Harassment, in a broad sense—moral and sexual—and its consequences on labour relations

Answers from Latvia

1. Does your country have laws or regulations that cover workplace harassment? Is harassment defined separately or is it incorporated within other provisions of the labour code?

In Latvia, harassment is defined in Labour Law and shall be deemed to be discrimination.

Harassment is the subjection of a person to such actions which are unwanted from the point of view of the person, which are associated with his or her belonging to a specific gender, including actions of a sexual nature if the purpose or result of such actions is the violation of the person's dignity and the creation of an intimidating, hostile, humiliating, degrading or offensive environment.

2. What remedies exist for victims reporting workplace misconduct? What penalties or ramifications do offenders face? Do you have examples of court cases/judgments or administrative proceeding involving harassment?

A victim can:
- address a complaint with an employer and request for the safe working environment;
- apply to the State Labour Inspectorate,
- apply to the Ombudsman,
- submit the application to the court (to terminate labour relations with just cause and ask for the pecuniary and non-pecuniary damage.

If sexual harassment is aggressive a victim can apply to the police.

According to the Criminal Law, the aggressive sexual harassment (“Sexual violence”) is considered to be a crime, the applicable punishment is deprivation of liberty for a period up to seven years, if serious consequences have been caused the applicable punishment is a life imprisonment or deprivation of liberty for a period of ten years and up to twenty years.

3. Do you have examples of judicial misconduct related to harassment or bullying?

No, we do not have.
4. Does the judiciary have rules, ethics codes, or legislation relating to harassment by judges and judicial staff? What are the procedures for reporting misconduct and enforcing the rules? What sanctions can be imposed against a judge?

There are no specific rules relating to harassment by judges and judicial staff.

Under Code of Judicial Ethics (adopted in 1995 at a conference of judges) the judge must avoid unworthy actions, as well as the seemingly indiscriminate actions, the judge must accept such behavioural constraints that an ordinary citizen may feel burdensome, a prohibition on inappropriate behaviour and inappropriate behaviour both relate to the professional activities of a judge and to personal life.

According to Judicial Disciplinary Liability Law judge may be subjected to disciplinary liability for dishonourable actions or gross violation of the norms of the Judges Code of Ethics.

The Judicial Disciplinary Board may impose the disciplinary sanctions upon a judge, like a remark, a reprimand, a reduction of salary for a time period up to one year, withholding up to 20 per cent of the salary. Furthermore, the Judicial Disciplinary Board may recommend the removal of the judge from office.