

# Legal and illegal behaviour penalties

All legal and illegal behaviour penalties follow from:

- Latvian Administrative Violations Code - [http://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Latvia\\_Administrative%20Violations%20Code\\_consolidated%20as%20of%20May%202007\\_EN.pdf](http://publicofficialsfinancialdisclosure.worldbank.org/sites/fdl/files/assets/law-library-files/Latvia_Administrative%20Violations%20Code_consolidated%20as%20of%20May%202007_EN.pdf)
- The Criminal Law of Latvia - <http://unpan1.un.org/intradoc/groups/public/documents/untc/unpan018405.pdf>

## *Administrative fines and collection thereof*

An employer violating the procedure set forth in the respective laws and regulations may be held administratively liable. Instances, which may lead to such administrative liability are stipulated in the [Latvian Administrative Violations Code](#), providing both the description of the violation, as well as the applicable sanctions.

## Appealing against an imposed sanction

The decision on an imposed administrative sanction may be appealed in accordance with the procedure set forth the Latvian Administrative Violations Code, provided a sufficient substantiation is given and the respective requirements for filing such a complaint are complied with.

According to Section 13 of the State Labour Inspectorate Law an administrative deed issued by an official of the Labour Inspectorate or actual action thereof may be contested to the Director of the Labour Inspectorate. The administrative deed issued by the Director of the Labour Inspectorate or actual action thereof, as well as a decision regarding the contested administrative deed or actual action may be appealed to the court in accordance with the procedures specified in law. Contesting or appeal of the administrative deed or actual action shall not suspend the execution thereof, except in cases when it is suspended with a decision of the

person examining the submission or application.

The administrative deed shall always contain information as to where and by which deadline the person may contest this administrative deed.

Consequently, if a official of State Labour Inspectorate issues administrative deed and imposes a fine, it may be contested in writing by submitting a substantiated application to the Director of the State Labour Inspectorate. If the Director of the State Labour Inspectorate leaves that decision unchanged, then person may turn to court. Complaints shall be submitted to the State Labour Inspectorate that within seven days from the receipt of the complaint shall forward the complaint and the relevant documents to the district (city) court according to jurisdiction.

#### Payment of a fine and compulsory recovery thereof

According to the Latvian Administrative Violations Code, a violator shall pay the fine not later than within 30 days from the date, when the decision regarding the imposition of the fine was issued to him or her, but, if this decision was appealed or a protest was submitted regarding such a decision, then not later than within 30 days from the day, when the person was notified of the rejection of the submitted appeal or protest.

When effecting the payment, the person shall indicate the number of the document by which the fine was imposed. All costs related to the recovery of the fine shall be covered by the violator.

#### Cross-border enforcement of administrative fines

In cases when the State Labour Inspectorate has imposed of an administrative sanction (i.e. a fine) on an employer who is located in another country, State Labour Inspectorate sends the request for recovery of an administrative fine to the authority of that state where employer is situated.

If after the receipt of the decision the employer fails to pay the fine voluntarily, the State Labour Inspectorate sends a request for the enforcement of the decision to the respective authority of the another state. Then this decision is executed, i.e. the fine is recovered from the employer under the statutory procedures of the respective country.

Whereas, when the State Labour Inspectorate receives a request for notification

of the decision from an authority of another country, it shall notify the decision on the imposition of an administrative sanction to the employer who is located in Latvia. If after the receipt of the notification the employer fails to pay the fine voluntarily, the State Labour Inspectorate receives a request from the respective authority of the another state for the enforcement of the decision and the decision shall be transferred for enforcement to the court bailiff.

#### Enforcement of administrative fines

A decision made by the State Labour Inspectorate with respect to imposition of an administrative penalty (i.e. a fine) on an employer who is located in another country shall be enforced in accordance with the national laws and regulations of the country such an employer is located in.

Whereas, the fines imposed by the authorities of other states shall be recovered in Latvia in accordance with the same procedures that are applied to the recovery of fines imposed by the Latvian authorities. Namely, in the event the employer has failed to pay the fine, the State Labour Inspectorate transfers the decision on the imposition of an administrative penalty (i.e. a fine) for a compulsory execution to the bailiff, who recovers the fine in accordance with the procedure set forth in the Civil Procedure Law.