of Associations and Foundations as an independent unit of the trade union, shall transform it into a division without the status of a legal person or liquidate it. Such independent unit of the trade union shall be registered in the Register of Associations and Foundations until 31 December 2017, by submitting the application and decision referred to in Section 11, Paragraph four of this Law and appending thereto information on the taxpayer number, if applicable, allocated to the division of the trade union by the State Revenue Service.

5. The divisions of trade unions referred to in Paragraph 4 of these Transitional Provisions to which the status of a legal person has been determined in accordance with the law On Trade Unions shall retain the status of a legal person until the moment they are entered in the Register of Associations and Foundations as independent units of trade unions, transformed into divisions without the status of a legal person or liquidated, but not later than until 31 December 2017.

The Law shall come into force on 1 November 2014.

The Law has been adopted by the *Saeima* on 6 March 2014.

President A. Bērziņš

Rīga, 25 March 2014

¹ The Parliament of the Republic of Latvia

