



ESPN Thematic Report on Retirement regimes for workers in arduous or hazardous jobs

Latvia

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European Social Policy Network (ESPN)

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Summary/Highlights

There is no definition of 'arduous' and 'hazardous' jobs in Latvian legislation. The first Latvian Law on State Pensions (1990) included a reference to lists of 'particularly hazardous and particularly arduous working conditions' and 'hazardous and arduous working conditions'. These lists were actually shortened versions of similar lists that had been drawn up by the USSR Council of Ministers as early as 1956 (amended 1976): List 1 – for particularly hazardous and particularly arduous working conditions, and List 2 – for hazardous and arduous working conditions. These lists were mutually agreed by the trade unions and the government. The Law of 1990 provided persons who endured hazardous and arduous working conditions with the possibility of earlier retirement. Those in professions from List 1 could retire 10 years prior to the statutory pensionable age; those in professions from List 2 – five years prior to the statutory pensionable age. The amount of pension benefit did not depend on whether a person had or had not worked in an arduous or hazardous job; it depended solely on the retiree's final salary.

The reformed Law on State Pensions (1995), which introduced the Notional Defined Contribution (NDC) system in Latvia, mentions arduous and hazardous jobs only in the transition rules – to be applied for as long as there are still persons whose careers started before 1996. It also contains reference to the same lists of 'particularly hazardous and particularly arduous working conditions' and 'hazardous and arduous working conditions'. Since 1996, these lists have no longer been applicable, and are not applied to a person's service record after 1995. Theoretically, these transition rules will be in force until 2036 (when the last people who could have had a pre-reform career in arduous and hazardous working conditions become eligible for favourable retirement, prior to the statutory pensionable age).

Latvian pension legislation allows early retirement two years prior to the official statutory age (which since 1996 has been gradually increased), provided the person has at least 30 years of service record; but until that person reaches the statutory age, he/she receives only 50% of the calculated pension. For workers in arduous or hazardous jobs (WAHJ), there is no 50% reduction in the calculated pension and shorter vesting periods are applied: 20/15 years for men/women in professions from List 1 and 25/20 years for men/women in professions from List 2 – always provided that at least a quarter of this working record was spent in arduous or hazardous working conditions. The retirement age for WAHJ is increasing faster than in the general population.

All special entitlements for arduous work or service are based on past work periods and are not accrued any more. Thus, they are essentially being phased out, although many people continue to receive them today. Present legislative regulations do not include any rules for favourable retirement for persons engaged in arduous or hazardous jobs.

Normally, in Latvia anybody who is in a voluntary private pension scheme (pillar III) may opt to commence the pay-out stage at the age of 55 (the statutory pension age in the mandatory pillars I and II is currently 62 years 9 months). However, in January 2014, the Cabinet of Ministers issued Regulation No. 47 'On special professions where in the private pension fund's pension plans the retirement age may be less than 55 years'.

There is only one branch where the employer is obliged to make contributions to pillar III funds or life insurance companies for workers: railway transport (State Joint-Stock Company 'Latvian Railways'). This was stipulated in a recent amendment to the Railway Law (October 2014) and corresponding Cabinet Regulations that established a list of railway professions (29 in all) for which such contributions are compulsory. The amount of contributions and the frequency with which they are made are determined by collective agreement. These amendments come about due to an initiative by private pension fund managers and the strong railway trade union, which has a stable tradition of collective agreements.

In the past 20 years, Latvian legislators have been very active and supportive in terms of approving favourable conditions for service pensions for different categories of officials and civil servants. However such approach does not apply to WAHJ.

1 Overall description of the policy mix targeted at workers in arduous or hazardous jobs

There is no separate definition or concept of 'hazardous' work or 'hazardous profession' in Latvian legislation. However, an assessment of working environment risks is made. Depending on the working environment risks, labour protection assessment requirements are drawn up in line with EU legislation regarding employment conditions.

The Labour Protection Law (2001) establishes the general principles of labour protection, including rules for the working environment:

- (1) preventing working environment risks at source;
- (2) creating a working environment so as to avoid working environment risks or to reduce the effect of unavoidable working environment risks;
- (3) replacing the dangerous with the safe or the less dangerous;
- (4) developing a coordinated and comprehensive system of labour protection measures;
- (5) preventing working environment risks impacting on the safety and health of any employees for whom special protection has been determined in accordance with regulatory enactments;
- (6) performing employee instruction and training in the field of labour protection. (Regulations of the Cabinet of Ministers)

There are now two major sets of Cabinet Regulations that are mandatory for all employers:

- Labour Protection Requirements in Workplaces (2009); and
- Procedures for Performance of Mandatory Health Examinations (2009).

There are also a number of Cabinet Regulations concerning special requirements for labour protection in certain fields:

- Labour Protection Requirements when Moving Heavy Loads (2002);
- Labour Protection Requirements when Working with Displays(2002);
- Labour Protection Requirements when coming into Contact with Biological Substances (2002);
- Labour Protection Requirements at Work in Explosive Atmospheres (2003);
- Labour Protection Requirements in Performing Construction Work (2003);
- Labour Protection Requirements for Protection of Employees from the Risk Caused by the Noise of the Work Environment (2003);
- Regulations with Respect to Safety and Health Protection Requirements and Medical Treatment on Board Vessels (2003);
- Labour Protection Requirements in Work with Asbestos (2004);
- Labour Protection Requirements for the Protection of Employees from the Risk Caused by Vibration in the Work Environment (2004);
- Labour Protection Requirements for Extraction of Minerals (2006);
- Labour Protection Requirements when Coming in Contact with Chemical Substances at Workplaces (2007);
- Labour Protection Requirements for the Protection of Workers from the Risk Arising from Artificial Optical Radiation in the Work Environment (2009);

- Labour Protection Requirements when Coming in Contact with Carcinogenic Substances at Workplaces (2009);
- Labour Protection Requirements for Forest Management (2012);
- Labour Protection Requirements for Work at Height(2014);and
- Labour Protection Requirements for the Protection of Employees from the Risk Caused by Electromagnetic Fields at Workplaces (2015).

The State Labour Inspectorate of the Republic of Latvia (subordinate to the Ministry of Welfare) ensures implementation of the rules. The Inspectorate is the only state institution that implements policy in the field of labour legal relations and occupational safety and health. The legal status, function, tasks and operational procedure of the Inspectorate are defined in the State Labour Inspectorate Law (2008).

According to the Labour Law (2001), employees who perform work involving special risk (increased psychological or physical load or increased risk to employee's safety and health) which cannot be prevented or reduced to the permitted level by means of other labour protection measures are eligible for supplementary paid leave (at least three working days); also their working time cannot exceed seven hours per day (35 hours per week), provided they are engaged in such risky work for at least 50% of their working time.

If a person who has been working in hazardous conditions has impaired working capacity (by at least 25%) due to professional disease or an accident at work, he or she is entitled to insurance compensation from the state social security system. There are three types of compensation: 1) sickness benefit, 2) compensation for medical treatment and rehabilitation, and 3) compensation for incapacity to work.

The amount of compensation depends on the degree of incapacitation and the person's average wage. It is specified as a percentage of the average monthly wage: 1) 80% – if incapacitation is 100%; 2) up to 80% – if incapacitation is 80–90%; 3) up to 65% – if incapacitation is 50–79%; 4) up to 50% – if incapacitation is 25–49%; and 5) up to 30% – if incapacitation is 10–24%. If the incapacitated person receives (or starts to receive) an old-age pension or care allowance that is larger than the compensation for incapacity, then the compensation payments cease. Should the incapacity compensation be larger than the old-age pension or care allowance, the person receives old-age pension/care allowance plus the difference as compensation. Individuals can also combine employment and receipt of the (full) insurance compensation.

In 2010, together with the State Labour Inspectorate, the Occupational Safety and Environmental Health Institute of Riga's Stradina University published a report entitled *Acute Occupational Diseases and the Need for Their Early Diagnosis and Registration*. The rapid increase in the incidence of work-related disease highlighted in the report is alarming. In 1996, 11 new cases of occupational disease were registered for every 100,000 employed; by 2009, the figure was more than 12 times higher: 140 new cases of occupational disease per 100,000 employed. In part, such a situation can be explained by greater awareness among both employees and doctors, and also by better diagnostics. However, the authors point out that the absolute majority of occupational diseases are diagnosed late on, which is a serious obstacle to successful treatment and rehabilitation. There are special rules concerning compulsory regular health testing in different branches.

According to the annual reports of the State Labour Inspectorate, the number of accidents at work is growing – by 22% in just four years: 1,545 in 2012; 1,748 in 2013; 1,763 in 2014; and 1,885 in 2015. In 2015, insurance compensation was awarded to 9,205 persons: 1,885 for an accident and 7,320 for a work-related disease. The average age of first occupational disability diagnosis is 53–54. The average amount of insurance compensation was EUR 292.89 in 2014.

Pay-out of unemployment benefit is limited to nine months in Latvia, regardless of profession. There are no special programmes for reactivation, career reorientation, retraining or any replacement services for WAHJ.

2 Pension rules for workers in arduous or hazardous jobs

The first Latvian Law on State Pensions (1990) included a reference to lists of 'particularly hazardous and particularly arduous working conditions' and 'hazardous and arduous working conditions'. These lists were actually shortened versions of similar lists that had been drawn up by the USSR Council of Ministers as early as 1956 (amended in 1976): List 1 – for particularly hazardous and particularly arduous working conditions; and List 2 – for hazardous and arduous working conditions. The lists were agreed by the trade unions and the government. The Law of 1990 provided persons who endured hazardous and arduous working conditions with the possibility of earlier retirement. Those in professions from List 1 could retire 10 years prior to the statutory pensionable age; those in professions from List 2 – five years prior to statutory pensionable age (see Table 1 below). The amount of pension benefit did not depend on the person having been in an arduous or hazardous job; it depended solely on the retiree's final salary.

The reformed Law on State Pensions (1995), which introduced a National Defined Contribution (NDC) system in Latvia, mentions arduous and hazardous jobs only in the section on transition rules– the rules that will be applied for as long as there are still people whose careers started before 1996. It also contains a reference to the same lists of 'particularly hazardous and particularly arduous working conditions' and 'hazardous and arduous working conditions'. Since 1996, these lists are no longer applicable and are not applied to a person's service record after 1995. Theoretically, the transition rules will be in force until 2036 (when the last people who could have had a pre-reform career in arduous and hazardous working conditions become eligible for favourable retirement prior to the statutory pensionable age). However, in 2015 only 233 persons (on both lists) retired in accordance with this provision.

The new law retained the possibility for persons in professions from List 1 and List 2 to retire earlier; in order to compensate for the small size of such early pensions (a result of the larger G-coefficient)¹, it also temporarily introduced a multiplication factor for the accrued notional capital (provided the person had worked in arduous or hazardous working conditions for at least a quarter of his/her service record). The multiplication factors were 1.09 for men and 1.11 for women in professions from List 2, and 1.20 (1.22) for men (women) in professions from List 1. This measure was in force until 31 December 2006; presently there are no multiplication factors.

Generally, Latvian pension legislation allows early retirement two years prior to the official statutory age, provided the person has a work record of at least 30 years; but until the individual reaches the statutory age, he/she receives only 50% of the calculated pension. It is not possible to combine early retirement and employment.

For WAHJ, there are favourable conditions: no 50% reduction in the calculated pension and shorter vesting periods: 20 years for men and 15 years for women in professions from List 1, and 25 (20) years for men (women) in professions from List 2 – always provided that at least a quarter of this record was spent in arduous or hazardous working conditions (Table 1). Unlike other early retirees, persons with a WAHJ pension can continue to work, and they receive both their salary and their pension in full.

All special entitlements for arduous work or service are based on past work periods and are not accrued any more.

¹ G-coefficient – average life expectancy at retirement age, used as a denominator in the Latvian pillar I NDC scheme. The accrued notional pension capital at the time of retirement is divided by the G-coefficient. The earlier a person takes retirement, the larger the G-coefficient that is applied and the smaller is the pension.

Table 1 :Pension Provisions for WAHJ in Latvia before reform and in 2015

Type of old-age pension	Qualifications	1991–1995		2015	
		men	women	men	women
Statutory	retirement age, years	60	55	62.75	
	minimum vesting period, years	20		15	
WAHJ List No. 1 (particularly hazardous)	retirement age, years	50	45	60.5	55.5
	minimum vesting period, years	20	15	20	15
	of them employed in List No. 1 jobs, at least	10	7.5	5*	3.75*
WAHJ List No 2 (hazardous)	retirement age, years	55	50	60.75	60.5
	minimum vesting period, years	25	20	25	20
	of them employed in List No. 2 jobs, at least	12.5	10	6.25*	5*

* only years before 1996 taken into account.

Source: Latvian Ministry of Welfare.

There is one other preferential group of workers who have the right to retire earlier without any reduction in their pension (except for the impact of the G-coefficient): those who were involved in dealing with the consequences of the accident at the Chernobyl nuclear power plant (NPP). They are entitled to old-age pension five years before the general retirement age (provided they have a work record of at least 15 years); this age qualification is gradually increasing, by three months every year, as the general statutory retirement age increases. That is, presently (in 2016) the retirement age for Chernobyl NPP accident liquidators is 57 years 9 months). In 2015, there were 850 pensioners in this group, 92 of whom retired in 2015. Apart from old-age pension, those involved in the Chernobyl clear-up are entitled to a special state social insurance allowance worth EUR 100 per month.

Normally, in Latvia anybody who is in a voluntary private pension scheme (pillar III) may opt to commence the pay-out stage at the age of 55 (the statutory pension age in mandatory pillars I and II is 62 years 9 months in 2016). However, in January 2014, the Cabinet of Ministers issued Regulation No. 47 'On special professions where in the private pension fund's pension plans the retirement age may be less than 55 years'. This document lists those occupations that qualify for an earlier start of the withdrawal phase (railway, aircraft, public transport, marine, etc. –see Annex I). Voluntary pension savings in pillar III are not very popular – only 25% of economically active residents were participating in that pillar in 2015. As a rule, people make contributions to pension funds by themselves (19%); employers make contributions for only 6% of participants.

There is only one branch where the employer is obliged to make contributions to pillar III funds or life insurance companies for workers – rail transport (State Joint-Stock Company 'Latvian Railways'). This was stipulated by a recent amendment to the Railway Law (October 2014) and corresponding Cabinet Regulations that established a list of railway professions for which such contributions are compulsory; this came into force on 1 April 2016. The list includes 29 occupations. Workers in these occupations can claim their pre-retirement benefits in the third pillar as early as 50 years of age. By doing so, they do not suffer a reduction in the pension benefits paid under the public pillars. This measure is geared to reducing the risk of poverty among workers in arduous jobs who lose their jobs 15 years before the statutory retirement age. The amount of contributions and their frequency are determined by collective agreement. These amendments came about due to the initiative of private pension fund managers and the strong railway trade union, with a stable tradition of collective agreements. It is beneficial for both sides – private pension funds and workers from the special list.

3 Retirement patterns and retirement income of workers in arduous or hazardous jobs

Workers in arduous or hazardous jobs continue to become pensioners according to the provisions of the transitional rules. These rules will apply until the retirement of the last person with a work record that began before 1996. In respect of WAHJ, this means that the last retiree eligible for special pension provision could theoretically retire in 2036. The statutory age for WAHJ is being gradually increased along with the statutory age for the general population, the increase to be completed by 2025. With the exception for women with the occupations from the WAHJ List 1 – for whom the annual increase is not three, but six months per year and the statutory age increase from this group will end in 2030 at 63 years. The respective ages are shown in Table 2.

Table 2 : Statutory and actual retirement ages for WAHJ, years

Old-age pension category	Statutory in 2015		Increase 1996–2015		Actual in 2015	Statutory in 2025
	men	women	men	women		
General rule		62.5	2.5	7.5	61.5	65
WAHJ List 1	60.50	55.5		10.25	58.1	63m / 60.5f
WAHJ List 2	60.75	60.5	5.75	10.5	60.3	63

Source: Ministry of Welfare.

In 2015, the average actual service record length was 36.3 years (minimum required – 15 years); for WAHJ List 1, the average actual service record length was 34.17 years (minimum required – 20 years for men and 15 years for women); for WAHJ List 2, the average actual service record was 36.65 years (minimum required – 25 years for men and 20 years for women). So, there is almost no difference in this indicator. The actual retirement age is lower than the statutory in all groups.

Latvian legislation allows WAHJ pensioners to combine retirement with employment, and to receive both their full pension and their full salary. Therefore, the majority of WAHJ apply for a pension at their earliest convenience.

The number of newly granted old-age pensions for WAHJ in absolute figures is declining: from 1,326 in 2009 to 233 in 2015; so, too, is the share of such pensioners among all new pensioners – from 3.5% in 2009 to 1.4% in 2015 (Table 3). The average amount of newly granted pension in 2010–2015 to all categories of pensioners was low, due to the decrease in the notional capital valorisation index during the time of crisis. In 2013, the average newly granted old-age pension was 27% lower than in 2009; only in 2015 did it reach the 2009 level in nominal figures.

The average amount of WAHJ pension was lower than the average general old-age pension. Pensioners in particularly hazardous jobs from List 1 were awarded pensions that were 10–30% lower than average old-age pensions. Those with jobs from List 2 received more or less the same pensions as the average old-age pensioner, due to the stricter requirement for the minimum vesting period. According to the amendments to the Law on State Pension (that were adopted in 2015 and defined new rules of calculating notional capital valorisation indices, which now cannot be lower than 1), the upwards recalculation of pensions granted in 2010–2015 started in 2016 and refers to WAHJ pensioners among others.

Table 3 : Newly granted old-age pensions and old-age pensions for WAHJ, in 2009–2015

	2009	2010	2011	2012	2013	2014	2015
Old-age pensions (to all categories)							
Number of recipients	37 919	36 450	37 180	29 643	26 697	17 903	17 047
Amount (EUR)	306.49	296.97	282.82	295.19	224.12	278.98	306.81
Old-age pensions for WAHJ (List 1 – particularly hazardous jobs)							
Number of recipients	207	202	194	85	71	41	30
Share of all recipients, %	0.54	0.55	0.52	0.28	0.26	0.22	0.18
Amount (EUR)	247.54	237.85	225.81	200.45	174.6	205.39	275.58
% of average newly granted old-age pension	80.8	80.1	79.8	67.9	77.9	73.6	89.8
Old-age pensions for WAHJ (List 2 – hazardous jobs)							
Number of recipients	1119	1041	1046	378	200	110	203
Share of all recipients, %	2.95	2.86	2.81	1.28	0.75	0.61	1.19
Amount (EUR)	302.12	300.38	267.40	258.61	208.92	274.33	335.40
% of average newly granted old-age pension	98.6	101.1	94.5	87.6	93.2	98.3	109.3

Source: Ministry of Welfare.

In 2015, the average old-age pension for people involved in the Chernobyl clear-up was EUR 327.39; the newly granted Chernobyl old-age pension was EUR 331.83 (or 8.2% higher than the average newly awarded old-age pension).

Disability pensions. A socially insured person is entitled to receive disability pension if he or she: 1) has not reached the retirement age; 2) has been acknowledged as disabled. There are three disability groups, and in 2015 there were ca. 168,000 disabled persons in all three groups – more than 8% of the entire population.

The amount of the disability pension for groups I and II depends on a person's wages and insured service record length. There were 74,024 persons in 2015 who received disability pensions, at an average of EUR 169.04 (group I – EUR 223.62, group II – EUR 208.26, group III – EUR 64.03).

Service pensions. Service pensions are paid from the state budget (not the social insurance budget). The following categories are entitled to a service pension: officials with special service ranks in the Ministry of the Interior; military personnel; prosecutors; judges; musicians of the state and local government professional orchestras, choirs, concert organisations, theatre and circus artists; diplomats; officials from the Bureau for the Prevention and Combating of Corruption; officials from the constitution protection bureau; officials from the state security institutions; and employees of the state emergency medical service. Service pensions for these categories are granted on the basis of the period worked in the particular profession and the retirement age. The retirement age for service pensions is 38–55 years. The minimum service term is 10–20 years.

4 Recommendations

In view of the growing number of people with work-related illness and the growing number of accidents at work, there is a need for some national-level investigation into the nature and root causes of this process. There is a need to enhance support for this sizeable group of employees, with special privileges in the form of additional annual vacation.

State Labour Inspectorate capacity should be increased to ensure implementation and constant monitoring of Cabinet Regulations in the field of arduous and hazardous jobs.

A policy mix containing career reorientation, reactivation, retraining, life-long learning, etc., aimed at WAHJ should be developed and implemented.

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Annex

Annex 1

On Special Professions Where in the Private Pension Fund's Pension Plans Retirement Age May be less than 55 years' (24 January 2014)

No.	Industry list	retirement age
1.	Rail industry (19 occupations)	50
2.	Aircraft industry (23 occupations)	45–50
3.	Public transport industry (3 occupations)	50
4.	Marine industry (24 occupations)	50
5.	Employees of the State Environmental Service	50
6.	Separate employees of medicine field (4 occupations)	50
7.	Separate employees of education field (6 occupations)	50
8.	Professional sportspersons	45
9.	Personnel employed in the manufacture of building materials (2 occupations)	50
10.	Operators of electric power station (1 occupation)	50
11.	Employees of rubber production industry (4 occupations)	50
12.	Specialists of engineering mechanics	50
13.	Operators of chemical distilling devices and reactor (1 occupation)	50
14.	Mechanical engineer(1 occupation)	50
15.	Employees of metalworking (8 occupations)	50
16.	Employees of metallurgy (8 occupations)	50
17.	Employees of paper production (4 occupations)	50
18.	Glass fibre production (7 occupations)	50
19.	Employees of Office of State Probation Service(3 occupations)	50
20.	Employees of culture field (16 occupations)	38-50
21.	Officials with special service ranks working in the system of the Ministry of the Interior(1 occupation)	50
22.	Professions of the national armed forces (3 occupations)	50
23.	Employees of the Prisons Administration (11 occupations)	50
24.	State high-ranking officials (3 occupations)	50
25.	Legal issues senior specialist (7 occupations)	50

26.	Officials of state security institutions	50
27.	Officials from the Bureau for the Prevention and Combating of Corruption	50

Source: The Regulation of the Cabinet of Ministers No. 47 (2014) 'On special professions where in the private pension fund's pension plans retirement age may be less than 55 years'.

Annex II

Annex to Cabinet of Ministers Regulations No. 288 of 9 June 2015

List of railway specialist professions where mandatory supplementary pension contribution to private pension funds or life insurance with accumulation of funds is ensured for employees under the Railway Act Article 37, seventh part.

Nr. p.k.	Profession	Code as per profession classifier
1.	Diesel locomotive operator instructor	8311 07
2.	Diesel train driver instructor	8311 08
3.	Electric train driver instructor	8311 09
4.	Dīzeļlokomotīves vadītājs (mašīnists) Diesel locomotive operator	8311 10
5.	Diesel train driver	8311 11
6.	Electric train driver	8311 12
7.	Rail motor transport driver	8311 13
8.	Rail motor transport driver assistant	8311 16
9.	Rail motor transport driver instructor	8311 20
10.	Steam locomotive driver	8311 22
11.	Steam locomotive driver instructor	8311 23
12.	Steam locomotive driver assistant	8311 21
13.	Operator of non self-propelled railway engine	8311 17
14.	Diesel locomotive driver assistant	8311 04
15.	Diesel train driver assistant	8311 14
16.	Electric train driver assistant	8311 15
17.	Organiser of railway transport	4323 06
18.	Railway dispatcher	4323 15
19.	- Railway station attendant	4323 12
20.	Railway sorting attendant	8312 05
21.	railway train compiler	8312 02
22.	cargo train conductor	8312 11
23.	Railway foreman, wagon technical maintenance station foreman	3115 65

24.	Railway supervision foreman	7223 10
25.	Railway (non-destructive) inspector	7543 06
26.	Contact powerline engineer	7413 03
27.	Contact powerline repairman	7413 13
28.	Wagon inspector (repairman)	8312 07
29.	Wagon movement speed controller	8312 13

