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28 September 2004 [shall come into force on 2 October 2004];

30 October 2007 [shall come into force on 3 November 2004];

8 September 2009 [shall come into force on 12 September 2009];

16 March 2010 [shall come into force on 20 March 2010];

12 April 2011 [shall come into force on 28 April 2011];

27 January 2015 [shall come into force on 30 January 2015].

If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 49

Adopted 27 January 2004

By-law of the Ministry of Welfare

*Issued pursuant to
Section 16, Paragraph one of
the State Administration Structure Law*

I. General Provisions

1. Ministry of Welfare (hereinafter – the Ministry) is the managing State administration institution in the field of labour, social protection, child and family rights, as well as policy for equal opportunities of disabled persons and gender equality.

[8 September 2009; 16 March 2010]

2. The Ministry is directly subordinate to the Minister for Welfare (hereinafter – the Minister).

3. The Ministry is the higher authority for the State administration institutions subordinate to the Ministry.

II. Functions, Tasks and Competence of the Ministry

4. The functions of the Ministry shall be as follows:

4.1. to draw up the labour policy, social protection policy, policy of children's and family's rights, as well as policy for equal opportunities of disabled persons and gender equality;

4.2. to organise and co-ordinate the implementation of the labour policy, social protection policy, policy of policy of children's and family's rights, as well as policy for equal opportunities of disabled persons and gender equality;

4.3. to carry out other functions specified in external laws and regulations.

[8 September 2009; 16 March 2010]

5. In order to ensure the carrying out of the functions, the Ministry shall:

5.1. in the field of labour:

- 5.1.1. draw up the State policy for reduction of unemployment;
 - 5.1.2. participate in drawing up of the employment policy and improvement of the career development support system;
 - 5.1.3. draw up the State policy for guaranteeing working conditions and working environment that are safe for health and harmless;
 - 5.1.4. draw up the State policy for determination of the minimum work remuneration;
 - 5.1.5. draw up the State policy for regulation of employment legal relationship;
 - 5.2. in social protection:
 - 5.2.1. draw up the State policy in the field of social insurance and State social benefits;
 - 5.2.2. draw up the State policy in the field of social assistance, social work, social care, social and professional rehabilitation;
 - 5.2.2.¹ draw up the State policy in the field of provision of technical ancillary facilities;
 - 5.2.3. ensure the qualitative development of the social care and social rehabilitation services network;
 - 5.2.4. co-ordinate a uniform social inclusion policy;
 - 5.2.¹ in the field of children's and family's rights:
 - 5.2.¹ 1. organise and co-ordinate the supervision of the conformity with the laws and regulations in the field of the protection of the rights of children;
 - 5.2.¹ 2. [16 March 2010];
 - 5.2.¹ 3. promote the shaping of children-friendly and family-friendly environment in the State;
 - 5.2.¹ 4. ensure accounting of children to be adopted and adopters in the adoption register, provide information to adopters regarding children to be adopted and issue orders to adopters;
 - 5.2.¹ 5. [16 March 2010];
 - 5.2.² draw up a uniform policy for equal opportunities of disabled persons;
 - 5.3. draw up the State policy in order to implement an integrated approach to solving issues related to gender equality;
 - 5.3.¹ co-ordinate the development of a uniform State demographic policy;
 - 5.4. [12 April 2011];
 - 5.5. carry out other tasks specified in laws and regulations.
- [30 October 2007; 8 September 2009; 16 March 2010; 12 April 2011; 27 January 2015]*

6. The Ministry shall:

- 6.1. draw up draft legal acts governing the field and draft development planning documents;
- 6.2. provide opinions regarding draft legal acts and draft development planning documents drawn up by other institutions;
- 6.3. issue administrative acts in the cases specified in external laws and regulations;
- 6.4. ensure the implementation of the sectoral policy in State administration institutions subordinate to the Ministry and in the State capital company, in which the Ministry is a State capital shareholder;
- 6.5. prepare and, in accordance with the procedures laid down in laws and regulations, provide proposals regarding the financing from the State budget necessary for implementation of the measures provided for in laws and regulations and the respective development planning documents and for carrying out the tasks of the Ministry;
- 6.6. according to the competence represent State interests in international organisations and institutions of the European Union;

6.7. on behalf of the State perform private-legal transactions, which are necessary for ensuring the operation of the Ministry;

6.8. perform inspection of the carrying out of the functions, as well as other inspections in State administration institutions subordinate to the Ministry;

6.9. ensure drawing up of applications for State commissioned studies, as well as promote efficient use of study results in drawing up of the sectoral policy;

6.10. in accordance with the procedures laid down in laws and regulations co-operate with other State administration institutions in drawing up and implementation of a uniform State policy;

6.11. inform the public regarding the sectoral policy and activities of the institutions subordinate to the Ministry, consult with non-governmental organisations in the decision-making process, promote a social dialogue in issues related to the development and implementation of the policy, as well as involve public representatives in State administration;

6.12. organise and manage the operation of the welfare information system (*LabIS*).
[30 October 2007; 8 September 2009; 27 January 2015]

7. The Ministry has the right:

7.1. in the cases specified in external laws and regulations to request and receive free of charge the information and documents necessary for carrying out the tasks of the Ministry from natural persons and legal persons governed by private law;

7.2. to involve representatives of ministries and other State administration institutions, as well as other institutions in solving of sectoral policy issues;

7.3. to participate in events organised by international organisations, to enter into international interdepartmental contracts and to co-ordinate international co-operation in issues within the competence of the Ministry;

7.4. to perform a financial audit in State administration institutions subordinate to the Ministry;

7.4.¹ by supervising and controlling the conformity with the laws and regulations governing the provision of social services and the quality of social services, without prior notification or receipt of permit at any time of the day, as well as during the absence of the person subjected to the supervision and control, to visit and inspect the objects subjected to supervision and control and during the inspection to question employees and clients, as well as to record observations, using technical means;

7.5. to exercise other rights specified in laws and regulations.
[27 January 2015]

III. Structure of the Ministry and Competence of Officials

8. The work of the Ministry shall be headed by the Minister.

9. The Minister:

9.1. without a special authorisation shall represent the Ministry;

9.2. shall issue orders to the State Secretary and political officials of the Ministry;

9.3. shall issue orders to the governance officials and employees of the State administration institutions subordinate to the Minister and the Ministry (they shall inform a higher official regarding the order of the Minister) and issue internal regulatory enactments binding thereto insofar as it has not been laid down otherwise in external laws and regulations;

9.4. according to the competence specified in external laws and regulations shall supervise the work of the State administration institutions subordinate to the Minister or the Ministry and State capital companies, in which the Ministry is a State capital shareholder, as well as the work of officials or authorise a respective official of the Ministry for it;

9.5. may revoke internal regulatory enactments, decisions and orders issued by the Parliamentary Secretary, State Secretary and other governance officials of the Ministry, except administrative acts;

9.6. may revoke internal regulatory enactments, decisions and orders issued by governance officials of the State administration institutions subordinate to the Minister and the Ministry, except administrative acts, if it has not been laid down otherwise in external laws and regulations;

9.7. shall appoint to the office and remove from the office the State Secretary, heads of the State administration institutions subordinate to the Ministry, insofar as it has not been laid down otherwise in external laws and regulations;

9.8. shall determine the internal audit system in the Ministry;

9.9. shall enter into international agreements in accordance with the procedures laid down in external laws and regulations;

9.10. shall carry out other functions specified in laws and regulations.

[30 October 2007]

10. The Parliamentary Secretary shall carry out the duties specified in the State Administration Structure Law and other laws and regulations.

11. The State Secretary shall:

11.1. organise the drawing up of the sectoral policy and strategy and the implementation of the sectoral policy;

11.2. manage the administrative work of the authority and ensure the fulfilment of the functions of the Ministry;

11.3. ensure carrying out of the order of the Minister and the Parliamentary Secretary;

11.4. establish a rational structure for the fulfilment of the functions of the Ministry;

11.5. plan the financial resources for the State administration institutions subordinate to the Ministry;

11.6. take decisions and issue internal regulatory enactments;

11.7. without a special authorisation represent the Ministry;

11.8. give direct orders to the governance officials and employees of the Ministry;

11.9. ensure the continuity of the work of the Ministry, if change in the political management of the Ministry has occurred;

11.10. fulfil other functions of the head of a State institution of direct administration specified in the State Administration Structure Law and the functions specified in other laws and regulations.

12. The State Secretary shall have deputies. The competence of the Deputy State Secretary, as well as the units of the Ministry directly subordinate to the respective Deputy State Secretary shall be determined by the State Secretary.

13. Departments, their divisions and independent divisions shall be the units of the Ministry. Departments, their divisions and independent divisions shall be established, reorganised and liquidated by the State Secretary. Rules of procedure of departments, their divisions and independent divisions shall be issued by the head of the respective unit after co-ordination with the State Secretary.

14. Departments and their independent divisions are subordinate to the State Secretary or his or her Deputy according to the distribution of the functions specified for the State Secretary.

15. A department shall be headed by the director of the department. The director of the department may have deputies. The competence of the director of the department and his or her

deputies shall be determined in the description of the office of the public servant or in employment contract.

16. A division shall be headed by the head of the division. The head of the division may have a deputy. The competence of the head of the division and his or her deputies shall be determined in the description of the office of the public servant or in employment contract.

17. The Minister and the State Secretary may establish councils, working groups and commissions in the Ministry. Authorised representatives of other institutions, as well as private individuals may be involved in the abovementioned institutions. The by-laws of institutions shall be approved by the Minister or State Secretary accordingly.

IV. Mechanism for the Provision of Rule of Law of the Work of the Ministry and Operational Reports of the Ministry

18. The rule of law of the work of the Ministry shall be ensured by the State Secretary. The State Secretary shall be responsible for the establishment and operation of the system for inspection of the governance decisions.

19. The State Secretary has the right to revoke decisions of the governance of official of the Ministry and internal regulatory enactments.

20. The State Secretary shall take a decision on the administrative act issued by the governance official of the Ministry or actual action of the governance official and employee, contested by a private individual, if it has not been laid down otherwise in external laws and regulations.

21. A private individual may appeal the administrative acts issued by and the actual action of the State Secretary to the court.

22. The Ministry shall, not later than once a year, provide a report to the Minister on the implementation of the sectoral policy, the fulfilment of the functions of the Ministry and utilisation of budget resources, as well as shall prepare, in accordance with the procedures laid down in laws and regulations, the annual public report on the implementation of the sectoral policy.

23. The Minister has the right to request, at any time, a report on the implementation of the sectoral policy or policy of an individual field, as well as the work of the State administration institution subordinate to the Ministry.

V. State Administration Institutions Subordinate to the Ministry and State Capital Company, in which the Ministry is a State Capital Shareholder

[28 September 2004; 30 October 2007]

24. The following institutions shall be subordinate to the Ministry:

- 24.1. the State Employment Agency;
- 24.2. the Social Integration State Agency;
- 24.c. the State Inspectorate for Protection of Children's Rights;
- 24.4. the State Labour Inspectorate;
- 24.5. the State Social Insurance Agency;
- 24.6. the State social care centre "Kurzeme";
- 24.7. the State social care centre "Latgale";
- 24.8. the State social care centre "Rīga";

24.9. the State social care centre “Vidzeme”;
24.10. the State social care centre “Zemgale”;
24.11. the State Medical Commission for the Assessment of Health Condition and Working Ability.
[20 March 2010]

25. [28 September 2004]

26. The Ministry shall be the State capital shareholder in the State limited liability company “Šampētera nams”.
[28 September 2004; 30 October 2007]

VI. Closing Provisions

27. Cabinet Regulation No. 15 of 14 January 2003, By-law of the Ministry of Welfare (*Latvijas Vēstnesis*, 2003, No. 10), is repealed.

Prime Minister

E. Repše

Minister for Welfare

D. Staķe