

An excerpt of the Labour Law:

Section 130. Concept of Working Time

- (1) Working time within the meaning of this Law shall mean a period from the beginning until the end of work within the scope of which an employee performs work or is at the disposal of the employer, with the exception of breaks in work.
- (2) The beginning and end of work shall be specified by working procedure regulations, shift schedules, or by an employment contract.

Section 131. Regular Working Time

- (1) Regular daily working time of an employee may not exceed eight hours, and regular weekly working time – 40 hours. Daily working time within the meaning of this Law shall mean working time within a 24-hour period.
- (2) If daily working time on any weekday is less than the regular daily working time, the regular working time of some other weekday may be extended, but not more than by one hour. In such case the provisions of the length of weekly working time shall be complied with.
- (3) Regular working time of employees associated with a special risk may not exceed seven hours a day and 35 hours a week if they are engaged in such work for not less than 50 per cent of the regular daily or weekly working time. The Cabinet may determine regular shortened working time also for other categories of employees.

Section 132. Working Time for Persons Under 18 Years of Age

- (1) For persons who are under 18 years of age a working week of five days shall be specified.
- (2) Children who have reached the age of 13 years may not be employed:
 - 1) for more than two hours a day and more than 10 hours a week if the work is performed during the school year; and
 - 2) for more than four hours a day and more than 20 hours a week if the work is performed during a period when there are holidays at educational institutions, but when a child has already reached the age of 15 years – for more than seven hours a day and more than 35 hours a week.
- (3) Adolescents may not be employed for more than seven hours a day and more than 35 hours a week.
- (4) If persons who are under 18 years of age continue to, in addition to work, acquire primary education, secondary education or an occupational education, the time spent

on studies and work shall be summed and may not exceed seven hours a day and 35 hours a week.

(5) If persons who are under 18 years of age are employed by several employers, the working time shall be summed.

Section 133. Length of a Working Week

(1) A working week of five days is specified for employees. If due to the nature of the work it is not possible to determine a working week of five days, an employer, after consultation with employee representatives, shall specify a working week of six days.

(2) If a working week of six days is specified, the length of daily working time shall not exceed seven hours. The length of the daily working time for employees whose regular working time may not exceed the length specified in Section 131, Paragraph three of this Law may not exceed six hours.

(3) Work on Saturdays shall be ended earlier than on other days. The length of the working day on Saturdays shall be specified by a collective agreement, working procedure regulations, or by an employment contract.

(4) If within the framework of a working week one day falls in between a public holiday and week's days of rest, an employer may specify such working day as a holiday and transfer it to Saturday of the same week or of another week within the framework of the same month. Employees of the institutions to be financed from the State budget for whom a working week of five days is specified from Monday to Friday, the Cabinet order regarding the transfer of a working day shall be issued for the next year not later than until 1 July of the current year.

(5) If an employee due to his or her religious belief or other justified reasons cannot arrive at work on the transferred working day, such day shall be considered as a day of the employee's annual leave or, upon agreement with the employer, it shall be worked off in another time.

Section 134. Part-time Work

(1) An employer and an employee may agree in an employment contract on part-time work that is shorter than the regular daily or weekly working time.

(2) An employer shall determine part-time work if requested by a pregnant woman, a woman for a period following childbirth up to one year, but if the woman is breastfeeding then for the whole period of breastfeeding, as well as by an employee who has a child less than 14 years of age or a disabled child under 18 years of age.

(3) The same provisions, which apply to an employee who is employed for regular working time, shall apply to an employee who is employed part-time.

(4) Refusal by an employee to change over from regular working time to part-time or vice versa may not of itself serve as a basis for a notice of termination of an

employment contract or restriction of the rights of an employee in any other way. This provision shall not restrict the right of an employer to give a notice of termination of an employment contract if such notice is adequately substantiated with the performance of urgent economic, organisational, technological or similar measures in the undertaking.

(5) An employer shall, upon the request of an employee, transfer the employee from regular working time to part-time or vice versa if such possibility exists in the undertaking.

(6) An employer shall inform employee representatives regarding the possibility of employing employees part-time in the undertaking if the employee representatives request such information.

(7) If part-time is determined for an employee, employing of him or her over such working time is permissible on the basis of a written agreement between the employer and the employee.

Section 135. Length of Daily Working Time before Public Holidays

Before public holidays the length of the working day shall be reduced by one hour, unless a shorter working time has been specified by a collective agreement, working procedure regulations, or an employment contract.

Section 136. Overtime Work

(1) Overtime work shall mean work performed by an employee in addition to regular working time.

(2) Overtime work is permitted if the employee and the employer have so agreed in writing.

(3) An employer has the right to employ an employee on overtime without his or her written consent in the following exceptional cases:

1) if this is required by the most urgent public need;

2) to prevent the consequences caused by *force majeure*, an unexpected event or other exceptional circumstances which adversely affect or may affect the normal course of work activities in the undertaking; or

3) for the completion of urgent, unexpected work within a specified period of time.

(4) If overtime work in the cases referred to in Paragraph three of this Section continues for more than six consecutive days, the employer needs a permit from the State Labour Inspectorate for further overtime work, except in cases when repetition of similar work is not expected.

(5) Overtime work may not exceed an average of eight hours in seven day period that is calculated within the accounting period that does not exceed four months.

(6) It is prohibited to employ in overtime work persons who are under 18 years of age.

(7) A pregnant woman, a woman for a period up to one year after giving birth, and a woman who is breastfeeding for the whole period of breastfeeding, but not longer than until child reaches two years of age, may be employed in overtime work if she has given her written consent.

(8) If an employer determines one working day, which falls in between a public holiday and week's days of rest, as a holiday and transfers it to Saturday of the same week or of another week within the framework of the same month, in case of transfer of a working day the referred to work shall not be considered as overtime work.

Section 137. Accounts of Working Time

(1) Employer has a duty to keep accurate accounts for each employee of total hours worked, as well as separately overtime hours, hours worked at night, on the week's days of rest and public holidays.

(2) For employees who, on the basis of an order of the employer, concurrently are acquiring an occupation (profession, trade), the time spent on studies and work shall be summed and shall be regarded as working time.

(3) Employees have the right, in person or through employee representatives, to verify the accounts of working time kept by the employer.

Section 138. Night Work

(1) Night work shall mean any work performed at night for more than two hours. Nighttime shall mean the period of time from 22 to 6 o'clock. Nighttime with respect to children within the meaning of this Law shall mean the period of time from 20 to 6 o'clock.

(2) A night-employee shall mean an employee who normally performs night work in accordance with a shift schedule, or for at least 50 days in a calendar year.

(3) Regular daily working time for a night employee shall be reduced by one hour. This provision shall not apply to employees who have been prescribed regular shortened working time. Regular daily working time for a night employee shall not be reduced if such is required by the particular characteristics of the undertaking. It is prohibited to employ night employee whose work is associated with special risk for more than eight hours within 24-hour period during which he/ she has performed night work, however, this rule may not be applied in the cases referred to in Section 140, Paragraph two of this Law after consulting with the employees' representatives.

(4) A night employee has the right to undergo a health examination before he or she is employed in night work, as well as the right to subsequently undergo regular health

examinations not less frequently than once every two years, while an employee who has reached the age of 50 years, not less frequently than once a year. Expenditures associated with such health examination shall be covered by the employer.

(5) An employer shall transfer a night employee to an appropriate job to be performed during the day if there is a doctor's opinion that the night work negatively affects the health of the employee.

(6) It is prohibited to employ at night persons who are under 18 years of age, pregnant women and women for a period following childbirth up to one year, but if a woman is breastfeeding then during the whole period of breastfeeding if there is a doctor's opinion that the performance of the relevant work causes a threat to the safety and health of the woman or her child.

(7) An employee who has a child less than three years of age may be employed at night only with his or her consent.

Section 139. Shift Work

(1) If it is necessary to ensure continuity of a work process, an employer, after consultation with employee representatives, shall determine shift work. In such case the length of a shift may not exceed the regular daily working time prescribed for the relevant category of employees.

(2) It is prohibited to assign an employee to work two shifts in succession.

(3) One shift shall relieve the other at the time specified by a shift schedule. If a shift is not relieved at the specified time, an employee who has not been relieved has a duty to continue work if interruption of work is not permissible. The employee shall without delay inform the employer of the continuance of work. The time worked by an employee after the end of a shift shall be considered to be overtime work.

(4) Transition from one shift to another shall be organised in accordance with the procedures specified by a shift schedule, but not less frequently than weekly.

(5) An employer has a duty to familiarise employees with the shift schedules not later than one month before they come into effect.

Section 140. Aggregated Working Time

(1) If due to the nature of the work it is not possible to comply with the length of the regular daily or weekly working time determined for the relevant employee, the employer, after consultation with the representatives of employees may determine aggregated working time so that the working time in the accounting period does not exceed regular working time determined for the relevant employee. If the aggregated working time is determined for the employee, the employer has a duty to inform the employee in writing thereof, specifying the length of the accounting period, as well as to familiarise the employee with the work schedule in due time.

(2) The duration of the one-day and the weekly rest provided for by the Law may not be applied in the framework of aggregated working time if:

- 1) an employee has to spend a long time on the way to the work;
- 2) an employee performs the security guard or surveillance activities;
- 3) due to the nature of the work it is necessary to ensure continuity of the work;
- 4) an employee performs seasonal work;
- 5) short-term expansion of the scope of work of the undertaking or increase in the amount of production is expected.

(3) Unless a longer accounting period is provided for by the collective agreement or the employment contract, the aggregated working time accounting period shall be one month. The employee and the employer may agree in the employment contract regarding the length of the accounting period, however, not longer than three months, but in the collective agreement – not longer than 12 months.

(4) In any case it is prohibited to employ an employee for more than 24 hours in succession and 56 hours per week within the framework of the aggregated working time. The employee shall be granted the rest time immediately after performance of the work.

(5) The work performed by an employee over the regular working time determined in the accounting period shall be regarded as overtime work.

(6) If the aggregated working time has been determined, the employer shall ensure that within the accounting period the one-day rest time is not shorter than an average of 12 hours within 24-hour period and the weekly rest is not shorter than an average of 35 hours in seven day period, including the one-day rest .

(7) The employer does not have the right to amend the work schedule set for an employee during the period of employee's temporary incapacity as well as during the period when an employee does not perform the work for other justified reason.

Section 141. Concept of Rest Time

(1) Rest time within the meaning of this Law shall mean a period of time during which an employee does not have to perform his or her work duties and which he or she may use at his or her own discretion.

(2) Rest time shall include rest breaks during work, one-day rest, weekly rest, public holidays and leave.

Section 142. One-day Rest

(1) The length of a one-day rest within 24 hours shall not be less than 12 consecutive hours. This provision need not apply if aggregated working time has been prescribed.

(2) For children the length of a one-day rest within 24 hours shall not be less than 14 consecutive hours.

Section 143. Weekly Rest

(1) The length of a weekly rest period within a seven-day period shall not be less than 42 consecutive hours. This provision need not apply if aggregated working time has been prescribed.

(2) If a working week of five days is specified, an employee shall be granted two of the week's days of rest, and if a working week of six days is specified, one of the week's day of rest. Both of the week's days of rest are customarily granted as consecutive days.

(3) Generally the week's day of rest shall be Sunday. If it is necessary to ensure continuity of a work process, it is permitted to have an employee work on a Sunday, granting him or her a day of rest on another day of the week.

(4) On the basis of the employer's written order, an employee may be engaged in work during the weekly rest period by granting him/her equivalent compensatory rest time and providing minimum two weekly rest periods referred to in Paragraph one of this Section within any period of 14 days in the following cases:

1) if such is required by the most urgent public needs;

2) to prevent the consequences caused by *force majeure*, an unexpected event or other exceptional circumstances which adversely affect or may affect the usual course of activities in the undertaking; and

3) for the completion of urgent, unforeseen work within a specified period of time.

(5) In accordance with the provisions of Paragraph four of this Section, it is prohibited to employ persons who are under 18 years of age, pregnant women and women for a period following childbirth up to one year, but if a woman is breastfeeding then during the whole period of breastfeeding, but not longer than until the child reaches two years of age.

(6) If an employer determines one working day, which falls in between a public holiday and week's days of rest, as a holiday and transfers it to Saturday of the same week or of another week within the framework of the same month, the length of the week's days of rest shall not be less than 35 consecutive hours.

Section 144. Work on Public Holidays

(1) Employees shall not be required to work on public holidays prescribed by law.

(2) If it is necessary to ensure continuity of the work process, it is permitted to require an employee to work on a public holiday by granting him or her rest on another day of the week or by paying appropriate compensation.

Section 145. Breaks in Work

(1) Every employee has the right to a break in work if his or her daily working time exceeds six hours. Adolescents have the right to a break in work if his or her daily working time exceeds four and one half hours.

(2) Breaks shall be granted not later than four hours after the start of work. The employer shall determine the length of a break after consultation with employee representatives, though it may not be less than 30 minutes. Taking into account occupational safety and health protection principles, the collective agreement may specify other procedures for the granting of breaks. A break shall not be included as working time. If possible an adolescent shall be granted a break when he or she has worked for one half of the daily working time contracted for.

(3) During breaks an employee has the right to leave his or her workplace unless otherwise provided for by the employment contract, the collective agreement or working procedure regulations. Prohibition against leaving a workplace during breaks shall be adequately substantiated.

(4) If due to the nature of the work it is impossible to determine a break for eating, an employer shall ensure employees with the possibility of having a meal during working time.

(5) A break for rest shall be provided in any case. If a break for rest cannot be granted all at once, it is permitted to divide the break into parts, which may not be less than 15 minutes each.

(6) Employers shall grant an additional break to employees who are exposed to special risk. The employer shall determine the length of breaks after consultation with employee representatives and such breaks shall be included as working time.

Section 146. Breaks for Feeding a Child

(1) An employee who has a child under one and a half years of age shall be granted additional breaks for feeding the child. The employee shall in good time inform the employer of the necessity for such breaks.

(2) Breaks of not less than 30 minutes for feeding a child shall be granted not less than every three hours. If an employee has two or more children under one and a half years of age, a break of at least one hour shall be granted. The employer shall determine the length of breaks after consultation with employee representatives.

When determining the procedure for granting a break, the wishes of the relevant employees shall be taken into consideration as far as possible.

(3) Breaks for feeding a child may be added to breaks in work or, if such is requested by the employee, transferred to the end of the working time thus shortening the length of the working day accordingly.

(4) Breaks for feeding a child shall be included as working time, retaining work remuneration for such time. Employees for whom a piecework salary has been specified for such time shall be average earnings.

Section 147. Temporary Absence

(1) Employers shall ensure an opportunity for a pregnant woman to leave the workplace in order to undergo health examination in the prenatal period if it is not possible to undergo such examination outside of working time.

(2) An employee has the right to temporary absence if his or her immediate presence at work is not possible due to *force majeure*, an unexpected event or other exceptional circumstances.

(3) An employee who cares for a child aged up to 18 years has the right to temporary absence in case of the child's sickness or accident, as well as for the purpose of participating in the child's health examination when it is not possible to undergo this examination outside working hours.

(4) An employee shall notify the employer of temporary absence in due time. Temporary absence shall not serve as the basis for the right of an employer to give notice of termination of an employment contract.

Section 148. Organisation of Working Time General Provisions

(1) The provisions of Section 131, Paragraph one; Section 136, Paragraph five; Section 138, Paragraph three; Section 142, Paragraph one; Section 143, Paragraph one and Section 145 of this Law, complying with the principles of safety at work and health protection, as well as ensuring sufficient rest, may be excluded from application to situations where in recognition of the characteristics of the relevant work or occupation the length of working time is not measured or determined in advance or it may be determined by the employees themselves. The accounts of working time need not be performed in the referred to cases.

(2) The provisions of Section 138, Paragraph one; Section 142, Paragraph one; Section 143, Paragraph one and Section 145 of this Law, complying with the principles of safety at work and health protection, as well as ensuring sufficient rest, may be excluded from application in respect of employees who are employed in an undertaking which ensures the carriage by motor vehicles, by air or inland waterways of passengers and freight, and the work or activities of which are associated with travel or movement.

(3) The provisions of Paragraph two of this Section shall not apply to employees who perform work with city public means of transport.

Section 149. Annual Paid Leave

(1) Every employee has the right to annual paid leave. Such leave may not be less than four calendar weeks, not counting public holidays. Persons under 18 years of age shall be granted annual paid leave of one month.

(2) By agreement of an employee and the employer, annual paid leave in the current year may be granted in parts, nevertheless one part of the leave in the current year shall not be less than two uninterrupted calendar weeks.

(3) In exceptional cases when the granting in the current year of the full annual paid leave to an employee may adversely affect the normal course of activities in the undertaking, it is permitted with the written consent of the employee to transfer part of the leave to the subsequent year. In such case, the part of the leave in the current year shall not be less than two consecutive calendar weeks. The part of the transferred leave shall as far as possible be added to the leave of the next year. Part of the leave may be transferred only to the subsequent year.

(4) The provisions of Paragraph three of this Section shall not apply to persons who are under 18 years of age, pregnant women and women for a period following childbirth up to one year, but if a woman is breastfeeding then during the whole period of breastfeeding but not longer than until child reaches two years of age.

(5) It is not permitted to compensate annual paid leave with money, except in cases when employment legal relationships are terminated and the employee has not utilised his or her annual paid leave. The employer has the duty to pay remuneration for the whole period for which the employee has not utilised his or her paid annual paid leave.

(6) After annual paid leave, an employee has the right to such improvements to working conditions and employment provisions to which he or she would have been entitled if he or she had not be on leave. This provision applies also to the leave referred to in Sections 151, 153, 154, 155, 156 and 157 of this Law, as well as to employees during sick leave or during the non-performance of work due to other justified causes.

Section 150. Procedures for Granting Annual Paid Leave

(1) Annual paid leave shall be granted each year at a specified time in accordance with agreement between the employee and the employer or with a leave schedule which shall be drawn up by the employer after consultation with employee representatives. All employees shall become acquainted with the leave schedule and amendments to it, and it shall be available to every employee.

(2) An employer has a duty to, when granting annual paid leave, as far as possible to take into consideration the wishes of employees.

(3) An employee may request the granting of annual paid leave for the first year if he or she has worked for the employer for at least six months without interruption. The employer has a duty to grant such leave in full.

(4) A woman at her request shall be granted annual paid leave before prenatal and maternity leave or immediately after irrespective of the time the woman has been employed by the relevant employer.

(5) Employees under the age of 18 years and employees who have a child under three years of age or a disabled child up to 18 years of age shall be granted annual paid leave in summer or at a time of his or her choice. If an employee under the age of 18 years continues to acquire education, annual paid leave shall be granted as far as possible to match the holidays at the educational institution.

(6) Annual paid leave shall be transferred or extended in case of temporary incapacity of an employee.

Section 151. Supplementary Leave

(1) Annual paid supplementary leave shall be granted to:

1) employees who cares for of three or more children aged up to 16 years or a disabled child aged up to 18 years – three working days;

2) employees the work of which is associated with a special risk – at least three working days.

3) employees who cares for less than three children aged up to 14 years – at least one working day.

(2) A collective agreement or an employment contract may determine other cases (night work, shift work, long-term work, etc.) where an employee shall be granted annual paid supplementary leave.

(3) The annual paid supplementary leave shall be transferred or extended in case of the employee's temporary incapacity.

Section 152. Time that Gives the Right to Annual Paid Leave

(1) The time which gives the right to annual paid leave shall include the time during which an employee was actually employed by the relevant employer, and the time during which the employee did not perform work for justified cause, including:

1) a period of temporary incapacity;

2) a period of pregnancy leave and maternity leave;

3) a period of short-term absence;

4) a period of forced absence from work if the employee was dismissed illegally and has been reinstated in his or her previous work; and

5) the period of leave referred to in Section 155 of this Law.

(2) The time period referred to in Paragraph one of this Section shall not include the period of child-care leave and a period of leave without retention of work remuneration which is longer than four weeks within one year.

Section 153. Leave without Retention of Work Remuneration

(1) An employer, upon the request of an employee to the care and supervision of which before the approval of adoption by a court on the basis of a decision by an Orphan's court has been given a child to be adopted, may grant him or her leave without retention of work remuneration. Such leave shall be granted for the time period as is specified in the decision of the Orphan's court regarding the care and supervision of the child to be adopted. If the Orphan's court takes a decision regarding an extension of the time period for care and supervision, the leave shall be extended up to the time of the coming into effect of the court decision regarding approval of the adoption. Such leave shall be counted in the total length of service, but it shall not be counted towards the annual paid leave.

(1¹) An employer shall grant a leave without retention of work remuneration if this is requested by an employee who cares for a child as a foster family or as a guardian, as well as an employee who, in compliance with the decision of the Orphan's court, cares for and raises the child of other person. This leave shall be granted for a period of time defined in the decision of the Orphan's court, but not longer than until the child reaches one and a half years of age. Such leave shall be counted in the total length of service, but it shall not be counted towards the annual paid leave.

(1²) An employer shall grant a leave without retention of work remuneration to an employee who performs service in the National Guard of the Republic of Latvia if the employer receives the information regarding the employee's involvement in the performance of the tasks or training of the National Guard from the Commander of the National Guard unit in compliance with the term and the procedure defined in regulatory enactments regulating the service in the National Guard. The leave without retention of work remuneration shall be granted for the time period specified in the statement issued by the Commander of the National Guard unit.

(2) The previous work of an employee who utilises the leave referred to Paragraph 1.¹ and Paragraph 1.² of this Section shall be retained. If this is not possible, the employer shall ensure similar or equivalent work with not less favourable conditions and employment provisions.

(3) An employer, upon the request of an employee, may grant him or her leave without retention of work remuneration also in other cases.

Section 154. Prenatal and Maternity Leave

(1) Prenatal leave of 56 calendar days and maternity leave of 56 calendar days shall be summed and 112 calendar days granted irrespective of the number of days prenatal leave has been utilised prior to child-birth.

(2) A woman who has initiated pregnancy-related medical care at a preventive medical institution by the 12th week of pregnancy and has continued for the whole period of pregnancy shall be granted a supplementary leave of 14 days, adding it to the prenatal leave and calculating 70 calendar days in total.

(3) In case of complications in pregnancy, childbirth or postnatal period, as well as if two or more children are born, a woman shall be granted a supplementary leave of 14 days, adding it to the maternity leave and calculating 70 calendar days in total.

(4) Leave granted in connection with pregnancy and childbirth shall not be included in annual paid leave.

(5) A woman who makes use of pregnancy or maternity leave shall have ensured her previous work. If this is not possible, the employer shall ensure the woman similar or equivalent work with not less favourable conditions and employment provisions.

Section 155. Leave to Father of a Child, Adopters and Other Persons

(1) The father of a child is entitled to leave of 10 calendar days. Leave to the father of a child shall be granted immediately after the birth of the child, but not later than within a two-month period from the birth of the child.

(2) If a mother has died in childbirth or within a period up to the 42nd day of the postnatal period, or in accordance with the procedures prescribed by law up to the 42nd day of the postnatal period has refused to take care and bring up the child, the father of the child shall be granted leave for the period up to the 70th day of the child's life. The leave referred to shall be granted also to another person who actually takes care of the child.

(3) If a mother cannot take care of the child up to the 42nd day of the postnatal period due to illness, injury or other health-related reasons, the father or another person who actually takes care of the child shall be granted leave for those days on which the mother herself is not able to take care of the child.

(4) *(Excluded by the Law of 22.01.2004)*

(5) For a family, which has adopted a child up to three years of age, one of the adopters shall be granted 10 calendar days of leave.

(6) A child's father, adopter or another person who in fact cares for the child and who makes use of the leave referred to in this Section shall have preserved his or her previous work. If this is not possible, the employer shall ensure the child's father, adopter or another person who in fact cares for the child similar or equivalent work with not less favourable conditions and employment provisions.

Section 156. Parental Leave

(1) Every employee has the right to parental leave in connection with the birth or adoption of a child. Such leave shall be granted for a period not exceeding one and a half years up to the day the child reaches the age of eight years.

(2) Parental leave, upon the request of an employee, shall be granted as a single period or in parts. The employee has a duty to notify the employer in writing one month in advance of the beginning and the length of the parental leave or parts thereof.

(3) The time spent by an employee on parental leave shall be included in the total length of service.

(4) The previous job of an employee who makes use of parental leave shall be retained. If this is not possible, the employer shall ensure the employee similar or equivalent work with not less favourable conditions and employment provisions.

(5) The interruption of a parental leave before the end of the term of the granted parental leave shall be carried out according to the procedure provided for in the collective agreement or the employment contract or on the basis of an agreement between the employer and the employee. The employee has the right to return to the work by notifying the employer thereof at least two weeks in advance if the grounds for further care of the child was lost due to objective reasons.

Section 157. Study Leave

(1) An employee, who without discontinuing work, studies at an educational institution of any type, in accordance with a collective agreement or an employment contract shall be granted study leave with or without retention of work remuneration. If a piecework salary has been specified for the employee, study leave shall be granted paying out average earnings or not paying it.

(2) An employee shall be granted a study leave of 20 working days for the taking of a State examination or the preparation and defence of a diploma paper with or without retaining the work remuneration. If a piecework salary has been specified for the employee, a study leave shall be granted with or without paying out the average earnings.