



EDUCATIONAL MATERIAL

Employment rights



AVAIL

Amplifying the Voices of
Asylum Seekers and Refugees
for Integration and Life Skills

Co-ordinated by



In partnership with



Croce Rossa Italiana



INTERNATIONAL



FEDERATION



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Employment rights

Educational material for refugees, asylum seekers and third-country nationals

Preface

The educational material is issued by Latvian Red Cross within the framework of the international project “AVAIL – Amplifying the voices of asylum seekers and refugees for integration and lifeskills” (No. 776175).

Within the AVAIL project, various integration and advocacy initiatives are implemented in the United Kingdom, Ireland, Italy and Latvia. The project is funded by the European Union.

The educational material will be useful for refugees, asylum seekers and third-country nationals, who are currently residing in Latvia and require information about Employment rights in Latvia.

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EMPLOYMENT RIGHTS (2018)

Latvia is one of the European Union member states, in which everyone has equal rights to work, have safe and healthy working conditions, as well as equal pay for equal work.

Rights must be implemented without any direct or indirect discrimination regarding race, ethnicity, gender, age, disability or religious and political beliefs or sexual orientation.

How to find a job

In order to help you find a job, the State Employment Agency provides the following services:



- Information on vacancies
- Support in job search
- Latvian language and vocational training courses
- Career advice and counselling on starting a business

www.nva.gov.lv

During your asylum procedure, there are available individual consultations with an employment agent in Asylum Seekers Centre in Mucenieki regarding employment opportunities in Latvia who analyses your strengths and weaknesses, your previous work experience and helps to find the best job opportunities.

When you have received a decision on your either status in Latvia, “alternative” (for 1 year) or “refugee status” (for 5 years) (usually the procedure takes 4–6 months), you are welcomed to register in the State Employment Agency. You are entitled to ask for an interpreter if you cannot communicate with the consultant properly!

After registration you have several options:

- ✓ to study Latvian language free of charge and receive a grant of EUR 150 for the course you attend in order to improve your success in job search, for example, by applying for professional

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education courses, on-site training, many courses, seminars, lectures and consultations;

- ✓ to apply for paid temporary community service if available, which means that you will do temporary work for the public good and receive 150 EUR/month;
- ✓ to apply for a subsidised job, if available, which means that you will get a qualified mentor and receive at least the minimum wage;
- ✓ to receive counselling and financial support for starting a business or becoming self-employed, if you meet the requirements of this programme,
- ✓ to search for a job in accordance with your expectations and abilities and with the help of the State Employment Agency.

For further information: <https://begluintegracija.nva.gov.lv>

STARTING THE WORK RELATIONS

In accordance with the Immigration Law, everybody, without restrictions, who has received refugee or alternative status, as well as alysum seekers are entitled to work if the decision on the status has not been taken back within 6 months, regardless of the seeker.

You are entitled to know all details that will affect your work performance and that have an important role before you sign an employment contract.

You must provide the employer with information about your medical condition and professional skills, if it has an important role in entering into the employment contract and the performance of the given work.

Ask the potential employer to introduce you to the working regulations of the company. Before signing an employment contract, carefully read all conditions and demand a translation into your language by someone you trust to translate it for you.

A job interview must not include such questions by the employer which are not related to the performance of the intended work or the suitability of the employee for such work, as well as questions which directly or indirectly discriminate.



A job interview **MUST NOT** include such questions



pregnancy



family or marital status



religious conviction or belonging to a religious denomination



a previous conviction

except in cases where this may be of essential importance with respect to the work to be performed



affiliation with a political party, employee trade union or other public organisation



national or ethnic origin

Do not start working without a written employment contract!

Do not start working without a written employment contract!

If you have not signed a contract with your employer, you:

- ✓ risk of not receiving the promised payment;
- ✓ lose social guarantees;
- ✓ will not receive unemployment benefits in case of losing the job;
- ✓ you will not receive a sickness benefit in case you are unable to work due to an illness;
- ✓ will not receive a compensation from the state in case of an accident, and neither will your relatives;
- ✓ risk to become a target of human traffickers.



Make sure that the employment contract specifies the following things:



details of the employee and the employer



date, on which contract was signed



date, on which employment will commence



working hours



place of work



length of vacation



salary, the payment procedure, the payment day



last day of job contract (if the employment contract is for a fixed period)

The contract shows a gross salary, it means taxes are not deducted yet.

NOTE! The provisions of the collective agreement, the work agenda, as well as the employment contract and the employer's orders, which, contrary to the regulatory enactments, worsen the legal status of the employee, they all are not in force.

If you are offered an employment contract for a fixed term, find out the specific reason. A fixed-term employment contract must not be entered without a legitimate reason.

The terms of the contract can be changed by agreement and laying them down in writing. Ask for the original of your employment contract rather than a copy, because it will protect you in case of dispute.

Do not start working before you have received information on safe working conditions.

The probationary period shall not exceed three months (excluding the sick leave). If the probationary period is not mentioned in the employment contract, then it does not exist. During the probationary period, the contract may be terminated three days in advance. Both the employee and the employer may terminate the contract. This behaviour does not have to be explained.

If the probationary period has expired and you continue to work, then you have passed the probationary period.

TERMINATION OF EMPLOYMENT

If you have found a better job, you shall terminate the employment contract in writing one month in advance. You may try to negotiate a shorter period with the employer.

An employer may dismiss you only if the dismissal is related to:

- ✓ your conduct (breach of employment contract or working regulations);
- ✓ your health or ability (long term illness for more than 6 months, lack of knowledge);
- ✓ economic, organisational, technological or similar measures in the company (reinstatement of former employees, staff reduction, institution (department) is liquidated).

If the employer terminates your employment, he shall justify the reasons legitimate by the law on dismissal in writing by issuing an order.

If you are a union member, you will not be dismissed without the union consent.

On the day of dismissal, the employer shall pay all amounts due to you (salary, vacation pay and severance pay).

You will not receive the severance pay if you have breached the employment contract or working regulations.

If you have received an unlawful notice on termination, legal action can be taken within one month from the date of receipt of the notice. In this case, collect all documentation that is available to you, that proves the unlawful contract termination and go to State Labour Inspectorate of the Republic of Latvia.


WORKING HOURS, HOLIDAYS AND BREAKS

Normal working hours must not exceed 8 hours a day and 40 hours a week. In case of work with special higher risks then in this case working hours must not exceed 7 hours a day and 35 hours a week. This must be settled in employment contract!

If you work in shifts, the employer is obliged to present you with the shift schedule no later than one month before it becomes effective. Make sure the employer records the working hours according to the actual time worked. The employer shall administer the work in a way that enables you to perform your job accordingly, for instance, observe the specified working time.



You have the right to request a part-time job if:

-  you are pregnant
-  you are a woman who is breastfeeding (for the whole period until the child is 2 years old)
-  you are a woman in the postnatal period (up to one or one and a half years)
-  you have a child under the age of 14
-  you have a disabled child under the age of 18

If your doctor has stated that the working at night negatively affects your health, you have to be shifted to more suitable hours during the day.

The employer may divide the annual vacation into several parts only with your consent. One of the parts must not be less than two consecutive weeks.

Additional leave is granted to:

- ✓ employees who have three or more children under the age of 16 or a disabled child under the age of 18 – three days;

- ✓ employees whose work is associated with special risks – at least three working days;
- ✓ employees who have less than three children under the age of 14 – at least one working day.

You have the right to receive the payment for vacation time and the period worked until the vacation no later than one day before the vacation in case the employee has requested it in writing, but no later than on the next day of payment of work remuneration. Upon the request of the employee, the payment can be also made after the vacation in any other time.

If you have worked for an employer for at least six months, you may ask for the annual paid leave in full amount.

Your paid annual leave shall be transferred or extended if you become ill during the vacation.

If you have donated blood, you are entitled to have a day off.

If your child is less than three years old, you can use paid annual leave during the summer or at any other time.

You are entitled to an at least a 30-minute break at work, if your daily working time exceeds six hours.

No later than four hours after the start of work, you are entitled to a half-hour break. During the break, you may leave your workplace. The restriction to leave the workplace must be adequately substantiated.

WAGES, DISCIPLINARY PENALTIES AND DEDUCTIONS

Your wage for the hours worked must not be less than the minimum wage in the country – EUR 430.00 (four hundred thirty Euros, 00 cents) or the minimum hourly rate set in the country – can be calculated using the formula: **TLmin = MDA / h**, where TLmin – minimum hourly rate in euro; MDA – the minimum monthly salary established in the country; h – the number of regular hours of work per month (a five-day working week and 40 hours a week or a five-day working week and 35 hours a week, or a six-day working week and 40 hours a week, or a six-day working week and 35 hours a week), including the number of hours during holidays, if the employee does not perform work on public holidays, which fall on a working day specified for the employee. You shall receive a written monthly paycheck. If it is not clear, request an explanation.

If the nature of the work requires overtime, agree on that with the employer in writing. Overtime must be paid in addition.

If you have carried out additional work besides your direct duties, agree with the employer on an additional payment.

If you work at night (more than 2 hours after 10:00 PM), you have to receive an additional payment for that.

If you have to work on a public holiday, you may use another day for rest or receive additional payment.

If you work part-time, you receive a wage according to the hours worked.

If the employer assigns you to training or improvement of professional skills, your wage for this time is retained.

If you are assigned to a business trip, your wage is retained.

The day when you take the compulsory medical examination shall be treated as a paid working day.

You are paid for the day on which, subject to a notification in advance, you have donated blood in a medical institution.

The employer is entitled to apply disciplinary sanctions to you for violations at work – to express a written remark or a reprimand. Deduction from your wage is not a legal type of disciplinary penalty.

You are obliged to treat the employer's assets carefully.

Losses incurred due to your fault may be recovered only with a written consent in the amount of 20% of your wage, while maintaining the minimum wage.

IF YOU ARE UNDER THE AGE OF 18

Before a child enters into an employment contract with the employer, parents shall get familiar with the working conditions in the workplace, where the child is about to start to work. A written permission shall be granted attesting that one of the parents has agreed to the child's employment.

CHILDREN

A child is a person who is under 15 years of age or continues the basic education under 18 years of age.

If you are at least 13 years of age, your working day must not exceed 4 hours during holidays and 2 hours during the school year.

ADOLESCENTS

An adolescent is a person in the age ranging from 15 to 18 years who does not continue the basic education.

You must not work more than 2 hours a day and more than 10 hours per week during the school year.

You must not work more than 4 hours a day and more than 20 hours per week if the work is performed during school holidays, but in case the child has reached 15 years of age – not more than 7 hours a day and more than 35 hours per week.

Before signing the contract, you have to undergo a medical examination.

It is carried out by a general practitioner or an occupational physician. It should be repeated every year until the age of 18.

You must not be subject to the probationary period.

If you are under 18 and you have several jobs or if you work and study at the same time, it must not exceed 7 hours a day.

You must not work overtime!

You qualify for annual paid leave in summer or upon request at any other time, if possible in alignment with school holidays.

If the working time exceeds four and a half hours, you are entitled to a break.

You must not work more than 7 hours a day and more than 35 hours per week.

CHILDBIRTH

If you use a pregnancy or maternity leave, your previous employment is saved. Since you are the expectant mother, your employment contract must not be terminated, unless it is related to violations or liquidation of the company.

You can use the annual leave before or right after the maternity leave.

According to medical opinion, require the prevention of any risks that may adversely affect your and your baby's safety or health.

In case of a birth of a child, fathers are entitled to 10 days of vacation. It should be used no later than within 2 months after the baby was born!

Parental leave is granted to every employee, if a child is born or adopted in the family.

Paid parental leave does not exceed one year and a half. If desired, it can also be used in parts until the child reaches the age of eight.

When you resume the work as a new mother, you return to your previous employment with terms of employment that are not less favourable.

Both father and mother have the right to refuse to do night shifts if they have a child under the age of 3.

Employment contract or enterprise agreement

To enter the most appropriate contract, the employee and the employer must understand the difference between an employment contract and an enterprise agreement.

If you enter into an enterprise agreement, then:

- ✓ work should be done with your own instruments and you are responsible for their wear and damage;
- ✓ overtime, night hours, interruptions in work are not recorded, therefore they are not paid additionally;
- ✓ the employee can choose the time and number of hours to work per day;
- ✓ you are not entitled to annual paid leave, training leave and additional leave;
- ✓ pregnant women do not have legal protection;
- ✓ new parents are not entitled to parental leave;
- ✓ it may be provided that the wage will be paid less frequently than monthly (e.g., every six months) or will be paid only for the completed work;
- ✓ the company does not pay for sick-list A;
- ✓ to recover the unpaid compensation, a stamp duty has to be paid to the court, unless the person is entitled to the status of a low-income person;
- ✓ if the company becomes insolvent, the state guarantee fund will not pay the unpaid compensation.

If you enter into an employment contract, then:

- ✓ the job is done with tools given by employer;
- ✓ overtime, night hours, and interruptions in work are recorded and additional wage is calculated;
- ✓ daily working hours are specified;
- ✓ you are entitled to an annual paid leave, training leave and additional leave;

- ✓ pregnant women have legal protection;
- ✓ new parents are entitled to parental leave;
- ✓ you are entitled to a salary once a month;
- ✓ the company pays for sick list A.

INFORMATION ABOUT LABOUR MARKET

In year 2018 first 9 months in National Employment Agency was registered **70 002 available vacancies** for different job positions, that is about 26,6% more than previous years.

There is a tendency of increase current free vacancies as well as duration of available position.

Most of free job positions, considering previous period is in – construction. There is available vacancies for following positions: concreting worker, construction finish workers, construction workers, assistants to construction workers, bricklayer, building insulation worker, as well as administrative and support service workers.

Also available job positions is on following: warehouse worker, construction worker, wooden building assembler, metal material welder, customer service operator, truck driver, logger, workers in fish product factory.

Biggest increase of free job positions is considered in low qualification job positions (assistant in construction, road construction auxiliary, factory workers, sales-halls employees, product marker.

As well as middle qualification class job positions, specially qualified agricultural, forest management, fish farm employees: logger, forest laborer, sawyer, employees working with farms product, such as meat and ski.

At the end of September 2018, 56734 unemployed persons were registered with the National Employment Agency.

The number of registered unemployed in the country has decreased by a month 1317 people, or 2.3%, considering the work of the National Employment Agency with clients and the opportunities offered by the labour market.

Considering statistics available job vacancies is more than registered unemployed persons!

Average unemployment time in 2018, is that there are 178 days or 6 months to find a new job, to compare with a corresponding period of one year ago, is less than 29 days. Compared to the previous year, the increase in unemployment is observed only in the long-term unemployed target group. This can be explained by the fact that the reduction

of long-term unemployed persons during the year is more noticeable for those who have shorter periods of unemployment.

Amount of available job positions considering sector of company

Industry (TOP 10)	Available job positions at end of y.2018	Available job positions at end of y.2017	Difference
Construction	7048	2603	+4445
Administrative and service support services	4669	1666	+3003
Manufacturing industry	3550	2146	+1404
Wholesale and retail sale business, car and motorcycle repair	2328	872	+1456
Transportation and storage	1722	1023	+699
Professional, scientific and technical services	1188	451	+737
Information and communication services	738	456	+282
Hotel and food services	629	587	+42
Agriculture, forest management and fish farm	453	241	+212
Governmental sector and defence, mandatory social insurance	442	183	+259
Total	24181	11181	13000

Register in State National Employment Agency (www.nva.gov.lv) and they will help you find a job!

AVERAGE EARNINGS

The year of 2018, the rise in wages and salaries was similar in both private and public sector.

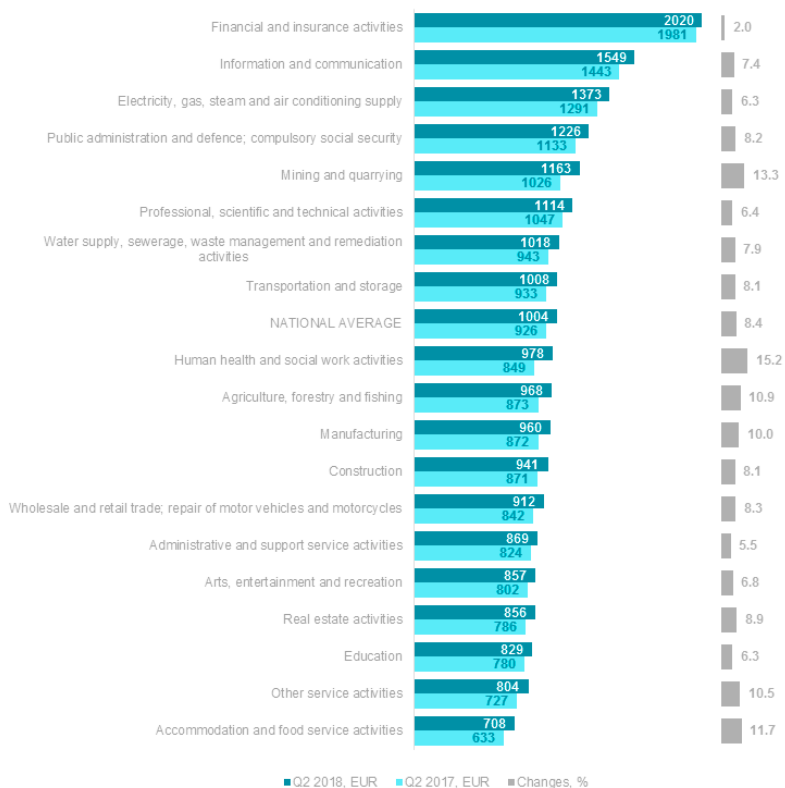
The average gross wages and salaries constituted EUR 991 in private sector and EUR 1035 in public sector, while in general government sector, which includes central and local government institutions, as well as enterprises controlled and financed by the central and local government, the average wages and salaries rose to EUR 984.

Changes in average monthly wages and salaries by sector (euros)

	Q2 2017	Q1 2018	Q2 2018	Changes in Q2 2018, as % compared to	
				Q2 2017	Q1 2018
Total	926	961	1004	8.4	4.6
private sector	914	957	991	8.4	3.5
public sector*	954	969	1035	8.5	6.8
general government sector	901	923	984	9.2	6.6

Sharpest wage rise recorded in human health and social care activities. Highest earnings in financial and insurance activities. The lowest wages and salaries, in turn, were observed in accommodation and food service activities, other service activities (that include activities of public and other organizations, repair of computers and personal and household goods, washing and (dry-)cleaning, hairdressing and other beauty treatment, funeral and related activities), education, real estate activities, as well as arts, entertainment and recreation.

Average monthly gross wages and salaries in Q2 2017 and Q2 2018 and changes thereof



AVERAGE MONTHLY SALARY IN DIFFERENT PROFESSIONS (NET EUR)

Profession	EURO
Shop assistant	506
Construction worker	710
Cook's helper	534
Cook	563
Driver	684
Hairdresser	591
Warehouse employee	643

* www.algas.lv

* www.csb.gov.lv/en

References

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6. The Ministry of Welfare. The State Employment Agency <http://www.nva.lv/>.

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