



Satversmes tiesa

Press Release

Case No 2021-07-01

18 February 2021

A case initiated with respect to the restriction which does not allow an official with a special service rank to receive additional payment for work on holidays

On 17 February 2021, the 2nd Panel of the Constitutional Court initiated the case “On compliance of Section 14(6) of the Law on Remuneration of Officials and Employees of State and Local Government Authorities with Article 91 and Article 107 of the Constitution of the Republic of Latvia”.

CONTESTED PROVISION

Section 14(6) of the Law on Remuneration of Officials and Employees of State and Local Government Authorities stipulates that officials (employees), except for soldiers and officials with special service ranks of the Ministry of the Interior system institutions and the Prison Administration, receive additional payment for overtime work and for work on holidays in the amount of 100 per cent of their hourly salary rate, or are compensated for overtime work by a paid time off on another weekday as per the number of overtime hours worked.

PROVISIONS OF SUPERIOR LEGAL FORCE

- Article 91 of the Constitution (Satversme) of the Republic of Latvia (hereinafter – the Constitution): “All human beings in Latvia shall be equal before the law and the courts. Human rights shall be realised without discrimination of any kind.”
- Article 107 of the Constitution: “Every employed person has the right to receive, for work done, commensurate remuneration which shall not be less than the minimum wage established by the State, and has the right to weekly holidays and a paid annual vacation.”

FACTS OF THE CASE

The case has been initiated on the basis of an application filed by the Administrative District Court. The court is considering an administrative case which was initiated on

the basis of an application by a Prison Administration official with a special service rank regarding recovery of the unpaid additional remuneration for work on holidays in the amount of 100 per cent. It follows from the application that the contested provision is to be applied in the proceedings and that it restricts the right of an official with a special service rank to such remuneration for work on holidays.

According to the Applicant, the contested provision is not compliant with Articles 91 and 107 of the Constitution. Allegedly, a Prison Administration official with a special service rank and other persons targeted by the contested provision, as well as individuals working under employment contract, are in similar and cross-comparable circumstances. It is also alleged that the differential treatment, as established by the contested provision, of an official with a special service rank does not have a legitimate aim. Likewise, there is no legitimate aim in the restriction imposed by those provisions on the individual's fundamental rights as enshrined in Article 107 of the Constitution.

COURT PROCEDURE

The Constitutional Court has requested the *Saeima* to submit a written reply stating the facts of the case and the legal reasoning by 19 April 2021.

- The case is to be prepared by 17 July 2021.

The Court will decide on the type of proceedings and the date of hearing once the case has been prepared.

- The decision to initiate the case is available here: https://www.satv.tiesa.gov.lv/wp-content/uploads/2021/02/2021-07-01_lemums_par_ierosinasanu.pdf

This release has been prepared to inform the public about the work done by the Constitutional Court. More detailed information on current issues, cases initiated and decided by the Constitutional Court is available on the website of the Constitutional Court at www.satv.tiesa.gov.lv. You are also invited to follow the information on the Court's *Twitter* account [@Satv_tiesa](https://twitter.com/Satv_tiesa) and *YouTube* [channel](#).

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