

Employment of foreigners

Published: 04.03.2020.

Updated: 08.02.2021.

▫ TRANSFERRING OF EMPLOYEES FROM THIRD COUNTRIES TO PROVIDE SERVICES

▫ The labour relations in the Republic of Latvia shall be governed by the [Labour law](#). More information on the labour relationship – In the web page in the National Labour Inspectorate.

Article 14 of the Labour Law. Transferring of the employee:

Transferring of employees in the meaning of this law are those cases where in connection to the provision of international services:

- the employer, on the basis of a contract he has concluded with a person for whose benefit the work will be performed, sends an employee to another state;
- the employer transfers the employee to a branch or part of the holding company located in another country by;
- the provider of labour services as the employer sends and employee to the recipient of labour services, for whom and under whose guidance the work will be done, if the company is located in another country or if its business takes place in another country

In the meaning of this Article the sent employee is an employee who performs the work in another country that is different from the country in which the habitual work is carried out.

If the employee has been sent to perform work in Latvia, regardless of the employment contract and the law applicable to the labour regulations this employee has to be provided with working conditions and employment provisions laid down in the Latvian legislation, as well as the collective agreements that are found to be generally binding and that regulate:

- maximum working time and minimum rest periods;
- minimum period of paid annual leave;
- minimum rates of pay as well as bonuses for overtime work;
- rules on providing labour resources, notably via the provider of labour services;
- safety, health and hygiene at work;
- safety measures for persons who are under 18 years of age, pregnant women, women in the postnatal period, as well as their working and employment conditions;
- equal treatment for men and women, as well as other types of non-discrimination.

An employer who sends an employee to perform work in Latvia is required to inform in written the State Labour Inspectorate of the posted worker before sending, by including:

the employee's name and surname;

date of starting the work;

the expected duration of employment;

the place of work (if the performance of duties is not intended for a particular workplace, it must be indicated that the employee may be employed at various places);

the employer's representative in Latvia, who is authorized to represent the employer in the state institutions and the courts of Latvia;

the person for whose benefit the work will be performed (service recipient);

a statement that the sent worker who is a third-country citizen is legally working for an employer in a Member State of the

European Union, European Economic Area or the Swiss Confederation.

An employer who sends an employee to work in another EU Member State, the European Economic Area or the Swiss Confederation, regardless of the employment contract and law applicable to the employment legal relationships has the responsibility to provide implementation of employment conditions and working conditions to the sent employee in accordance with part three of this article in accordance with national laws and regulations governing the transferring of workers.

This Article shall not apply to the crews of merchant navy vessels.

(In the redaction of the law of 04.03.2010 with the amendments of 16.06.2011 entering into force on 20.07.2011.)

RESPONSIBLE INSTITUTIONS

State Employment Agency (SEA):

[announces an available work place in the SEA branch](#)(within the employment agreement) and after announcing it must be free not less than one month before the date when the employer approaches the OCMA.

Information on announcing a vacancy in the SEA can be found in the section "Offering job" -> [Registration of vacancies](#)".

It is important to observe the following points of the Regulations No. 55 of the Cabinet of Ministers of 28 January, 2014:

1. If the legal subject, which, according to the law "On State Social Insurance" is considered as the employer (hereinafter – the employer), intends to employ foreigners (with exception to the foreigners mentioned in Part 3 and 4 of the Article 9 of the Immigration Law and the Articles 8 and 9 of these Regulations) by signing an employment contract, he shall announce a vacancy in the State Employment Agency (hereinafter – the Agency). After the announcement of the work place it must be available not less than one month before the date when the employer approaches the Office of Citizenship and Migration Affairs (hereinafter – the Office), in order to confirm the invitation for a visa or the request of a residence permit for a foreigner.

2. The employer shall not notify the Agency on a vacancy if:

- 2.1. the employment of a foreigner is provided by the conclusion of an enterprise agreement;
- 2.2. a foreigner does business accordance with Paragraph 2.4 of this Article.

3. If the foreigner is to be employed at more than one employer or more positions or professions by the same employer, a foreigner needs to receive the right to work in any of the works, except where the employment is for commercial activities in accordance with Paragraph 2.4 of this Article.

REGULATORY DOCUMENTS

Regulations on work permits for foreigners:

[Regulations No. 55 of the Cabinet of Ministers of 28 January, 2014](#)

Procedures for the citizens of the European Union and their family members traveling to and staying in the Republic of Latvia:

[Regulations No. 675 of the Cabinet of Ministers of 30 August, 2011](#)

Regulations on the amount of knowledge in the state language and the state language proficiency testing procedure for professional and employment duties, on acquiring a permanent residence permit and the European Union's long-term resident status and on the fees for the language proficiency tests

[Regulations No. 733 of the Cabinet of Ministers of 7 July, 2009](#)

Regulations on the amount of financial means necessary for the foreigner and on the procedure of determining the existence of financial resources

[Regulations No. 225 of the Cabinet of Ministers of 25 April, 2017](#)

<https://www.nva.gov.lv/en/employment-foreigners>