

# Labour Code

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\*Note: An update of the English text of this Act is being prepared following the amendments in SG No. 61/25.07.2014

Text in Bulgarian: Кодекс на труда

## INTRODUCTION

**(Repealed, SG No. 100/1992)**

## Chapter One

## GENERAL PROVISIONS

Subject Matter and Purpose

### Article 1

(Amended, SG No. 100/1992)

(1) This Code shall regulate the industrial relations between the factory or office worker and the employer, as well as other relations immediately associated with them.

(2) (New, SG No. 2/1996) Relations related to the supply of labour power shall be arranged as employment relationships only.

(3) (Renumbered from Paragraph (2), SG No. 2/1996, amended, SG No. 25/2001) The purpose of this Code shall be to ensure the freedom and protection of labour, equitable and dignified working conditions, as well as the conduct of social dialogue between the State, the factory and office workers, the employers and their organisations, for settlement of industrial relations and other relations immediately associated with industrial relations.

Social Dialogue

## **Article 2**

(Repealed, SG No. 100/1992, new, SG No. 25/2001)

The State shall regulate industrial relations and the relations immediately associated with industrial relations, the social-security relations and the living standard issues after consultations and through dialogue with the factory and office workers, the employers and their organisations, in the spirit of co-operation, mutual concessions and respect for the interests of each of the parties.

Tripartite Co-operation

## **Article 3**

(Amended, SG No. 100/1992, amended and supplemented, SG No. 2/1996, amended, SG No. 25/2001)

(1) (Supplemented, SG No. 120/2002) The State shall implement the regulation of industrial relations and the relations immediately associated with industrial relations, the social-security relations, as well as the living standard issues, in co-operation and after consultations with the factory and office workers' and the employers' representative organisations. The scope of living standard issues subject to consultation shall be determined by an act of the Council of Ministers on a proposal by the National Council for Tripartite Co-operation.

(2) (Amended, SG No. 120/2002) Co-operation and consultations shall be conducted mandatorily in the process of passing statutory instruments in the sphere of relations and issues indicated in Paragraph (1).

National Council for Tripartite Co-operation

## **Article 3a**

(New, SG No. 25/2001)

(1) The co-operation and consultations under Article 3 shall be carried out at the national level by the National Council for Tripartite Co-operation.

(2) The National Council for Tripartite Co-operation shall comprise two representatives each of the Council of Ministers, the representative organisations of the factory and office workers and the representative organisations of the employers. The Council of Ministers shall designate its representatives, and the representatives of the representative organisations of the factory and office workers and the employers shall be designated by their managing bodies in compliance with their statutes.

(3) The National Council for Tripartite Co-operation shall be headed by a Deputy Prime Minister.

(4) (New, SG No. 120/2002) The National Council for Tripartite Co-operation shall elect among the persons, who by law represent the organisations of factory and office workers and of employers, a deputy chairperson of the Council from each such organisation for a term of one year, based on the principle of rotation.

(5) (New, SG No. 120/2002) In the absence of the Chairperson of the National Council for Tripartite Co-operation, the meetings shall be presided over by a deputy chairperson designated by the Chairperson.

## Industry, Branch, Regional and Municipal Councils for Tripartite Co-operation

### Article 3b

(New, SG No. 25/2001, amended, SG No. 15/2010)

(1) The co-operation and consultations under Article 3 by industry, branch, region and municipality shall be implemented by industry, branch, regional and municipal councils for tripartite co-operation.

(2) The industry, branch, regional and municipal councils for tripartite co-operation shall comprise two representatives, each of: the relevant ministry, another central government department, regional or municipal administration, representative organisations of factory and office workers and of the employers.

(3) The representatives of the ministries, of the other central government departments and of the regional and municipal administrations shall be designated by the respective minister, head of another central government department, regional governor or municipality mayor, and those of the representative organisations of factory and office workers and of employers shall be designated by their managing bodies in compliance with their statutes.

(4) The chairpersons of the industry, branch, regional and municipal councils for tripartite co-operation shall be designated by the respective minister, head of another central government department, regional governor or municipality mayor after holding consultations with the representative organisations of factory and office workers and of the employers in the respective councils for tripartite co-operation.

## Functions of Councils for Tripartite Co-operation

### Article 3c

(New, SG No. 25/2001)

(1) The National Council for Tripartite Co-operation shall discuss and give pinions on bills, drafts of secondary legislation and decisions of the Council of Ministers under Article 3.

(2) Opinions of the National Council for Tripartite Co-operation under Paragraph (1) may be requested by:

1. the President of the Republic;
2. the Chairperson of the National Assembly and the chairpersons of the standing committees of the National Assembly;
3. the Prime Minister.

(3) (Amended, SG No. 15/2010) The industry, branch, regional and municipal councils for tripartite co-operation shall discuss and give opinions for the purpose of settling specific issues under Article 3 in respect of the relevant industry, branch, region or municipality.

(4) (Amended, SG No. 15/2010) Opinions under Paragraph (3) shall be submitted upon request of the state body that regulates the respective issues, or upon the initiative of the industry, branch, regional and municipal councils for tripartite co-operation.

## Meetings of Councils for Tripartite Co-operation

### Article 3d

(New, SG No. 25/2001)

(1) Meetings of the councils for tripartite co-operation shall be convened by their chairpersons, who shall also determine the agenda of such meetings.

(2) Meetings of the councils for tripartite co-operation may also be convened upon request of the representatives of each of the organisations of the factory and office workers or the employers, who shall also move the agenda of the meeting.

## Work Organisation and Decision-Making of Councils for Tripartite

## Co-operation

### Article 3e

(New, SG No. 25/2001)

(1) The chairpersons of the councils for tripartite co-operation shall preside over the meetings thereof, shall organise and direct the work of the councils in the spirit of co-operation, mutual concessions and respect for the interests of each of the parties.

(2) (Amended, SG No. 120/2002) For the valid transaction of business at a meetings of the councils representatives of all three participating parties shall have to be present thereat.

(3) (New, SG No. 120/2002) Transaction of business at a meeting of the councils shall also be validly held even when authorised representatives of any of the participating organisations of factory and office workers and of employers are not present thereat, provided they have been duly notified.

(4) (Renumbered from Paragraph (3), SG No. 120/2002) The councils shall adopt decisions by consensus.

(5) (Renumbered from Paragraph (4), SG No. 120/2002) The decisions adopted by the councils for tripartite co-operation shall be submitted to the relevant bodies, as follows:

1. decisions of the National Council for Tripartite Co-operation: to the Prime Minister or the relevant minister or head of another central government department;

2. decisions of industry and branch councils for tripartite co-operation: to the relevant minister or head of another central government department;

3. (amended, SG No. 15/2010) decisions of regional or municipal councils for tripartite co-operation: to the regional governor or municipality mayor/municipal council chairperson, according to their competence for adopting a final act on the issues discussed.

(6) (Renumbered from Paragraph (5), SG No. 120/2002, amended, SG No. 15/2010) The state bodies, regional and municipal authorities which have received opinions from any council for tripartite co-operation shall discuss them while making decisions within their competence.

## Framework and Financing of Activities of Councils for Tripartite

## Co-operation

### Article 3f

(New, SG No. 25/2001)

(1) The organisation and the activities of the councils for tripartite co-operation shall be governed by Rules adopted by the National Council for Tripartite Co-operation.

(2) The expenses on the activities of the councils for tripartite co-operation shall be borne by the relevant State bodies and municipal authorities participating in such councils.

## Association of Factory and Office Workers

### Article 4

(Amended, SG No. 100/1992)

(1) Factory and office workers are entitled, with no prior permission, to freely form, by their own choice, trade union organisations; to join and leave them on a voluntary basis, showing consideration for their statutes only.

(2) Trade union organisations shall represent and protect factory and office workers' interests before state bodies and employers as regards the issues of industrial and social-security relations and living standards through collective bargaining, participation in tripartite co-operation, organisation of strikes and other actions within the law.



## **Article 5**

(Amended, SG No. 100/1992)

(1) Employers are entitled, with no prior permission, to freely form, by their own choice, organisations to represent and protect them, as well as to join and leave them on a voluntary basis, conforming only to their statutes.

(2) (Amended, SG No. 25/2001) The employers' organisations under the foregoing paragraph shall represent and protect their interests through collective bargaining, participation in tripartite co-operation, and through other actions within the law.

### Factory and Office Workers' General Meeting

## **Article 6**

(Amended, SG No. 100/1992, SG No. 25/2001)

(1) The General Meeting shall comprise all factory and office workers at an enterprise.

(2) Where a General Meeting cannot function because of the work organisation or for some other reasons, a meeting of proxies may be established on the initiative of the factory and office workers or the employer. Such meeting shall comprise proxies of the factory and office workers, elected for a term determined by the general meetings within the structural units of the enterprise. The rate of representation shall be determined by the factory and office workers and shall be the same for the entire enterprise.

(3) The rules for the General Meeting of factory and office workers shall apply to the convocation, the proceedings and the powers of the meeting of proxies.

### General Meeting Procedure

(Heading amended, SG No. 25/2001)

## **Article 6a**

(New, SG No. 2/1996)

(1) (New, SG No. 25/2001) The General Meeting of factory and office workers shall determine on its own its procedure.

(2) (Renumbered from Paragraph (1), SG No. 25/2001) The General Meeting (the meeting of proxies) at the enterprise shall be convened by the employer, by the leadership of the trade union organisation, as well as on the initiative of one-tenth of the factory and office workers (proxies) of the enterprise.

(3) (Renumbered from Paragraph (2), SG No. 25/2001) The General Meeting (the meeting of proxies) may conduct business provided it is attended by more than half of the factory and office workers (proxies).

(4) (Renumbered from Paragraph (3), amended, SG No. 25/2001) The General Meeting of factory and office workers shall make decisions by simple majority of the attending factory and office workers, unless otherwise provided by this Code, another law or statute.

### Factory and Office Workers' Participation in Enterprise Management

## **Article 7**

(1) (Amended, SG No. 100/1992, redesignated from Article 7, SG No. 25/2001, amended, SG No. 48/2006) Factory and office workers shall participate, through representative elected by the General Meeting of factory and office workers, in the discussion of, and addressing of enterprise management issues only in the cases provided for by the law.

(2) (New, SG No. 25/2001) Factory and office workers may elect at a General Meeting their representatives, who shall represent their common interests on issues of industrial and social-security relations before the employers or before the State bodies. Such representatives shall be elected by a majority of more than two-thirds of the members of the General Meeting.

(3) (New, SG No. 52/2004, repealed, SG No. 48/2006).

Representatives for Factory and Office Workers' Information and

Consultation

## **Article 7a**

(New, SG No. 48/2006)

(1) (Supplemented, SG No. 7/2012) In enterprises employing at least 50 factory and office workers, including in enterprises providing temporary employment, as well as in organisationally and economically self-contained divisions of enterprises employing at least 20 factory and office workers, the General Meeting shall elect from among its composition factory and office workers' representatives for exercising the right to information and consultation under Articles 130c and 130d.

(2) The General Meeting may delegate the functions under Paragraph (1) to representatives designated by the leaderships of the trade union organisations or to the factory and office workers' representatives under Article 7 (2) for exercising the right to information and consultation.

(3) (Supplemented, SG No. 7/2012) The thresholds for the size of the workforce under Paragraph (1) shall be based on the average monthly number of factory and office workers employed during the previous 12 months. It shall include all factory and office workers who are or were in an employment relationship with the employer, regardless of the term of the said relationship and the duration of the working time thereof, including factory and office workers commissioned by an enterprise providing temporary employment.

(4) The number of factory and office workers' representatives shall be determined in advance by the General Meeting as follows:

1. applicable to enterprises with 50 to 250 factory and office workers: not fewer than three and not more than five;
2. applicable to enterprises with more than 250 factory and office workers: not fewer than five and not more than nine;
3. applicable to organisationally and economically self-contained divisions: not fewer than one and not more than three.

(5) Candidates for election of factory and office workers' representatives may be nominated by individual factory or office workers, by groups of factory and office workers, as well as by trade union organisations.

(6) The General Meeting shall determine the procedure for the conduct of the election under Paragraph (5), including the manner of voting.

(7) The General Meeting shall pass the resolutions under Paragraphs (1), (2) and (4) by a simple majority of those present.

Factory and Office Workers' Representatives: Credentials

## **Article 7b**

(New, SG No. 48/2006)

(1) The factory and office workers' representatives under Article 7 (2) and Article 7a shall be elected for a term of one to three years. They shall be removed from office prior to the expiry of the said term:

1. if convicted of a premeditated offence at public law;
2. upon systematic non-performance of the functions thereof;
3. if objectively unable to perform the functions thereof in the course of more than six months;
4. at their own request.

(2) (Supplemented, SG No. 108/2008) In the cases of Article 123 (1), if the enterprise, activity or a part of an enterprise or activity preserve their self-contained nature, the factory and office workers' representatives under Article 7 (2) and Article 7a shall retain the status and functions thereof under the same conditions, of the same type and in the same volume as before the

change until the election of new representatives but for not more than one year reckoned from the date of the change. If the enterprise, activity or part of an enterprise do not preserve their self-contained nature, the credentials of the factory and office workers' representatives shall be terminated, and the factory and office workers who have transferred to the new employer shall be represented by the factory and office workers' representatives at the enterprise of their new employment.

## Factory and Office Workers' Representatives: Rights and Obligations

### Article 7c

(New, SG No. 48/2006)

(1) The factory and office workers' representatives shall have the right:

1. to be informed by the employer in a manner enabling them to assess the possible impact of the measures envisaged by the competent authorities;
2. to require that the employer provide them with the necessary information, if this has not been done within the established time limits;
3. to participate in consultation procedures with the employer and to express the opinion thereof on the measures envisaged by the competent authorities, which shall be taken into account upon decision-making;
4. to require to meet with the employer in the cases where they have to inform the employer of the questions raised by the factory and office workers;
5. to have access to all workplaces in the enterprise or division;
6. to be enrolled in training necessary for the performance of the functions thereof.

(2) The factory and office workers' representatives shall be obligated:

1. to inform the factory and office workers of the information received under Items 1 and 2 of Paragraph (1) and of the results of the consultations and meetings held under Items 3 and 4 of Paragraph (1);
2. not to disclose and not to use for their benefit and for the benefit of third parties any information under Items 1 and 2 of Paragraph (1) which has been provided thereto in confidence, until they are factory and office workers' representatives, as well as after the discontinuance of the functions thereof.

(3) The factory and officer workers' representatives shall themselves determine the procedure for the work thereof. They may designate one or several persons from amongst themselves who shall conclude an agreement with the employer in the cases specified by this Code.

(4) A collective agreement or a separate agreement with the employer may provide that the factory and office workers' representatives, where this is necessary considering the obligations thereof, may enjoy an entitlement to reduced working time, additional leave and other such.

## Liability for Disclosure of Confidential Information

### Article 7d

(New, SG No. 48/2006)

The persons whereto information has been provided in confidence shall be liable for the detriment inflicted on the employer as a result of non-performance of the obligation not to disclose the said information.

## Exercise of Labour Rights and Duties

### Article 8

(1) Labour rights and duties shall be exercised in good faith, pursuant to the requirements of the law.

(2) Good faith in the exercise of labour rights and duties shall be presumed until the contrary has been proved.

(3) (Amended, SG No. 100/1992, SG No. 25/2001, SG No. 52/2004) In the course of exercise of labour rights and duties no direct or indirect discrimination shall be allowed on grounds of ethnicity, origin, gender, sexual orientation, race, skin colour, age, political and religious convictions, affiliation to trade union and other public organisations and movements, family and property status, existence of mental or physical disabilities, as well as differences in the contract term and the duration of working time.

(4) Labour rights and duties shall be personal. Any renunciation of labour rights, as well as any transfer of labour rights and duties, shall be void.

## **Article 9**

(Repealed, SG No. 100/1992).

## **Law Applicable to Employment Relationships**

## **Article 10**

(Amended, SG No. 100/1992, SG No. 48/2006, SG No. 108/2008)

(1) This Code shall apply to the employment relationships of Bulgarian citizens, citizens of Member States of the European Union, of the Contracting Parties to the Agreement on the European Economic Area or of the Swiss Confederation with employers in Bulgaria, as well as with Bulgarian employers abroad, save as otherwise provided for in a law or in an international treaty which is in force for the Republic of Bulgaria.

(2) This Code shall furthermore apply to the employment relationships of Bulgarian citizens, of citizens of Member States of the European Union, of Contracting Parties to the Agreement on the European Economic Area or of the Swiss Confederation, sent by a Bulgarian employer to work abroad in a foreign enterprise or joint venture, as well as of foreign citizens working in Bulgaria, save as otherwise provided for in a law or in an international treaty which is in force for the Republic of Bulgaria.

(3) The provisions of Paragraphs (1) and (2) shall not apply to employment relationships with an international element if the parties have elected that the employment relationship therebetween be governed by the legislation of another State.

(4) The application of Paragraphs (1), (2) and (3) shall not deprive the factory or office worker of the protection ensured thereto by the mandatory standards of the legislation of a Member State of the European Union, of a Contracting Party to the Agreement on the European Economic Area or of the Swiss Confederation within the territory of which the work is performed, where the said standards are more favourable for the factory or office worker.

## **Recognition of Labour Rights Acquired Abroad**

## **Article 11**

(Amended, SG No. 100/1992)

Labour rights acquired abroad shall be recognised in the Republic of Bulgaria by virtue of a law, an act of the Council of Ministers, or a treaty to which the Republic of Bulgaria is a party.

## **Chapter Two**

## **WORKING COLLECTIVE (Repealed, SG No. 100/1992)**

## **Article 12**

(Repealed, SG No. 100/1992).

## **Articles 13**

(Repealed, SG No. 100/1992).

#### **Articles 14**

(Repealed, SG No. 100/1992).

#### **Articles 15**

(Repealed, SG No. 100/1992).

#### **Articles 16**

(Repealed, SG No. 100/1992).

#### **Articles 17**

(Repealed, SG No. 100/1992).

#### **Article 18**

(Amended, SG No. 21/1990, repealed, SG No. 100/1992).

#### **Article 19**

(Repealed, SG No. 100/1992).

#### **Article 20**

(Amended, SG No. 21/1990, repealed, SG No. 100/1992).

#### **Article 21**

(Repealed, SG No. 100/1992).

#### **Article 22**

(Repealed, SG No. 100/1992).

#### **Article 23**

(Repealed, SG No. 100/1992).

#### **Article 24**

(Repealed, SG No. 100/1992).

#### **Article 25**

(Repealed, SG No. 100/1992).

#### **Article 26**

(Repealed, SG No. 100/1992).

#### **Article 27**

(Amended, SG No. 21/1990, repealed, SG No. 100/1992).

#### **Article 28**

(Repealed, SG No. 100/1992).

#### **Article 29**

(Repealed, SG No. 100/1992).

## **Article 30**

(Repealed, SG No. 100/1992).

## **Article 31**

(Repealed, SG No. 100/1992).

## **Article 32**

(Repealed, SG No. 100/1992).

## **Chapter Three**

# **TRADE UNION ORGANISATIONS AND EMPLOYERS' ORGANISATIONS (Heading amended, SG No. 100/1992)**

Autonomy

## **Article 33**

(Amended, SG No. 100/1992)

(1) Trade union organisations and employers' organisations shall be entitled, within the limits of the law, to autonomously draw up and adopt their statutes and rules, to freely elect their bodies and representatives, to organise their leadership, as well as to adopt programmes of action.

(2) Trade union organisations and employers' organisations shall define their functions freely, and shall perform them pursuant to their statutes and the law.

Representative Organisations of Factory and Office Workers

## **Article 34**

(Repealed, SG No. 100/1992, new, SG No. 25/2001, amended, SG No. 120/2002, SG No. 40/2007, SG No. 58/2010, effective 30.07.2010, SG No. 7/2012)

To be recognised as representative organisations of factory and office workers at a national level, such organisations shall meet the following requirements:

1. have at least 75,000 members;
2. have organisations of factory and office workers in more than one-fourth of the industries designated by a code up to the second digit in the Classification of Economic Activities endorsed by the National Statistical Institute, with at least 5 percent of the people engaged in each economic activity being members therein, or at least 50 organisations with at least 5 members in each economic activity;
3. have local chapters in more than one-fourth of the municipalities in Bulgaria and a national governing body;
4. possess the capacity of a legal person, acquired in accordance with the procedure established by Article 49 (1) at least two years prior to the submission of the request for recognition of representativity.

Representative Organisations of Employers

## **Article 35**

(Repealed, SG No. 100/1992, new, SG No. 25/2001, amended, SG No. 120/2002, SG No. 40/2007, SG No. 58/2010, effective 30.07.2010, SG No. 7/2012)

(1) To be recognised as representative organisations of employers at a national level, such organisations shall meet the following

requirements:

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1. (declared unconstitutional by the Constitutional Court of the Republic of Bulgaria, SG No. 49/2012) unite branch or industry structures and enterprises employing at least 100 thousand people who have social insurance under employment contracts;

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2. have employer organisations in more than one-fourth of the industries designated by a code up to the second digit in the Classification of Economic Activities endorsed by the National Statistical Institute, with at least 5 percent of the people insured by virtue of employment contracts in each economic activity or 10 members in each economic activity;

3. have local chapters in more than one-fourth of the municipalities in Bulgaria and a national governing body;

4. possess the capacity of a legal person, acquired in accordance with the procedure established by Article 49 (1), at least three years prior to the submission of the request for recognition of representativity.

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5. (declared unconstitutional by the Constitutional Court of the Republic of Bulgaria, SG No. 49/2012) not perform activities exclusively assigned to them by a law or statutory instrument.

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(2) Where an employer is a member, either directly or through a branch or industry organisation, of two or more national employer organisations, upon ascertainment of membership, for the purposes of compliance with the representativity criteria under Item 1 of Paragraph (1), it shall have the following options:

1. to authorise through an express power of attorney one of the national organisations whereof it is a member;

2. to authorise through an express power of attorney the branch or industry organisation whereof it is a member.

(3) Where a branch or industry employer organisation is a member of two or more national employer organisations, upon ascertainment of membership under Item 2 of Paragraph (1), for the purposes of compliance with the criteria for representativity, it shall be included into the list of the organisation whereto the said organisation has granted an express power of attorney to represent it.

Recognition of Representative Organisations

## Article 36

(Repealed, SG No. 100/1992, new, SG No. 25/2001, amended, SG No. 40/2007)

(1) Organisations of factory and office workers and of employers shall be recognised by the Council of Ministers as representative at the national level upon their request for a term of 4 years.

(2) Every 4 years the Council of Ministers shall conduct a procedure for recognising the organisations of factory and office workers and of employers as representative at the national level.

(3) The Chairman of the National Council for Tripartite Co-operation shall announce in State Gazette the start of the procedure for recognition of representativity 6 months before expiry of the term under paragraph (1)

(4) (Amended, SG No. 61/2011) Organisations of factory and office workers and of employers, wishing to be recognised as

representative, shall submit their applications within four months of publication of the announcement under paragraph (3).

(5) The Council of Ministers shall establish a procedure for verification of compliance with the criteria for representativity under Articles 34 and 35, based on the following principles:

1. equal treatment when evaluating the criteria for representativity and the existence of a social mandate;
2. transparency of the procedure for verification of compliance with the criteria for representativity under Articles 34 and 35;
3. guaranteeing the reliability of primary information;
4. mutual control in the course of verifying compliance with the criteria for representativity.

(6) (Amended, SG No. 61/2011) The Council of Ministers shall issue a decision within two months of receipt of an application duly submitted by a stakeholder organization.

(7) Any rejection by the Council of Ministers to recognize any organisation of factory and office workers or of employers as representative, shall be substantiated and notified to the stakeholder organization within 7 days of adopting it. The stakeholder organization may appeal such rejection before the Supreme Administrative Court.

(8) All chapters of any organization, recognized as representative at the national level, shall also be treated as representative.

#### Verification of Requirements for Representativity

#### **Article 36a**

(New, SG No. 25/2001, amended, SG No. 40/2007)

(1) The Council of Ministers may, on its own initiative, verification of compliance with the criteria for representativity under Articles 34 and 35 of each of the organisations of factory and office workers and of employers.

(2) Depending on the results of such verification, the Council of Ministers shall adopt a decision whereby it may:

1. withdraw the capacity of any organisation of factory and office workers or of employers as representative at the national level;
2. confirm the representativity of such organisation according to the procedure established by Article 36 (5) and (6).

(3) The decision under Item 1 of Paragraph (2) shall be appealable according to the procedure established by Article 36 (7).

#### Participation in Drafting of Internal Regulations of Enterprise

#### **Article 37**

(Amended, SG No. 100/1992)

The bodies of trade union organisations in the enterprise shall be entitled to participate in the drafting of all internal rules and regulations which pertain to industrial relations, and the employer shall mandatorily invite them to do so.

#### **Article 38**

(Repealed, SG No. 100/1992).

#### **Article 39**

(Repealed, SG No. 100/1992).

#### **Article 40**

(Repealed, SG No. 100/1992).

#### **Article 41**



(Repealed, SG No. 100/1992).

## Participation in Discussion of Industrial and Social-Security Issues

### **Article 42**

(Amended, SG No. 100/1992)

The national leaderships of trade union organisations and of the employers' organisations, or bodies or persons designated thereby, shall be entitled to participate in the discussion of issues concerning the industrial and social-security relations of factory and office workers of the ministries, other central-government departments, enterprises and local government bodies.

### **Article 43**

(Repealed, SG No. 100/1992).

### **Article 44**

(Repealed, SG No. 100/1992).

## Representation before Court

### **Article 45**

(Amended, SG No. 100/1992)

Trade union organisations and their divisions shall be entitled, upon the request of factory and office workers, to represent them as authorised representatives before the court. They may not conclude settlements, acknowledge legal actions, waive, withdraw or reduce the demands of factory and office workers, or collect any amounts for the account of the persons represented, unless they have been expressly authorised to do so.

## Co-operation for Implementation of Activities of Trade Union

## Organisations and of Factory and Office Workers' Representatives

(Heading amended, SG No. 100/1992, SG No. 48/2006)

### **Article 46**

(1) (Amended, SG No. 100/1992, redesignated from Article 46, SG No. 48/2006, supplemented, SG No. 58/2010, effective 30.07.2010) State bodies, local government bodies local authorities and employers shall create conditions for, and co-operate with, trade union organisations for the pursuit of their activities. The said bodies and employers shall make available to the said organisation, for gratuitous use, movable and immovable property, buildings, premises and other facilities required for the performance of their functions.

(2) (New, SG No. 48/2006) The employer shall be obligated to co-operate with the factory and office workers' representatives in the discharge of the functions thereof and to create conditions for implementation of the activities thereof.

### **Article 47**

(Repealed, SG No. 100/1992).

### **Article 48**

(Repealed, SG No. 100/1992).

## Legal Personality

### **Article 49**

(Amended, SG No. 100/1992)

(1) (Amended, SG No. 2/1996) Trade union organisations and employers' organisations shall acquire the status of a legal

person upon the recording thereof according to the procedure established for recording of non-profit associations.

(2) Any division of an organisation which has been recorded according to the foregoing paragraph shall acquire the status of a legal person according to its statute.

(3) Property relations between the members of a trade union organisation which has been dissolved, as well as of an employers' organisation which has been dissolved, shall be regulated conforming to the provisions of their statutes.

## **Chapter Four**

**(Amended, SG No. 100/1992)**

### **COLLECTIVE AGREEMENT**

Subject

#### **Article 50**

(1) The collective agreement shall regulate issues of the industrial and social-security relations of factory and office workers, which are not regulated by mandatory provisions of the law.

(2) (Supplemented, SG No. 25/2001) The collective agreement may not contain clauses which are less favourable to the factory and office workers than the provisions of the law or of a collective agreement which is binding on the employer.

Levels of Collective Bargaining

#### **Article 51**

(Amended, SG No. 2/1996, SG No. 25/2001)

(1) Collective agreements shall be concluded by enterprise, branch, industry and municipality.

(2) Only one collective agreement may be concluded at the level of enterprise, branch and industry.

Collective Agreement in Enterprises

#### **Article 51a**

(New, SG No. 25/2001)

(1) Within an enterprise, the collective agreement shall be concluded between the employer and a trade union organisation.

(2) The trade union organisation shall prepare and submit the draft of a collective agreement. Where more than one trade union organisations exist within one enterprise, they shall submit a common draft.

(3) Where within the enterprise the trade union organisations fail to submit a common draft, the employer shall conclude the collective agreement with the trade union organisation whereof the draft has been adopted by the General Meeting of the factory and office workers (the meeting of proxies) by a majority of more than half of the members thereof.

Collective Agreement at Industry and Branch Levels

#### **Article 51b**

(New, SG No. 25/2001)

(1) (Amended, SG No. 108/2008) A collective agreement by industry and branch shall be concluded between the respective representative organisations of factory and office workers and of employers.

(2) (New, SG No. 120/2002, amended, SG No. 58/2010, effective 30.07.2010) If the parties so agree, collective bargaining at the industry or branch level may cover one or several activities under the Classification of Economic Activities.

(3) (Renumbered from Paragraph (2), SG No. 120/2002) The representative organisations of the factory and office workers shall prepare and submit a common draft to the representative organisations of the employers.

(4) (Renumbered from Paragraph (3), SG No. 120/2002) Where the collective agreement at industry or branch level has been concluded between all representative organisations of the factory and office workers and of the employers in the industry or the branch, the Minister of Labour and Social Policy may, upon their joint request, extend the application of the agreement or of individual clauses thereof to all enterprises of that industry or branch.

## Collective Agreements by Municipality

### Article 51c

(New, SG No. 25/2001)

(1) In the municipalities collective agreements for activities financed from the municipal budget shall be concluded between the representative organisations of the factory and office workers and of the employers.

(2) The local divisions of the representative organisations of the factory and office workers shall submit common drafts of collective agreements to the local divisions of the representative organisations of the employers.

## Obligations to Negotiate and to Provide Information

(Heading amended, SG No. 25/2001)

### Article 52

(1) The individual employer, the group of employers, and their organisations shall be obligated:

1. to negotiate with the factory and office workers' representatives for conclusion of a collective agreement;

2. to make available to the factory and office workers' representatives:

(a) the collective agreements concluded which bind the parties on the basis of industry, territorial or organisational affiliation;

(b) (Amended, SG No. 25/2001) timely, true and understandable information on their economic and financial position which is relevant to the conclusion of the collective agreement; provision of information whereof the disclosure could cause injury to the employer may be refused or granted subject to a requirement of confidentiality.

(2) Upon failure to perform the obligation under the foregoing paragraph, the blameworthy employers shall owe compensation for the detriment inflicted.

(3) The employer shall be considered to be in delay if the employer does not fulfil the obligation thereof under Item 1 of Paragraph (1) within one month, and under Item 2 of Paragraph (1) within 15 days after the notice.

(4) (New, SG No. 25/2001) The trade union organisations in the enterprise shall, upon request by the employer at the start of negotiations for conclusion of a collective agreement, provide information about the actual number of their members.

## Conclusion and Recording

### Article 53

(1) The collective agreement shall be concluded in writing in triplicate: one copy for each of the parties and one for the respective labour inspectorate, and shall be signed by the representatives of the parties.

(2) The written form shall be a requisite for the validity of the collective agreement.

(3) The collective agreement shall be recorded in a special register at the labour inspectorate in the area where the employer's registered office is located. In case the employer has registered offices in different areas, the recording shall be effected at one of the inspectorates. Collective agreements of an industry-wide or national significance shall be registered with the General Labour Inspectorate Executive Agency. Disputes as to the competent inspectorate shall be settled by the Minister of Labour and Social Policy.

(4) (Amended, SG No. 108/2008) The recording shall be effected on the basis of an application in writing by each of the parties within one month after receipt of the said application by the labour inspectorate. A copy of the agreement signed by the parties and an electronic image of the document shall be attached to the application.

(5) (New, SG No. 108/2008) Copies of the collective agreements as recorded shall be provided ex officio, according to a procedure established by the Minister of Labour and Social Policy, to the National Institute of Conciliation and Arbitration, which shall create and maintain an information system on the collective agreements.

(6) (Renumbered from Paragraph (5), SG No. 108/2008) Should a dispute as to the text of the agreement arise, the recorded text shall prevail.

Entry into Force and Duration

## **Article 54**

(1) The collective agreement shall enter into force as from the date of its conclusion, insofar as it does not provide otherwise.

(2) (Amended, SG No. 25/2001) The collective agreement shall be deemed concluded for a term of one year, insofar as it does not provide otherwise, but for not more than two years. The parties may agree on a shorter term of validity of individual clauses of the agreement.

(3) (New, SG No. 25/2001) The negotiations for conclusion of a new collective agreement shall commence not later than three months prior to the expiry of the term of the effective collective agreement.

Extension of Effect of Collective Agreement

## **Article 55**

(1) (Redesignated from Article 55, SG No. 25/2001) The effect of the collective agreement concluded between an employers' organisation and trade union organisations shall not be terminated with regard to an employer who terminates his membership in the said organisation after the agreement has been concluded.

(2) (New, SG No. 25/2001, supplemented, SG No. 108/2008) In the cases under Articles 123 and 123a, the existing collective agreement shall be valid until conclusion of a new collective agreement, but for not more than one year after the date of change of the employer.

Amendment

## **Article 56**

(1) The collective agreement may be amended at any time with the parties' mutual consent, according to the procedure for the conclusion thereof.

(2) Articles 53 and 55 shall apply to amendments to the collective agreement.

Effect with Regard to Persons

## **Article 57**

(1) The collective agreement shall have effect with regard to the factory and office workers who are members of the trade union organisation which is party to the agreement.

(2) (Supplemented, SG No. 2/1996, amended, SG No. 25/2001) The factory and office workers who are not members of a trade union organisation which is party to a collective agreement may accede to a collective agreement concluded by their employer by applications in writing submitted to the said employer or to the leadership of the trade union organisation which has concluded the agreement, under terms and according to a procedure determined by the parties to the agreement, so as not to be in conflict with or to circumvent the law, or to be contrary to good morals.

Obligation to Provide Information

## **Article 58**

(Amended, SG No. 100/1992, SG No. 48/2006)

The employer shall be obligated to inform all factory and office workers of the collective agreements concluded at the enterprise, by industry, branch or municipality which are binding on the said employer, and to keep the texts of the said agreements at the disposal of the factory and office workers.

Legal Actions upon Non-performance

### **Article 59**

(Amended, SG No. 25/2001)

In the event of non-performance of the obligations under the collective agreement, legal actions may be brought before the court by the parties to the agreement, as well as by any factory or office worker who is subject to the application of the agreement.

Nullity Action

### **Article 60**

(Repealed, SG No. 100/1992, new, SG No. 25/2001)

Any party to the collective agreement, as well as any factory or office worker who is subject to the application of the agreement, shall have a right to bring a legal action before the court motioning for the declaration of a nullity of the collective agreement or of individual clauses thereof, provided such clauses are in conflict with or circumvent the law.

## **Chapter Five**

# **FORMATION AND MODIFICATION OF EMPLOYMENT RELATIONSHIP**

## **Section I**

### **EMPLOYMENT CONTRACT**

Conclusion

### **Article 61**

(Amended, SG No. 100/1992)

(1) (Supplemented, SG No. 120/2002) An employment contract shall be concluded between the factory or office worker and the employer before beginning of work.

(2) For positions specified by law or by an act of the Council of Ministers, the employment contract shall be concluded by the body superior to the employer. In such cases, the employment relationship shall be established with the enterprise where the relevant position is.

(3) An employment contract may furthermore be concluded with a group of persons, either directly or through a representative authorised thereby. In this case, the same rights and duties for the employer and for each person of the group shall arise as if the contract were concluded with each one of the said persons.

Form

### **Article 62**

(1) (Amended, SG No. 100/1992, amended and supplemented, SG No. 2/1996) The employment contract shall be concluded in writing.

(2) (Repealed, SG No. 120/2002).

(3) (New, SG No. 120/2002, amended, SG No. 105/2005, supplemented, SG No. 108/2008) Within three days after the conclusion or modification of an employment contract and within seven days after its termination, the employer or a person authorised thereby shall be obligated to send a notification of this to the relevant territorial directorate of the National Revenue Agency. The National Revenue Agency shall provide empowered persons of Labour Inspection Directorates with electronic access in real time to the register of employment contracts and, upon request, shall send a copy of the relevant notification as certified within three working days.

(4) (New, SG No. 100/2010, effective 1.01.2011) After the term under paragraph (3) a notification of concluded employment contract shall be sent only after a statutory prescription of the labour inspectorate supervisory authorities has entered into force.

(5) (New, SG No. 120/2002, amended, SG No. 105/2005, effective 29.12.2005, renumbered from Paragraph (4), SG No. 100/2010, effective 1.01.2011) The particulars contained in the said notification and the procedure for the dispatch thereof shall be determined by an ordinance of the Minister of Labour and Social Policy, co-ordinated with the Executive Director of the National Revenue Agency and the President of the National Statistical Institute.

(6) (Renumbered from Paragraph (3), SG No. 120/2002, renumbered from Paragraph (5), SG No. 100/2010, effective 1.01.2011) Upon conclusion of the employment contract, the employer shall familiarise the factory or office worker with the labour duties ensuing from the position occupied or the nature of the work performed.

(7) (Renumbered from Paragraph (4), SG No. 120/2002, renumbered from Paragraph (6), SG No. 100/2010, effective 1.01.2011) The documents required for the conclusion of the employment contract shall be determined by the Minister of Labour and Social Policy.

#### Commencement of Performance

(Heading amended, SG No. 100/1992)

#### **Article 63**

(1) (New, SG No. 120/2002, amended, SG No. 105/2005) Before beginning work, the employer shall be obligated to provide the factory or office worker with a copy of the employment contract as concluded, signed by both parties, as well as with a copy of the notification under Article 62 (3), certified by the territorial directorate of the National Revenue Agency.

(2) (New, SG No. 120/2002) The employer shall not allow the factory or office worker to begin work, before providing the worker with the documents under Paragraph (1).

(3) (Repealed, renumbered from Paragraph (2), amended, SG No. 100/1992, renumbered from Paragraph (1), amended, SG No. 120/2002) The factory or office worker shall be obligated to begin work within one week after receipt of the documents under Paragraph (1), unless the parties have agreed on another time limit. In case the factory or office worker fails to begin work within this time limit, the employment relationship shall be presumed not formed, unless the failure is due to reasons beyond the control of the factory or office worker, of which he or she has notified the employer before expiry of the time limit.

(4) (Renumbered from Paragraph (3), supplemented, SG No. 100/1992, renumbered from Paragraph (2), SG No. 120/2002) Performance of the obligations under the employment contract shall commence upon the beginning of work by the factory or office, which shall be certified in writing.

#### **Article 64**

(Amended, SG No. 21/1990, repealed, SG No. 100/1992).

#### **Article 65**

(Repealed, SG No. 21/1990).

#### Content

#### **Article 66**

(Amended, SG No. 100/1992)

(1) (Amended, SG No. 52/2004) The employment contract shall contain particulars of the parties and shall specify:

1. the place of work;
2. designation of the position and the character of the work;
3. the date of its conclusion and the starting date of its performance;
4. the duration of the employment contract;
5. the amount of basic and extended paid annual leave and of additional paid annual leaves;
6. equal length of the period of notice to be observed by both parties upon termination of the employment contract;
7. the basic and supplementary labour remunerations of a permanent nature, as well as the frequency of their payment;
8. the duration of the working day or week.

(2) Other terms may also be agreed by the employment contract pertaining to the provision of labour power which are not regulated by mandatory provisions of the law, as well as terms which are more favourable for the factory or office worker than those established by the collective agreement.

(3) The registered office of the enterprise with which the employment contract has been concluded shall be considered as the place of work, unless otherwise agreed or ensuing from the nature of the work.

(4) (New, SG No. 58/2010, effective 30.07.2010) The designation of the position shall be specified in accordance with the National Classification of Professions and Positions, endorsed by the Minister of Labour and Social Policy following co-ordination with the Chairperson of the National Statistics Institute.

(5) (New, SG No. 48/2006, renumbered from Paragraph 4, SG No. 58/2010, effective 30.07.2010) Upon any change in the employment relationship, the employer shall be obligated to provide, at the earliest opportunity and not later than one month after the entry into effect of the change, to provide the factory or office worker with the necessary information in writing containing details of the changes as effected.

## Duration

### Article 67

(1) (Amended, SG No. 100/1992) An employment contract may be concluded:

1. as a contract of an indefinite duration;
2. as a fixed-term employment contract.

(2) The employment contract shall be considered as a contract of an indefinite duration unless expressly agreed otherwise.

(3) (New, SG No. 25/2001) An employment contract of an indefinite duration period may not be transformed into a fixed-term contract, except where the factory or office worker expressly wishes so and expresses this wish in writing.

## Fixed-Term Employment Contracts

(Heading amended, SG No. 24/2001)

### Article 68

(1) (Redesignated from Article 68, SG No. 25/2001) A fixed-term employment contract shall be concluded:

1. (amended, SG No. 100/1992) for a definite period which may not be longer than three years, insofar as a law or an act of the Council of Ministers does not provide otherwise;
2. (amended, SG No. 100/1992) until completion of specific work;
3. for temporary replacement of a factory or office worker who is absent from work;
4. (repealed, renumbered from Item 5, amended, SG No. 100/1992) for work in a position which is to be occupied through a

competitive examination: for the time until the position is occupied on the basis of a competitive examination.

5. (new, SG No. 25/2001) for a certain term of office, where such has been specified for the respective body.

(2) (New, SG No. 48/2006) The factory and office workers employed under a fixed-term employment contract under Paragraph (1) shall have the same rights and obligations as the factory and office workers employed under an employment contract of an indefinite duration. Fixed-term factory and office workers may not be treated in a less favourable manner than comparable permanent factory and office workers engaged in the same or similar work at the enterprise solely because of the fixed-term nature of the employment relationship thereof unless the law makes enjoyment of certain rights contingent on the qualifications possessed or the skills acquired. Where there are no permanent factory and office workers engaged in the same or similar work, the fixed-term factory and office workers may not be treated in a less favourable manner than the rest of the factory and office workers employed under an employment contract of indefinite duration.

(3) (New, SG No. 25/2001, renumbered from Paragraph (2), SG No. 48/2006) A fixed-term employment contract under Item 1 of Paragraph (1) shall be concluded for execution of casual, seasonal or short-term work and activities, as well as with newly hired factory and office workers in enterprises that have been adjudicated bankrupt or put into liquidation.

(4) (New, SG No. 25/2001, renumbered from Paragraph (3), SG No. 48/2006) As an exception, a fixed-term employment contract under Item 1 of Paragraph (1) may be concluded for a period of not less than one year and for work and activities that are not of a casual, seasonal or short-term nature. Such an employment contract may also be concluded for a shorter period upon request in writing by the factory or office worker. In such cases, the fixed-term employment contract under Item 1 of Paragraph (1) may be re-concluded with the same factory or office worker for the same type of work only once for a period of at least one year.

(5) (New, SG No. 25/2001, renumbered from Paragraph (4) and amended, SG No. 48/2006) Any employment contract under Item 1 of Paragraph (1), concluded in violation of Paragraphs (3) and (4), shall be considered as a contract of an indefinite duration.

(6) (New, SG No. 7/2012) A fixed-term employment contract for the period of a long-term mission may be concluded for employment in a position designated for long-term commissioning to a mission of the Republic of Bulgaria abroad under the Diplomatic Service Act .

(7) (New, SG No. 48/2006, renumbered from Paragraph 6, SG No. 7/2012) The employer shall provide, at a suitable place in the enterprise, timely information in writing to the fixed-term factory and office workers about vacant jobs and positions which can be occupied under an employment contract of indefinite duration, so as to ensure that they have an opportunity to secure permanent positions. The employer shall also provide such information to the trade union organisations' representatives, as well as to the factory and office workers' representatives under Article 7 (2).

(8) (New, SG No. 48/2006, renumbered from Paragraph 7, SG No. 7/2012) As far as possible, the employer shall take measures to facilitate access by fixed-term factory and office workers to vocational training for the purpose of enhancing their skills, career development and occupational mobility.

#### Transformation of Fixed-Term Employment Contract into Contract of Indefinite Duration

### Article 69

(Amended and supplemented, SG No. 100/1992)

(1) The fixed-term employment contract shall be transformed into a contract of an indefinite duration if the factory or office worker continues to work for five or more working days after expiry of the agreed period without a written objection of the employer and the position is vacant.

(2) The foregoing paragraph shall furthermore apply to a fixed-term employment contract for temporary replacement of an absent factory or office worker, in case the employment contract with the person replaced is terminated during this period of absence.

#### Employment Contract for Trial Period

### Article 70



- (1) (Amended and supplemented, SG No. 100/1992) Where the work requires testing of the ability of the factory or office worker to perform it, his or her final appointment may be preceded by a contract providing for a trial period of up to six months. Such a contract may also be concluded where the factory or office worker wishes to verify whether the work is suitable for him or her.
- (2) (New, SG No. 25/2001) The contract under Paragraph (1) shall specify the party to whose benefit the trial period is agreed. Where this is not specified in the contract, the trial period shall be presumed to be agreed to the benefit of both parties.
- (3) (Renumbered from Paragraph (2), SG No. 25/2001) During the trial period, the parties shall have all rights and duties as under a final employment contract.
- (4) (Supplemented, SG No. 100/1992, renumbered from Paragraph (3), SG No. 25/2001) The trial period shall not include the time during which the factory or office worker has been on a statutory leave, or has not performed the work for which the contract has been concluded for other valid reasons.
- (5) (New, SG No. 25/2001) An employment contract for a trial period may be concluded with one and the same factory or office worker for one and the same type of work at one and the same enterprise only once.

#### Termination of Contract for Trial Period

### Article 71

- (1) Until expiry of the trial period, the party to whose benefit it has been agreed may terminate the contract without notice.
- (2) The employment contract shall be presumed finally concluded if it is not terminated under the foregoing paragraph prior to the expiry of the trial period.
- (3) (Repealed, SG No. 21/1990).

### Article 72

(Amended, SG No. 100/1992, repealed, SG No. 25/2001).

### Article 73

(Repealed, SG No. 100/1992).

#### Nullity

### Article 74

- (1) (Amended, SG No. 100/1992) An employment contract, which is in conflict with the law or with a collective agreement, or circumvents them, shall be void.
- (2) (Amended, SG No. 100/1992) The employment contract shall be declared void by the court according to the procedure established by Chapter Eighteen. In case the employment contract is void due to the appointment of a factory or office worker who has not attained the age admissible under this Code, the nullity shall be declared by the labour inspectorate.
- (3) (Amended, SG No. 100/1992) In the cases where a control authority or another competent body determines that the employment contract is void on any of the grounds mentioned in Paragraph (1), the said body shall immediately approach the court for ruling on the validity of the employment contract.
- (4) Individual provisions of the employment contract may be declared void according to the procedure established by Paragraph (2). The relevant mandatory provisions of the law or of the collective agreement shall apply in lieu of any such provisions.
- (5) The parties shall not invoke nullity of the employment contract or of individual provisions thereof prior to declaration of the nullity and prior to service of the judgment declaring the said nullity on the parties.
- (6) (Amended, SG No. 100/1992) The nullity shall not be declared in case the defect of the employment contract lapses or is cured. The employer may not invoke a curable defect in the employment contract.

(7) (Amended, SG No. 100/1992) The provisions of Article 333 shall not apply where the nullity of an employment contract has been declared.

#### Relations between Parties to Void Employment Contract

#### **Article 75**

(1) Where an employment contract is declared void and the factory or office worker has acted in good faith upon conclusion of the said contract, the relations between the parties to the contract up to the time of declaration of its nullity shall be regulated in the same manner as with a valid employment contract.

(2) The foregoing paragraph shall also apply where individual provisions of the employment contract are declared void.

#### Applicability of Provisions on Nullity of Employment Contract

#### **Article 76**

The rules regarding the nullity of an employment contract shall apply, mutatis mutandis, to the other grounds for creation of an employment relationship as well.

### **Section II**

## **JOB PLACEMENT OF YOUNG SPECIALISTS (Repealed, SG No. 100/1992)**

#### **Article 77**

(Repealed, SG No. 100/1992).

#### **Article 78**

(Repealed, SG No. 100/1992).

#### **Article 79**

(Repealed, SG No. 100/1992).

#### **Article 80**

(Repealed, SG No. 100/1992).

#### **Article 81**

(Repealed, SG No. 100/1992).

#### **Article 82**

(Repealed, SG No. 100/1992).

### **Section III**

## **ELECTION**

#### Beginning of Work on Basis of Election

#### **Article 83**

(Amended, SG No. 21/1990, SG No. 100/1992)

(1) The positions, which are occupied on the basis of an election, shall be specified by a law, by an act of the Council of Ministers or in a statute.

(2) An election shall be held for occupation of a position which is vacant or is to be vacated, as well as in case of a prolonged absence of the person holding the said position. The period for which the person is elected may not be longer than five years.

#### Nomination of Candidates for Elective Office

### Article 84

(1) (Repealed, SG No. 21/1990, new, SG No. 100/1992) The candidates for occupation of an elective office shall be nominated by bodies and persons established by a law, by an act of the Council of Ministers or in a statute. Alternatively, the candidate for an elective office may advance his or her own candidacy.

(2) An unlimited number of candidates may be nominated or may stand for one and the same elective office.

(3) The election shall be held after the candidate has given his or her written consent.

(4) An election shall furthermore be held where there is a single candidate for the office.

#### Conduct of Election

### Article 85

(1) (Amended, SG No. 21/1990, SG No. 100/1992) The election shall be held by an electoral body established by a law, by an act of the Council of Ministers or in a statute.

(2) (Amended, SG No. 100/1992) An election shall be held if more than half the persons entitled to vote are present.

(3) (Amended, SG No. 21/1990) Voting shall be by open ballot, unless the body which elects decides on a secret ballot.

(4) The candidates for the elective office who are members of the electoral body shall not be counted when calculating the number of those present under Paragraph (2), and shall not vote.

(5) A separate vote shall be taken for each elective office.

(6) (Amended, SG No. 21/1990, SG No. 100/1992) The candidate who has won the greatest number of votes, but not less than half of the number of the votes of those who participated in the voting, shall be considered elected.

#### Formation of Employment Relationship

### Article 86

(1) The employment relationship shall be formed as from the time when the candidate is declared elected.

(2) (Amended, SG No. 100/1992) The person elected shall be obligated to begin work within two weeks after receiving the communication on the election result. For valid reasons, this time limit may be extended to a maximum of three months.

(3) The performance of the obligations under the employment relationship shall commence as the elected person begins work.

(4) The employment relationship formed through an election shall remain in force even after expiry of the specified term until another person is elected to the office.

(5) In case the same person is elected in then new election, the employment relationship therewith shall be extended for a new term.

(6) (Amended, SG No. 100/1992) Where the election has been completed without any of the candidates being elected, the employment relationship with the person holding the office for which the election is held shall subsist until the successful completion of the next election.

(7) The employment relationship with the elected person who fails to begin work within the time limit under Paragraph (2) shall be presumed not formed.

## Disputes as to Legal Conformity of Election

### Article 87

(1) (Amended, SG No. 100/1992) The disputes as to the legal conformity of the election shall be examined by the regional court on a petition by any candidate or by the employer within two weeks after receipt of the communication on the result.

(2) In case the court finds the election to be legally conforming, the court shall sustain the election and the employment relationship shall be formed as from the election, and in case the court finds the election to be legally non-conforming, the court shall annul the election and a new election shall be held.

## Application of Other Provisions to Election

(Heading amended, SG No. 100/1992)

### Article 88

(Amended, SG No. 100/1992)

(1) The matters which are not regulated in this Section shall be regulated by the relevant law, by an act of the Council of Ministers or in a statute, which provides that particular offices be occupied on the basis of an election.

(2) The provisions of this Section shall apply, insofar as a law, an act of the Council of Ministers or a statute does not provide otherwise.

## Section IV

## COMPETITIVE EXAMINATION

## Occupation of Positions on Basis of a Competitive Examination

### Article 89

(Amended, SG No. 100/1992)

A competitive examination may be held for any position with the exception of a position which shall be held on the basis of an election.

## Specifying Positions Requiring Competitive Examination

### Article 90

(Amended, SG No. 21/1990, SG No. 100/1992)

(1) The positions requiring occupation by a competitive examination shall be specified by a law, an act of the Council of Ministers, of a government minister or head of another central-government department, or by the employer.

(2) (Amended, SG No. 25/2001) A competitive examination shall be announced for a position declared for occupation by a competitive examination by a law, or where any such position is vacant or is to be vacated, as well as in the event of a prolonged absence of the person holding the said position, for the time until the return thereof.

(3) The positions specified as requiring a competitive examination shall be occupied only on the basis of a competitive examination. Until conduct of the competitive examination, the position may be occupied under a fixed-term employment contract for the time until the said position is occupied on the basis of a competitive examination.

## Announcement of Competitive Examination

### Article 91

(1) (Amended, SG No. 100/1992) A competitive examination shall be announced by the employer through the national or the

local press. If necessary, a competitive examination may be announced in another appropriate way as well.

(2) The announcement of a competitive examination shall contain:

1. the business name of the enterprise, the place and nature of work, and the requirements for the position;
2. (Amended, SG No. 100/1992) the manner of conduct of the competitive examination;
3. (Amended, SG No. 100/1992) the required documents, the place and deadline for submission of the said documents, which may not be shorter than one month.

(3) The description of the position requiring a competitive examination shall be provided to the candidates in advance so that they can familiarise themselves with it.

#### Entry in Competitive Examination

### Article 92

(1) (Amended, SG No. 100/1992) The consent of the employer for whom the candidate works shall not be required for his or her entry in a competitive examination.

(2) (Repealed, renumbered from Paragraph (3), amended, SG No. 100/1992) The candidate shall be entitled to an unpaid leave for the days of participation in the competitive examination, and up to two days for travel, in case the competitive examination is conducted in another nucleated settlement. This leave shall be assimilated to the length of employment service.

#### Admission to Competitive Examination

### Article 93

(Amended, SG No. 100/1992)

- (1) Candidates shall be admitted to a competitive examination by a commission appointed by the employer.
- (2) The candidates who are not admitted shall be notified in writing of the grounds for the rejection. Within seven days after receipt of the communication, they may lodge an objection with the employer who has announced the competitive examination. Within three days after receipt of any such objection, the employer shall settle the matter conclusively.
- (3) The candidates who are admitted shall be notified in writing of the date, starting time and venue of conduct of the competitive examination.

#### Commission to Conduct Competitive Examination

### Article 94

(Amended, SG No. 100/1992)

The competitive examination shall be conducted by a commission appointed by the employer. The commission shall be composed of relevant experts.

#### Conduct of Competitive Examination

### Article 95

(Amended, SG No. 100/1992)

(1) The competitive examination commission shall conduct the competitive examination in the manner announced. It shall evaluate the professional training and the other qualities of the candidates required for occupation of the position, and shall rank only those who have successfully passed the competitive examination. A memorandum shall be drawn up on the competitive examination as conducted.

(2) The result of the competitive examination shall be announced to the entrants within three days after conduct of the said examination.

## Formation of Employment Relationship

### **Article 96**

(Amended, SG No. 100/1992)

(1) The employment relationship shall be formed with the person who has been ranked first, as of the day on which the said person has received the communication on the result.

(2) The person wherewith an employment relationship has been formed shall be obligated to begin work within two weeks after receipt of the communication under the foregoing paragraph. For valid reasons, this time limit may be extended to a maximum of three months.

(3) The performance of obligations under the employment relationship shall commence as from the time when the person begins work.

(4) If the person does not begin work within the time limit under Paragraph (2), the employment relationship shall be presumed not formed. In such case, the employment relationship shall be formed with this entrant in the competitive examination who is ranked next, of which the said entrant shall be notified in writing.

(5) (Repealed, SG No. 100/1992).

## Inapplicability to Competitive Examinations for Appointment to Academic Positions

### **Article 97**

(Amended, SG No. 101/2010)

This Section shall not apply to competitive examinations for the appointment to academic positions.

## **Section V**

**(Repealed, SG No. 100/1992)**

## **JOB PLACEMENT BY LABOUR AND SOCIAL AFFAIRS OFFICE**

### **Article 98**

(Supplemented, SG No. 32/1991, repealed, SG No. 100/1992).

### **Article 99**

(Repealed, SG No. 100/1992).

### **Article 100**

(Repealed, SG No. 100/1992).

### **Article 101**

(Repealed, SG No. 100/1992).

### **Article 102**

(Repealed, SG No. 100/1992).

## **Section VI**

**(Repealed, SG No. 100/1992)**

## **JUDGMENT OF COURT**

### **Article 103**

(Repealed, SG No. 100/1992).

### **Article 104**

(Repealed, SG No. 100/1992).

## **Section VII**

**(Repealed, SG No. 100/1992)**

## **MEMBERSHIP IN PRODUCERS' COOPERATIVE**

### **Article 105**

(Repealed, SG No. 100/1992).

### **Article 106**

(Repealed, SG No. 100/1992).

## **Section VIII**

## **ADDITIONAL CONDITIONS FOR CERTAIN EMPLOYMENT RELATIONSHIPS**

Stipulating Additional Conditions upon Formation  
of Employment Relationship

### **Article 107**

(Amended, SG No. 100/1992)

Where an employment relationship is formed on the basis of an election or a competitive examination, before beginning work the factory or office worker and the employer shall agree on the amount of the labour remuneration. They may agree on other terms of the employment relationship as well.

Additional Requirements for Persons Working in State

Administration under Employment Relationship

### **Article 107a**

(New, SG No. 95/2003)

(1) No employment contract for work in the state administration may be concluded with a person who:

1. (supplemented, SG No. 94/2008, effective 1.01.2009) would thus come in a hierarchical relationship of direction and control with a spouse, with anyone wherewith such person factually resides, with a lineal relative up to any degree of consanguinity, a collateral relative up to the fourth degree of consanguinity inclusive, or an affine up to the fourth degree of affinity inclusive;
2. (amended, SG No. 94/2008, effective 1.01.2009) is a sole trader, an unlimited partner in a commercial corporation, a managing director, a business attorney, a representative, procurator, commercial mediator, a liquidator or a trustee in bankruptcy, a member of a management or supervisory body of a commercial business or corporation;
3. is a National Representative;

4. is a councillor in a municipal council - applicable solely to the relevant municipal administration;

5. (amended, SG No. 24/2006) occupies a senior or supervisory position at the national level in a political party; this ban shall not apply to members of political offices, the advisors and experts thereto.

(2) (New, SG No. 94/2008, effective 1.01.2009, supplemented, SG No. 82/2012) The office worker may represent the State or a municipality on the management or supervisory bodies of any commercial corporations wherein the State or a municipality holds an interest in the capital or of any legal persons established by a law, on boards, committees, audit committees, commissions, working or expert groups, management or supervisory bodies of funds, accounts and others, which have no legal personality, for which the said office worker shall not receive any compensation.

(3) (New, SG No. 94/2008, effective 1.01.2009) Upon conclusion of the employment contract, the person shall sign a declaration of the circumstances referred to in Paragraph (1).

(4) (New, SG No. 94/2008, effective 1.01.2009, amended, SG No. 15/2012) Upon conclusion of the employment contract the office worker shall be obliged to declare his or her property status to the person referred to in Paragraph (5).

(5) (New, SG No. 15/2012, supplemented, SG No. 38/2012, effective 1.07.2012) By the 30th day of April each year the office worker shall declare to the person referred to in Paragraph (6) his/her property status, as well as his/her income earned during the previous calendar year based on additional work agreements under Article 111, income from remuneration based on non-labour relations, as well as the employer/client whereby such income was paid, and the grounds whereon such income is based.

(6) (Amended, SG No. 24/2006, renumbered from Paragraph (2), SG No. 94/2008, effective 1.01.2009, renumbered from Paragraph (5), supplemented, SG No. 15/2012) The employment contract with the office worker shall be concluded by the body of state power or by a deputy authorised thereby, or by the chief secretary, or by the standing Secretary of Defence, or by the Standing Secretary of the Ministry of Interior.

(7) (New, SG No. 24/2006, renumbered from Paragraph (3), SG No. 94/2008, effective 1.01.2009, renumbered from Paragraph (6), SG No. 15/2012) The heads of territorial units or of territorial divisions, created by a statutory instrument, may be vested with powers in connection with the conclusion, modification and termination of the employment relationships with the office workers at the units or divisions.

(8) (Renumbered from Paragraph (3), SG No. 24/2006, renumbered from Paragraph (4), SG No. 94/2008, effective 1.01.2009, renumbered from Paragraph (7), SG No. 15/2012, amended, SG No. 38/2012, effective 1.07.2012, SG No. 15/2013, effective 1.01.2014) The amount of costs on basic wages for employees working under an employment relationship in the state administration and for civil servants under the Civil Servants Act and the social insurance contributions payable by the insurer shall be equal to at least 70 percent of the costs on wages, remunerations and compulsory social insurance contributions provided for in the budgets of budget authorisers.

(9) (Renumbered from Paragraph (4), SG No. 24/2006, renumbered from Paragraph (5), SG No. 94/2008, effective 1.01.2009, renumbered from Paragraph (8), SG No. 15/2012, amended, SG No. 38/2012, effective 1.07.2012) The minimum and maximum amounts of basic salaries by degree and rank, the amounts of additional remuneration for employees working under an employment relationship in the state administration, and the procedure for the payment thereof shall be laid down in an ordinance by the Council of Ministers.

(10) (New, SG No. 38/2012, effective 1.07.2012) The specific amount of the basic salary shall be determined individually depending on the level of the position occupied, the qualifications and the professional experience.

(11) (New, SG No. 38/2012, effective 1.07.2012) An employee's individual basic salary may be increased:

1. based on the annual assessment of his/her performance in the relevant position;

2. upon return to work after a period of pregnancy and maternity leave or child-care leave;

3. after the expiry of the probation period;

4. upon return after a period of leave or after an official mission which lasted more than one year, or upon reinstatement of employment after dismissal;



5. upon promotion to a position at a higher basic salary level.

(12) (New, SG No. 38/2012, effective 1.07.2012) The amount of an employee's individual basic salary shall be determined or increased in accordance with the procedure provided for in Paragraph (9).

(13) (New, SG No. 38/2012, effective 1.07.2012) Additional remunerations of employees working under an employment relationship in the state administration include:

1. additional remuneration for night-time work;
2. additional remuneration for overtime work;
3. additional remuneration for work on public holidays;
4. additional remuneration for stand-by availability;
5. additional remuneration for performance.

(14) (New, SG No. 38/2012, effective 1.07.2012) The additional remuneration under Item 5 of Paragraph (13) shall be determined based on the accuracy and timeliness in the performance of the tasks assigned and shall be payable four times a year, in April, July and October in the current year, and in January for the previous year, based on an assessment performed in accordance with the procedure provided for in the ordinance referred to in Paragraph (9). The amount of the additional remuneration under Item 5 of Paragraph (13) available to an employee may not exceed 80 percent of his/her basic salary accrued for the relevant year.

(15) (New, SG No. 38/2012, effective 1.07.2012, amended, SG No. 15/2013, effective 1.01.2014) The amount of costs on additional remunerations under Paragraph (13) may not exceed 30 percent of the costs on wages, remunerations and compulsory social insurance contributions provided for in the budgets of budget authorisers.

(16) (New, SG No. 38/2012, effective 1.07.2012) Employees working under an employment relationship in the state administration may not be granted additional remunerations on grounds other than those specified in this Code. No other acts may provide for additional remunerations for such employees.

(17) (New, SG No. 38/2012, effective 1.07.2012) The remuneration for paid annual leave and the compensations under this Code for employees working under an employment relationship in the state administration shall be determined based on the individual basic monthly salary as at the date when the relevant employee takes a leave or when the grounds for payment of the relevant compensation arise.

(18) (Renumbered from Paragraph (5), SG No. 24/2006, renumbered from Paragraph (6), SG No. 94/2008, effective 1.01.2009, renumbered from Paragraph (9), SG No. 15/2012, renumbered from Paragraph (10), amended, SG No. 38/2012, effective 1.07.2012) Any office workers working under an employment relationship in the state administration shall undergo annual performance assessment under terms and according to a procedure established by the Council of Ministers.

(19) (Renumbered from Paragraph (6), SG No. 24/2006, renumbered from Paragraph (7), SG No. 94/2008, effective 1.01.2009, renumbered from Paragraph (10), SG No. 15/2012, renumbered from Paragraph (11), SG No. 38/2012, effective 1.07.2012) Upon fulfilment of their labour duties, office workers must comply with the rules of the Code of Conduct of Office Workers in the State Administration.

## **Section VIIIa**

**(New, SG No. 33/2011)**

### **Additional Conditions for Work at Home**

Work at Home

#### **Article 107b**

(New, SG No. 33/2011)

(1) An employment contract may provide that work obligations related to the manufacture of products and/or provision of

services may be performed in return for remuneration at the employee's home or on other premises of his/her choice outside the employer's work location, the employee using his/her own and/or the employer's equipment, materials and other accessory means.

(2) Employees (workers and employees) under Paragraph (1) shall be regarded as ones working at home.

(3) Employers shall keep records of each employee working at home.

(4) Upon request, employers shall provide the General Labour Inspectorate Executive Agency with the information referred to in Paragraph (3).

## Work-at-Home Employment Contract

### Article 107c

(New, SG No. 33/2011)

(1) Work-at-home employment contracts shall be concluded under the terms and in accordance with the procedure provided for in Section I, entitled "Employment Contract, of this Chapter.

(2) The employment contract referred to in Paragraph (1) shall also regulate:

1. the workplace location;
2. the labour remuneration in accordance with the payment systems applied;
3. the procedure of work assignment and reporting;
4. the manner of materials supply and delivery of ready products;
5. the consumer costs for the workplace and the payment thereof;
6. other terms related to the specific requirements for work at home.

## Employer's Obligations Related to Providing Work-at-Home Conditions

### Article 107d

(New, SG No. 33/2011)

Employers shall provide the following to an employee working at home:

1. the conditions for performing the work, as the latter was determined upon the start of the employment relationship;
2. payment and treatment equal to those which the employer has provided to employees working at the enterprise;
3. healthy and safe working conditions;
4. qualification, re-qualification and training;
5. social and health insurance subject to conditions and in accordance with a procedure provided for by law;
6. opportunity for trade union association, participation in the general meeting of employees in the enterprise, information and advice, and participation in a collective agreement in the enterprise;
7. social, welfare and cultural services.

## Obligations When Working At Home

### Article 107e

(New, SG No. 33/2011)

When performing at home the work agreed upon, employees shall:

1. observe the health and safety rules of work;
2. give the employer and the supervisory authorities access to the premises where the workplace is located for inspection purposes;
3. not engage in activities or acts disturbing the rest of the owners or tenants to a degree greater than the usual one under the Condominium Ownership Management Act, where the workplace is in or near a residential building.

Working Time and Rest

#### **Article 107f**

(New, SG No. 33/2011)

- (1) Employees working at home shall be free to choose the starting and end time and the distribution of their working time, subject to observing its statutory length.
- (2) Employees working at home shall be free to choose the periods of rest within a working day, between working days, and within a week.
- (3) Concerning employees working at home, no open-ended working hours or overtime terms and conditions may be established.
- (4) Employees shall inform their employer in writing of the circumstances referred to in Paragraphs (1) and (2) within 7 days after the employment contract is concluded.

Application of Other Provisions on Home Work

#### **Article 107g**

(New, SG No. 33/2011)

Any issues not dealt with in this Section shall be treated in accordance with the general provisions of this Code.

### **Section VIIIb**

**(New, SG No. 82//2011)**

#### **Additional Conditions for Remote Work**

Essence of and Condition for Remote Work

#### **Article 107h**

(New, SG No. 82/2011)

- (1) Remote work is a form of organised work outsourced from the employers' premises and performed under an employment contract through the use of information technology, which was, or could have been, performed on the employers' premises before it was outsourced.
- (2) Working remotely shall be voluntary.
- (3) The terms and procedure for remote work shall be laid down in a collective agreement or an individual employment contract. An individual employment contract shall lay down all specific conditions, rights and obligations of the parties thereto with regard to the remote work and the performance thereof.
- (4) An employer may propose to a factory or office worker to switch from working on the employers' premises to working remotely by an additional agreement under the individual employment contract. A factory or office worker's refusal to do so may not lead to adverse consequences for him/her.

(5) A factory or office worker may propose to his/her employer to switch from working on the employers' premises to working remotely.

(6) An individual employment contract or a collective agreement may lay down:

1. combined working modes, as well as the terms and procedure for the application thereof;
2. possibilities and conditions for switching from remote work to work on the employers' premises.

(7) The specific character of the remote work and the terms and procedure for performing it shall be laid down in the individual employment contract.

(8) An individual employment contract and/or a collective agreement or internal regulations of the employer may lay down rules on:

1. the procedure for assignment and reporting of remote work;
2. the content, volume, results achieved and other characteristics of the work important in accounting for the work done.

Workplace. Technical Equipment and Maintenance of the Workplace

### **Article 107i**

(New, SG No. 82/2011)

(1) A factory or office worker working remotely shall designate a specific area in his/her home or in other premises chosen by him/her outside the enterprise to serve as a workplace.

(2) The issues related to the operational, technical and other equipment at the workplace, the obligations and costs pertaining to its maintenance, other conditions relating to the supply, replacement and maintenance of the equipment, as well as clauses relating to the acquisition of separate items of the equipment by a factory or office worker working remotely shall be laid down in the individual employment contract.

(3) The employer shall provide the following at its own expense:

1. the equipment needed to perform the remote work, as well as the supplies needed for its operation;
2. the software needed;
3. preventive maintenance and technical support;
4. devices intended for communication with the factory or office worker working remotely, including Internet connectivity;
5. data protection;
6. information on and requirements for operating the equipment and keeping it in good repair, and the legal requirements and rules, including those of the enterprise in the field of data protection for data to be used in the course of the remote work;
7. a surveillance system, where it is necessary to install one at the workplace and the factory or office worker's written consent thereto has been obtained; in such cases his/her right to personal space should be respected;
8. other technical or documentary means in accordance with the individual employment contract and/or the collective agreement.

(4) A factory or office worker working remotely shall be responsible for the proper storage and operation of the equipment provided to him/her. In case of a failure of the equipment or a breakdown of the information and/or communication systems used, he/she shall immediately alert the employer thereto in accordance with a procedure and in a manner agreed upon in advance.

(5) An individual employment contract may provide for the use of a factory or office worker's own equipment, together with all rights and obligations arising therefrom.

(6) An individual employment contract and/or collective agreement shall lay down the conditions for preventing the factory or office worker working remotely from abusing the equipment and the Internet and other communication connections provided to him/her. Beyond his/her direct work, a factory or office worker may use those as far as it is reasonable and moral to do so.

(7) The employer shall provide the factory or office worker in advance with written information on the liability and sanctions in case of failure to observe the rules and requirements established, including those on the protection of business data, and such information shall be an integral part of the individual employment contract.

## Organisation of Remote Work and Health and Safety at Work

### Article 107j

(New, SG No. 82/2011)

(1) Factory and office workers working remotely shall enjoy the same rights related to the organisation of work and the health and safety at work as stipulated by Bulgarian law and by the collective agreements applying in the enterprise as those enjoyed by the factory and office workers working on the employers' premises.

(2) The employer shall be under the obligation to ensure that as at the commencement or amendment date of the employment relationship the remote workplaces satisfy the minimum requirements for health and safety at work under the Health and Safety at Work Act and the legal regulations on its application.

(3) The employer shall be responsible for the safe and healthy conditions at the workplaces of factory and office workers working remotely, and shall be under the obligation to inform them of the requirements on the organisation of work and of the safe and healthy working conditions in accordance with the legal regulations, the applicable collective agreements, the internal rules of the enterprise, the enterprise's policy on health and safety at work, and all requirements and rules on the organisation of work and on working with video displays.

(4) A factory or office worker working remotely shall be responsible for adhering to the relevant enterprise's policy on the organisation of work and on health and safety at work, as well as to its prescribed rules and standards on health and safety at work.

(5) The application and observance of the requirements and standards on health and safety at work shall be controlled as follows:

1. factory and office workers working remotely shall have the right to request a visit at their workplace by submitting an application to the relevant Labour Inspectorate Directorate;

2. the employer and/or a representative thereof, the representatives of trade union organisations, the representatives of factory and office workers under Article 7 (2) and the control authorities of the labour inspectorate shall have the right to access the workplace within the limits stipulated in the individual employment contract and/or the collective agreement, subject to advance notification given to the factory or office worker working remotely and subject to his/her consent.

(6) Factory and office workers working remotely shall not have the right to deny access to the workplace without reason, within the established working time and/or within the limits stipulated in the individual employment contract and/or the collective agreement.

## Working Time. Rest and Leave. Reporting of Working Time

### Article 107k

(New, SG No. 82/2011)

(1) The working time of a factory or office worker working remotely:

1. shall be laid down in the individual employment contract in accordance with this Code, the collective agreement and the enterprise's internal working rules;

2. shall be laid down subject to the daily and weekly rest periods stipulated by this Code;

3. shall correspond to the duration of the working time applicable to the factory and office workers working on the employers'

premises.

(2) An individual employment contract may explicitly exclude the possibility for:

1. overtime work;
2. night work;
3. work on national holidays.

(3) Subject to the conditions of Paragraphs (1) and (2), a factory or office worker working remotely shall organise his/her own working time in such a way as to be available and to work at the time when the employer and the business partners thereof communicate with each other.

(4) The workload and performance standards for a factory or office worker working remotely shall be the same as those for factory and office workers working on the employers' premises.

(5) The actual time worked shall be recorded on a monthly basis in a standard-form document endorsed by the employer. The factory or office worker working remotely shall be responsible for the authenticity of the data.

(6) Factory and office workers working remotely shall:

1. determine their own rest periods within their working time in accordance with the provisions of this Code, the Health and Safety at Work Act and the secondary legislation relating to their application, as well as the arrangements laid down in the individual employment contract and/or the collective agreement;
2. take leave subject to a procedure and of a type and length in accordance with the provisions of the Labour Code, the secondary legislation, and the arrangements in the individual employment contract and/or the collective agreement.

Labour Remuneration

### **Article 107l**

(New, SG No. 82/2011)

(1) The amount of labour remuneration shall be laid down in the individual employment contract subject to the provisions of labour legislation and in accordance with the collective agreement and the enterprise's internal salary rules.

(2) A factory or office worker working remotely shall be entitled to all additional labour remuneration laid down in current legislation, the internal salary rules, the individual employment contract and/or the collective agreement.

(3) Factory and office workers working remotely shall benefit from the enterprise's social programme on an equal footing.

Collective Rights of Factory and Office Workers Working Remotely. Integration with Factory and Office Workers Working on the Employers' Premises

### **Article 107m**

(New, SG No. 82/2011)

(1) A factory or office worker working remotely shall have labour and trade union rights equal to those of factory and office workers working on the employers' premises.

(2) Factory and office workers working remotely may form their own group, which may choose a separate information and consultation representative under Article 7a, provided that their total number exceeds 20.

(3) Factory and office workers working remotely shall have the right to participate in the organisational and social life of the enterprise trade union organisation whereof they are members. (4) The employer shall provide opportunities for:

1. preventing the isolation of factory and office workers working remotely from the rest of the factory and office workers working on the employers' premises by:

- (a) creating conditions for periodic working or social meetings on the employer's premises/offices;
  - (b) possibly creating a corporate virtual space - a chat room, forum or other kinds of media, through which factory and office workers working on the employers' premises and those working remotely can freely communicate;
2. access to corporate and professional information of the enterprise related to performing the remote work;
3. participation of the factory and office workers working remotely in the organisational and social life of the enterprise trade union organisation whereof they are members.
- (5) The conditions subject where to the opportunities under Paragraphs (1) to (4) are to be provided shall be laid down in the individual employment contract and/or the collective agreement or regulated by the enterprise's internal working rules.

Qualification, Re-qualification, Training

#### **Article 107n**

(New, SG No. 82/2011)

- (1) Factory and office workers working remotely shall have the same access to training and career development opportunities as are available to those working on the employers' premises, and shall be subject to the same assessment policy.
- (2) Factory and office workers working remotely shall be entitled to appropriate training in conformity with the technical equipment provided to them and with the characteristics of this form of work organisation.
- (3) Where necessary, the supervisor of factory and office workers working remotely and other officials shall have the right to be trained for this working mode and for managing it.

Application of Other Provisions on Remote Work

#### **Article 107o**

(New, SG No. 82/2011)

Any issues not provided for in this Section shall be treated in accordance with the general provisions of this Code.

### **Section VIIIc**

**(New, SG No. 7/2012, effective 5.12.2011)**

#### **Additional Conditions for Work through an Enterprise Providing Temporary**

Work Employment Contract with an Enterprise Providing Temporary Work

#### **Article 107p**

(New, SG No. 7/2012, effective 5.12.2011)

- (1) An employment contract with an enterprise providing temporary work shall stipulate that the factory or office worker concerned is to be commissioned for temporary work at a user undertaking, such work being supervised and controlled by such user undertaking.
- (2) The total number of factory and office workers commissioned by an enterprise providing temporary work at a user undertaking may not exceed 30 percent of the factory and office workers employed by such enterprise.
- (3) An employment contract under Paragraph (1) may not be concluded for the purpose of commissioning someone to work:
- 1. under the conditions of first- and second-category labour;
  - 2. at enterprises involved in national security and defence;

3. at enterprises where a strike is underway.

(4) An employment contract under Paragraph (1) shall be concluded under the terms and in accordance with the procedure provided for in Section I of this Chapter as follows:

1. for a period until the completion of a specific assignment;

2. for the purpose of substitution for a factory or office worker who is away from work.

(5) An employment contract under Paragraph (1) may not stipulate terms prohibiting or preventing the formation of an employment relationship between the user undertaking and the factory or office worker while such worker is commissioned to perform the assignment at a user undertaking or thereafter.

(6) The enterprise providing temporary work may not require from the factory or office worker any fee for the assistance to start a job at the user undertaking or any fee upon the conclusion of an employment contract or the formation of an employment relationship with a user undertaking, either before or during or after the assignment wherefor such worker is commissioned.

(7) Enterprises providing temporary work shall pursue their business after registering with the Employment Agency under terms and according to a procedure stipulated in the Employment Promotion Act.

#### Obligations of Enterprises Providing Temporary Work

#### **Article 107q**

(New, SG No. 7/2012, effective 5.12.2011)

(1) An enterprise providing temporary work shall be under the obligation to send a notification to the relevant territorial directorate of the National Revenue Agency in accordance with the procedure provided for in Article 62(3).

(2) The commissioning referred to in Article 107p(1) shall be effected through a written instrument of the enterprise providing temporary work, after the factory or office worker is provided with a copy of the employment contract concluded and a copy of the notification referred to in Article 62(3), as certified by the territorial directorate of the National Revenue Agency. Such instrument shall state the date when the worker is to appear at the user undertaking, the exact address of the user undertaking, the job location, the workplace, the name of the position and the nature of the work at the user undertaking, the official in the user undertaking before whom the factory or office worker is to appear, as well as the type of initial training to be conducted at the user undertaking. The instrument shall be delivered to the factory or office worker, which the latter shall confirm by affixing his/her signature, at least one working day prior to the date fixed for his/her starting the job at the user undertaking, the date of such delivery being indicated therein.

(3) The factory or office worker shall have the right to refuse a job at a user undertaking in writing, where such job is not appropriate for his/her professional qualification or health status, or the job location is in another city/town/village, of which he/she shall inform the enterprise providing temporary work upon the delivery of the instrument as provided for in Paragraph (2). In such case no employment relationship shall be deemed to have been formed.

(4) An enterprise providing temporary work may not commission a factory or office worker at a user undertaking where a strike is underway, regardless of the contracts concluded under Articles 107p and 107s.

(5) The enterprise providing temporary work shall be under the obligation:

1. to charge the labour remuneration of the factory or office worker on a payroll;

2. to pay the labour remuneration due to the factory or office worker;

3. upon a written request by the factory or office worker, to issue and provide to him/her an abstract of the documents concerning the employment remuneration and compensation amounts paid or outstanding;

4. to insure the factory or office worker under terms and according to a procedure stipulated by the Social Insurance Code and the Health Insurance Act ;

5. upon a written request by the factory or office worker, to issue and provide to him/her the necessary documents certifying facts related to the formation, implementation and termination of the employment relationship, within 14 days of such request;



6. upon termination of the employment relationship, to issue a dismissal order or another document certifying the termination of the said relationship.

(6) The enterprise providing temporary work shall be under the obligation to give the user undertaking a written notification stating the names of the factory and office workers who are to be commissioned to such undertaking at least one working day prior to the commencement of the assignment.

## Obligations of User Undertakings

### **Article 107r**

(New, SG No. 7/2012, effective 5.12.2011)

(1) With respect to a factory or office worker performing the assignment wherefor he/she has been commissioned, the user undertaking shall be under the obligation:

1. to designate the workplace where the work is to be performed;
2. prior to the commencement of the assignment, to deliver to the factory or office worker a job description, which the latter shall confirm by affixing his/her signature, and indicate the date of such delivery therein;
3. to instruct the factory or office worker to perform the assignment in a safe and healthy manner;
4. to record the time worked and inform the enterprise providing temporary work and the factory or office worker thereof, which they shall confirm by affixing their signatures;
5. to determine the amount of the basic and additional labour remuneration due, including for overtime and night-time work, and inform the enterprise providing temporary work and the factory or office worker thereof, which they shall confirm by affixing their signatures;
6. upon a written request by the factory or office worker, to issue and provide to him/her the necessary documents certifying facts related to the performance of the assignment, within 14 days of such request;
7. to inform the enterprise providing temporary work of the conditions whereunder the rest of the factory and office workers perform the same or similar work in the same or a similar position, and of any changes in such conditions;
8. to provide the factory or office worker with information in accordance with the requirements of the Health and Safety at Work Act and the statutory instruments concerning the implementation thereof;
9. to insure the factory or office worker at its own expense under the terms and in accordance with the procedure provided for in Article 52 of the Health and Safety at Work Act ;
10. to make available, in due time and at a suitable location within the undertaking, written information on the vacant jobs and positions, with a view to facilitating the factory or office worker's access to permanent employment;
11. to take steps to facilitate the factory or office worker's access to training, with a view to improving his/her career advancement opportunities and professional mobility;
12. to conduct initial and continuing training of the factory or office worker in accordance with the position and the nature of work at the user undertaking.

(2) While the factory or office worker performs the assignment wherefor he/she has been commissioned, the user undertaking shall be under the obligation to provide him/her with basic working and employment conditions and equal treatment, as provided to the rest of the factory and office workers employed by such undertaking and performing the same or similar work in the same or a similar position, including healthy and safe working conditions.

(3) The user undertaking may not change the position and the nature of work for the performance whereof the factory or office worker has been commissioned.

(4) Where a commissioned factory or office worker commits a breach of discipline, the user undertaking shall immediately inform the enterprise providing temporary work, and describe the breach, the time and place whereat it was committed and the

circumstances related thereto.

(5) The user undertaking may submit to the enterprise providing temporary work a substantiated proposal to impose disciplinary sanctions on the commissioned factory or office worker and to commission another factory or office worker in his/her place.

## Relations Between Enterprises

### **Article 107s**

(New, SG No. 7/2012, effective 5.12.2011)

(1) The relations between the enterprise providing temporary work and the user undertaking shall be regulated in a written contract.

(2) The contract referred to in Paragraph (1) shall lay down:

1. the names of the positions and the nature of work for the performance whereof factory or office workers are to be commissioned;
2. the period for which factory or office workers are to be commissioned;
3. the obligations of the factory or office workers regarding the enterprise providing temporary work;
4. the procedure applicable to leave of absence;
5. the obligations of the factory or office workers regarding the user undertaking;
6. the procedure applicable to the exchange of information between the enterprise providing temporary work and the user undertaking concerning the salary structure and organisation, the types of additional labour remuneration and their amounts at the undertaking, as well as the collective employment contract concluded at the user undertaking, if any;
7. the procedure through which and the time limits within which the user undertaking shall inform the enterprise providing temporary work of the working time and the determined amount of basic and additional labour remuneration due, including for overtime and night-time work performed by the factory or office worker;
8. the type of initial training needed for the performance of the temporary work;
9. the liability in case of default;
10. other terms related to the performance of the temporary work.

(3) The enterprise providing temporary work and the user undertaking shall be jointly liable for the obligations in respect of the factory or office worker arising in the course of, on account of, or in relation to, the performance of the work assigned.

(4) Paragraphs (1) - (3) shall be applied without prejudice to the factory or office worker's remedies provided for by the employment contract concluded between him/her and the enterprise providing temporary work.

(5) A user undertaking which has performed mass layoffs may not conclude a contract under Paragraph (1) prior to the lapse of 6 months of such layoffs.

## Duties of employee

### **Article 107t**

(New, SG No. 7/2012, effective 5.12.2011)

(1) A factory or office worker shall perform, in respect of the enterprise providing temporary work, the obligations arising from the employment contract referred to in Article 107p but not related to the direct performance of the work assigned at the user undertaking.

(2) The factory or office worker shall be under the obligation to perform, in respect of the user undertaking, all obligations

arising from the performance of the work assigned.

Rights of the employee

### **Article 107u**

(New, SG No. 7/2012, effective 5.12.2011)

(1) A factory or office worker commissioned to perform work at a user undertaking shall, while working thereat, have the right to:

1. labour remuneration;
2. leave of absence as provided for in this Code;
3. trade union association;
4. participation in the general meeting of factory and office workers in the undertaking;
5. information on all matters related to the performance of the assignment;
6. participation in a collective agreement;
7. settlement of collective labour disputes;
8. social, welfare and cultural services;
9. healthy and safe working conditions;
10. initial and continuing training in accordance with the position and the nature of work at the user undertaking;
11. compensations under the terms and in accordance with the procedure provided for in the Social Insurance Code;
12. other rights directly related to the performance of the work assigned.

(2) Factory and office workers under Paragraph (1) may not be put, only on account of the temporary nature of their work, in a less advantageous position than the other factory and office workers performing the same or similar work at the user undertaking, unless a law makes the enjoyment of certain rights conditional upon the qualification acquired or skills obtained. Where no other factory or office workers are employed to perform the same or similar work, the factory and office workers commissioned to perform temporary work at the user undertaking may not be put in a less advantageous position than the other factory and office workers working thereat.

Commencement and Termination of the Assignment

### **Article 107v**

(New, SG No. 7/2012, effective 5.12.2011)

(1) A factory or office worker shall start discharging his/her duties in respect of the user undertaking upon starting the job with such undertaking.

(2) The factory or office worker shall cease to discharge his/her duties at the user undertaking:

1. upon completing the assignment;
2. upon the substituted person's return to work;
3. upon termination of the employment contract between the factory or office worker and the enterprise providing temporary work, in accordance with the procedure provided for in this Code;
4. upon deregistration of the enterprise providing temporary work.

Application of Other Provisions to the Performance of Work through an Enterprise Providing Temporary Work

## **Article 107w**

(New, SG No. 7/2012, effective 5.12.2011)

Any issues not regulated by this Section shall be treated in accordance with the general provisions of this Code.

## **Section IX**

### **ADDITIONAL WORK UNDER EMPLOYMENT CONTRACT**

#### **Article 108**

(Repealed, SG No. 100/1992).

#### **Article 109**

(Repealed, SG No. 100/1992).

Additional Work for Same Employer

#### **Article 110**

(Amended, SG No. 100/1992)

The factory or office worker may conclude an employment contract with the employer for whom he works for the performance of work beyond the scope of his or her labour duties, outside the working time fixed for him or her.

Additional Work for Another Employer

#### **Article 111**

(Amended, SG No. 100/1992, SG No. 25/2001)

The factory or office worker may furthermore conclude employment contracts with other employers as well for performance of work outside the working time fixed for him or her under his or her principal employment relationship (external concurrent employment), unless otherwise provided for in his or individual employment contract under his or her principal employment relationship.

Prohibition of Performance of Additional Work

#### **Article 112**

(Amended, SG No. 100/1992, SG No. 48/2006)

Performance of additional work shall be prohibited to factory or office workers who:

1. work under specific conditions and the risks to the life and health thereof cannot be eliminated or reduced regardless of the measures taken: applicable to work under the same or other specific conditions;
2. are designated in a law or in an act of the Council of Ministers.

Working Time under Employment Contract for Additional Work

#### **Article 113**

(Supplemented, SG No. 52/2004, amended,

SG No. 27/2005, No. 48/2006)

(1) The maximum duration of working time under an employment contract for additional work, together with the duration of the working time under the principal employment relationship, where working time is calculated on a daily basis, may not exceed:

1. 40 hours: for factory and office workers who have not attained the age of 18 years;

2. 48 hours: for any other factory and office workers.

(2) With their express written consent, the factory and office workers under Item 2 of Paragraph (2) may work more than 48 hours.

(3) A factory or office worker under Articles 110 and 111 shall give his or her written consent to work more than 48 hours a week to the employer for whom the said worker works. In case the factory or office worker refuses to give consent, the said worker may not be obligated to work more than 48 hours weekly, and any such refusal may not lead to any detriment for the said worker.

(4) The written consent of a factory or office worker under Article 111 to work more than 48 hours a week shall be given to the employer who is party to the employment contract for additional work.

(5) In the cases under Paragraphs (3) and (4), the duration of working time shall be calculated over a reference period not exceeding four months.

(6) In all other cases of performing additional work, the aggregate duration of working time may not interfere with the minimum uninterrupted daily and weekly rest period as established by this Code.

(7) Employers shall keep records on each factory or office worker who works more than 48 hours a week. The said records shall be at the disposal of the General Labour Inspectorate Executive Agency which, on considerations related to the factory and office workers' safety and/or health, may prohibit or restrict the possibility of exceeding the weekly duration of working time.

(8) Upon request, employers shall present to the General Labour Inspectorate Executive Agency information on the cases in which the factory and office workers have given consent to work more than 48 hours a week.

Employment Contract for Work on Particular Days of the Month

(Title amended, SG No. 15/2010)

#### **Article 114**

(Amended, SG No. 100/1992, repealed, SG 110/1999, new, SG No. 25/2001, amended, SG No. 108/2008, supplemented, SG No. 15/2010)

An employment contract may furthermore be concluded for work on particular days of the month, which shall be acknowledged as length of employment service.

Content

#### **Article 115**

(Amended, SG No. 100/1992)

In addition to the terms under Article 66 (1), the employment contracts under this Section shall furthermore stipulate the duration and allocation of working time, and they may stipulate the frequency of payment of the labour remuneration as well.

#### **Article 116**

(Repealed, SG No. 100/1992).

Social Insurance

#### **Article 117**

(Amended, SG No. 100/1992)

Factory and office workers who perform additional work shall be entitled to social insurance under terms and according to a procedure established by a separate law.

## **Section X**

# MODIFICATION OF EMPLOYMENT RELATIONSHIP

## Prohibition of Unilateral Modification of Employment Relationship

### Article 118

- (1) Neither the employer nor the factory or office worker may modify unilaterally the content of the employment relationship, with the exception of the cases and according to the procedure established in the law.
- (2) The transfer of a factory or office worker to another job within the same enterprise, without changing the specified place of work, the position and the amount of the basic wage of the factory or office worker, shall not be treated as a modification of the employment relationship.
- (3) (New, SG No. 25/2001) The employer may unilaterally increase the labour remuneration of the factory or office worker.

## Modification of Employment Relationship by Mutual Consent

### Article 119

The employment relationship may be modified by written consent between the parties for a fixed term or an indefinite duration.

## Change of Place and Nature of Work by Employer

(Heading amended, SG No. 100/1992)

### Article 120

(Amended, SG No. 100/1992)

- (1) The employer may, where production so requires, as well as in the case of idling, to assign to the factory or office worker, without his or her consent, to temporarily perform another work in the same or in another enterprise, but in the same nucleated settlement, for a period of up to 45 calendar days within one calendar year, and in the case of idling, for the duration of the idling.
- (2) The change under the foregoing paragraph shall be effected in accordance with the qualifications and the health condition of the factory or office worker.
- (3) The employer may assign the factory or office worker work of a different nature, even though it does not correspond to his or her qualifications, where this is necessitated by insuperable reasons.

## Assignment with an Institution of the European Union

### Article 120a

(New, SG No. 43/2008)

- (1) A factory or office worker can be assigned a position with a European Union institution for a period of up to four years.
- (2) (Amended, SG No. 15/2010) While holding a position at an institution of the European Union, the factory or office worker shall retain the employment relationship thereof and shall continue to receive the relevant basic labour remuneration from their employer.
- (3) When performing their duties, the factory or office worker shall be guided solely by the interest of the institution to which they have been sent and shall not undertake operations for the employer.
- (4) Upon expiry of the period of assignment to a position at an institution of the European Union, as well as in the cases of early termination, the factory or office worker shall re-occupy the previous position thereof within 15 days, and if the said position has been eliminated, shall occupy another equivalent position.
- (5) The terms and procedure for the assignment of factory and office workers to the fulfilment of positions at an institution of

the European Union shall be established by an ordinance of the Council of Ministers.

## Secondment of Factory or Office Workers

(Heading supplemented, SG No. 100/1992)

### Article 121

(Amended and supplemented, SG No. 100/1992)

(1) In case the needs of the enterprise so require, the employer may second a factory or office worker for performance of labour duties outside the place of his or permanent work, but such period may not exceed 30 calendar days without interruption.

(2) A secondment for a period exceeding 30 calendar days shall require a written consent of the factory or office worker.

(3) (New, SG No. 15/2010, effective 28.08.2010) Where the secondment period related to the provision of services in another Member State of the European Union, in another State party to the Agreement on the European Economic Area or in the Swiss Confederation is longer than 30 calendar days, the parties shall provide, within the secondment period, for at least the same minimum work conditions as those established for factory and office workers who perform the same or similar work in the host country. Terms and conditions to be agreed upon by the parties shall be set out by an instrument of the Council of Ministers.

(4) (New, SG No. 7/2012) Where factory and office workers are commissioned by an enterprise providing temporary work to provide services in another Member State of the European Union, in another country which is a Party to the Agreement on the European Economic Area or in the Swiss Confederation, the Parties shall, for the period of such commissioning, agree on at least the same minimum working conditions as are established in respect of factory and office workers performing the same or similar work in the host country.

(5) (New, SG No. 82/2011, renumbered from Paragraph 4, supplemented, SG No. 7/2012) The payment conditions in the host country in the cases under Paragraph (3) and (4) shall not include the payment of travel, per diem and accommodation expenses under Bulgarian law.

### Article 122

(Repealed, SG No. 100/1992).

## Non-termination of Employment Relationship in Case of Change of Employer

### Article 123

(Supplemented, SG No. 100/1992, amended, SG No. 25/2001, SG No. 52/2004, SG No. 48/2006)

(1) The employment relationship with the factory or office worker shall not be terminated in the event of a change of employer as a result of:

1. merger of enterprises by the formation of a new enterprise;
2. merger by acquisition of one enterprise by another;
3. distribution of the operations of one enterprise among two or more enterprises;
4. passing of a self-contained part of one enterprise to another;
5. change of the legal form of business organisation;
6. change of the ownership of the enterprise or of a self-contained part thereof;
7. cession or transfer of activity from one enterprise to another, including transfer of tangible assets.

(2) In the cases under Paragraph (1), the rights and obligations of the transferor employer arising from the employment relationships existing on the date of the change shall be transferred to the new transferee employer.

(3) The rights arising from the supplementary voluntary retirement insurance of the factory and office workers with the transferor employee, who were in employment relationships therewith on the date of the transfer under Paragraph (1), as well as the rights of the persons who were no longer factory and office workers on the date of the change, shall be regulated in a separate law.

(4) Liability in respect of the obligations to the factory or office workers which arose before the change under Paragraph (1) shall be incurred by:

1. the transferee employer, upon merger of enterprises and upon change of the form of legal organisation;
2. solidarily by the transferor employer and the transferee employer: in the rest of the cases.

(5) (New, SG No. 104/2007) Paragraphs 1 - 4 shall apply in case of incorporation of a European Company or a European Cooperative Society by merger, and in case of merger or merger by acquisition under Section V, Chapter Sixteen of the Commerce Act.

Non-termination of Employment Relationship upon Rental, Lease or Concession of Enterprise or Self-Contained Part Thereof

### **Article 123a**

(New, SG No. 48/2006)

(1) The employment relationship with the factory or office worker shall not be terminated upon change of employer in the cases of rental, lease or concession of the enterprise or of a self-contained part thereof.

(2) In the cases under Paragraph (1), the rights and obligations of the old employer arising from employment relationships existing on the date of the change shall be transferred to the new employer.

(3) The two employers shall be jointly liable for the obligations to the factory or office worker which arose before the change under Paragraph (1).

(4) Upon expiry of the contract for rental, lease or concession, the employment relationships with the factory and office workers shall not be terminated but shall revert to the old employer thereof.

## **Chapter Six**

**(Amended, SG No. 100/1992)**

## **MAJOR OBLIGATIONS OF PARTIES TO EMPLOYMENT RELATIONSHIP**

### **Section I**

**(New, SG No. 48/2006)**

### **MAJOR OBLIGATIONS UPON PROVISION OF LABOUR POWER**

Content of Employment Relationship

#### **Article 124**

Under the employment relationship, the factory or office worker shall be obligated to perform the work on which he or she has agreed and to observe the established labour discipline, and the employer shall be obligated to provide conditions to the factory or office worker for performance of the work and to pay the worker remuneration for the work done.

Obligation to Perform in Good Faith

#### **Article 125**

The factory or office worker must perform his or her labour duties accurately and in good faith.

Obligations upon Performance of Work Assigned

#### **Article 126**



Upon performance of the work on which he or she has agreed, the factory or office worker shall be obligated:

1. to report for work on time, and to be present at his or her job until the end of the working time;
2. to report for in a condition enabling him or her to fulfil the tasks assigned, and not to consume alcohol or another intoxicating substance during working time;
3. to utilise the entire working time for the performance of the work assigned;
4. to execute the work thereof in the required quantity and quality;
5. to observe the technical and technological rules;
6. to observe the rules for health and safety at work;
7. to carry out the lawful orders of the employer;
8. to take attentive care of the property which is entrusted thereto or with which he or she comes in contact upon execution of the work assigned thereto, as well as save the prime and raw materials, energy, financial and other resources provided thereto for performance of his or her labour duties;
9. (amended, SG No. 25/2001) to be loyal to the employer and not to abuse of the employer's trust and not to disclose any confidential data for the employer, as well as to protect the reputation of the enterprise;
10. to observe the internal rules adopted in the enterprise, and not to obstruct the other factory and office workers in the execution of their labour duties;
11. to co-ordinate the work thereof with the rest of the factory and office workers, and to render them assistance in accordance with the employer's instructions;
12. (new, SG No. 95/2003) to notify the employer of the existence of any incompatibility with the work executed, where during implementation of the said work any of the grounds for incompatibility under Article 107a (1) occurs;
13. (renumbered from Item 12, SG No. 95/2003) to discharge all other duties which arise from a statutory instrument, from a collective agreement, from the employment contract, and from the nature of the work.

Employer's Obligations to Provide Working Conditions

## **Article 127**

(1) (Redesignated from Article 127, SG No. 25/2001) The employer shall be obligated to provide the factory or office worker normal conditions for execution of the work under the employment relationship on which the said worker has agreed, providing to the said worker:

1. the work which specified upon formation of the employment relationship;
2. a job and conditions in accordance with the nature of work;
3. health and safety at work;
4. (new, SG No. 25/2001, amended, SG No. 52/2004, supplemented, SG No. 108/2008) a job description, a copy of which shall be delivered to the factory or office worker upon conclusion of the employment contract upon signed acknowledgement, and the date of delivery shall be noted;
5. (renumbered from Item 4, amended, SG No. 25/2001) instructions on the procedure and manner of execution of the labour duties and exercise of the labour rights, including familiarisation with the internal works rules and with the rules for health and safety at work.

(2) (New, SG No. 25/2001) The employer shall be obligated to protect the dignity of the factory or office worker in the process of execution of the work under the employment relationship.

(3) (New, SG No. 48/2006, repealed, SG No. 108/2008).

(4) (New, SG No. 48/2006) Where the employer requires a factory or office worker to work abroad for more than one month, the employer shall be obligated, before the departure, to inform the said worker in writing of:

1. the duration of the employment;
2. the currency to be used for the payment of remuneration;
3. where appropriate, the additional labour remunerations to be paid in cash or in kind attendant to the employment abroad;
4. the conditions governing the worker's repatriation.

(5) (New, SG No. 7/2012) Where a factory or office worker is commissioned to work abroad by an enterprise providing temporary work, such enterprise shall be under the obligation to inform him/her of the following prior to his/her departure:

1. the duration of the assignment;
2. the currency wherein his/her remuneration is to be paid;
3. the additional labour remuneration in relation to his/her commissioning abroad to be paid in cash or in kind, if any;
4. the conditions of return in his/her home country.

Employer's Obligation to Charge and Pay Labour Remuneration

### **Article 128**

(Amended, SG No. 52/2004)

The employer shall be obligated, within the prescribed time limits:

1. to charge in payrolls the labour remunerations of the factory and office workers for the work performed thereby;
2. to pay the labour remuneration agreed for the work done;
3. to issue, at the request of the factory and office workers, abstracts from the payrolls on the labour remunerations and any compensations, whether paid or unpaid.

Employer's Obligation to Issue Documents

### **Article 128a**

(New, SG No. 108/2008)

(1) When so requested in writing by the factory or office worker, the employer shall be obligated to issue and to provide the said worker with the necessary documents certifying facts related to the employment relationship within 14 days after the request.

(2) When so requested in writing by the factory or office worker, the employer shall be obligated to provide the said worker with an objective and fair characterisation of the professional qualities thereof and of the results of the work activity thereof or with an objective and fair recommendation upon applying for work with another employer within the time limit referred to in Paragraph (1).

(3) Upon termination of the employment relationship, the employer shall be obligated to issue an order of dismissal or another document certifying the termination of the said relationship.

Employer's Obligation to Insure Factory or Office Worker

### **Article 129**

(Amended, SG No. 82/2011)

The employer shall be under the obligation to insure factory or office workers in accordance with terms and conditions and following a procedure laid down in the Social Insurance Code and the Health Insurance Act.

## **Section II**

**(New, SG No. 48/2006)**

### **COMMON RULES FOR INFORMATION AND CONSULTATION**

Employer's Obligation to Inform and Consult

#### **Article 130**

(Repealed, SG No. 100/1992, new, SG No. 25/2001, amended and supplemented, SG No. 52/2004, amended, SG No. 48/2006)

(1) The employer shall be obligated to provide the information required by the law to the trade union organisations and to the factory and office workers' representatives under Articles 7 and 7a at the enterprise, as well as to consult them.

(2) The employer shall provide information, conduct consultations and co-ordination in the cases provided for by the law either with the trade union organisations only or with the representatives under Article 7 (2) only, where there are no trade union organisations or no elected representatives under Article 7 (2) at the enterprise or any of them refuses to take part in the information and/or consultation procedure.

(3) The trade union organisations and the factory and office workers' representatives under Articles 7 and 7a shall be obligated to familiarise the factory and office workers with the information received from the employer, as well as to take into account the opinion thereof upon conduct of the consultations.

(4) Factory and office workers shall be entitled to prompt, reliable and intelligible information about the economic and financial situation of the employer, which is relevant to their labour rights and duties.

(5) By a collective agreement or by an agreement, the employer and the factory and office workers' representatives under Article 7a may also agree on practical measures for information and consultation of the factory and office workers other than those specified in the law.

Right to Information upon Collective Dismissal

#### **Article 130a**

(New, SG No. 25/2001, amended, SG No. 52/2004, SG No. 48/2006)

(1) Where an employer is contemplating collective dismissals, the said employer shall be obligated to begin consultations with the trade union organisations' representatives and with the factory and office workers' representatives under Article 7 (2) in good time but not later than 45 days before the said dismissals are to take effect, and to make efforts to reach an agreement with the said representatives so as to avoid collective dismissals or reduce the number of workers affected and to mitigate the consequences of the said dismissals. The procedure and manner for conduct of such consultations shall be determined by the employer, the trade union organisations' representatives and the factory and office workers' representatives under Article 7 (2).

(2) Irrespective of whether the decision leading to collective dismissals has been taken by the employer or by another legal entity, before the beginning of the consultations under Paragraph (1) the employer shall be obligated to provide the trade union organisations' representatives and the factory and office workers' representatives under Article 7 (2) with information in writing on:

1. the reasons for the projected dismissals;
2. the number of factory and office workers to be dismissed, and the principal economic activities, groups of occupations and positions to which they belong;
3. the number of factory and office workers employed in the principal economic activities, groups of occupations and positions at the enterprise;
4. the specific criteria for application of the criteria under Article 329 for the selection of the factory and office workers to be dismissed;

5. the period over which the dismissals are to be effected;

6. the compensations due in connection with the dismissals.

(3) The employer shall be obligated to forward a copy of the information under Paragraph (2) to the competent division of the National Employment Agency within three days after providing the said information.

(4) The trade union organisations' representatives and the factory and office workers' representatives under Article 7 (2) may send the competent division of the National Employment Agency comments on the information provided to the said representatives in connection with the projected dismissals.

(5) Upon failure on the part of the employer to fulfil the obligation thereof under Paragraph (2), the trade union organisations' representatives and the factory and office workers' representatives under Article 7 (2) shall have the right to alert the General Labour Inspectorate Executive Agency of a non-observance of labour legislation.

(6) In considering a failure to fulfil the obligation under Paragraph (1), account shall not be taken of any defence on the part of the employer on the ground that another entity has taken the decision regarding collective dismissals.

(7) Projected collective dismissals shall take effect not earlier than 30 days after notification of the National Employment Agency, without prejudice to the notice periods.

Obligation to Inform and Consult upon Change of Employer

### **Article 130b**

(New, SG No. 48/2006)

(1) Before carrying out the change under Article 123 (1), the transferor employer and the transferee employer, and in the cases under Article 123a (1), the old and the new employer, shall be obligated to inform the trade union organisations' representatives and the factory and office workers' representatives under Article 7 (2) at the enterprises thereof of:

1. the projected change and the date of carrying out the said change;

2. the reasons for the change;

3. the possible legal, economic and social implications of the change for the factory and office workers;

4. the measures envisaged in relation to the factory and office workers, including such measures envisaged for fulfilment of the obligations under Article 123 (4) and Article 123a (3).

(2) The transferor employer under Article 123 or the old employer under Article 123a shall be obligated to provide the information under Paragraph (1) within two months before the change is carried out.

(3) The transferee employer under Article 123 or the new employer under Article 123a shall be obligated to provide the information under Paragraph (1) in good time, and in any event within two months before the factory and office workers thereof are directly affected by the change as regards their conditions of work and employment.

(4) Where any of the employers envisages measures under Item 4 of Paragraph (1) in relation to the factory and office workers of the enterprise thereof, the said employer shall be obligated to consult the trade union organisations' representatives and the factory and office workers' representatives under Article 7 (2) in good time on such measures and to make efforts to reach an agreement therewith.

(5) In the cases where there are no trade union organisations and factory and office workers' representatives under Article 7 (2) at the enterprise, the employer shall provide the information under Paragraph (1) to the relevant factory and office workers.

(6) Upon failure on the part of the employer to fulfil the obligation thereof under Paragraph (1), or where the employer fails to hold the consultations under Paragraph (4), the trade union organisations' representatives and the factory and office workers' representatives under Article 7 (2) or the factory and office workers shall have the right to alert the General Labour Inspectorate Executive Agency of a non-observance of labour legislation.

(7) In considering a failure to fulfil the obligation under Paragraph (1), account shall not be taken of any defence on the part of

the employer on the ground that another entity has taken the decision regarding the change.

Obligation to Inform upon Development of Enterprise's Activities,

Economic Situation and Work Organisation

### **Article 130c**

(New, SG No. 48/2006)

(1) In the cases under Article 7a, the employer shall be obligated to provide the elected factory and office workers' representatives with information regarding:

1. the recent and probable development of the enterprise's activities and economic situation;
2. the situation, structure and probable development of employment within the enterprise and regarding any anticipatory measures envisaged, in particular where there is a threat to employment;
3. (new, SG No. 7/2012) the number of factory and office workers commissioned by an enterprise providing temporary work, or its intentions to make use of such factory and office workers;
4. (supplemented, SG No. 82/2011, renumbered from Item 3, SG No. 7/2012) the possible substantial changes in work organisation, including the introduction of work at home and remote work.

(2) (Amended, SG No. 7/2012) After providing the information under Paragraph (1), the employer shall be obligated to hold consultations on the matters under Items 2 - 4 of Paragraph (1).

(3) Where the information under Paragraph (1) contains any data whereof the disclosure may harm the legitimate interests of the employer, the said employer shall have the right to provide the said information in confidence.

(4) In the cases under Paragraph (3), the factory and office workers' representatives shall not have the right to pass the information under Paragraph (1) to the rest of the factory and office workers and to third parties.

(5) The employer may refuse to communicate information or undertake consultation when the nature of that information or consultation is such that it would seriously harm the functioning of the enterprise or the legitimate interests of the employer.

(6) Upon refusal to provide information under Paragraph (5) and if a dispute arises over the justification of the said refusal, the parties may seek assistance for settlement of the dispute through mediation and/or voluntary arbitration from the National Institute of Conciliation and Arbitration.

Information and Consultation Timing

### **Article 130d**

(New, SG No. 48/2006)

(1) The employer and the factory and office workers' representatives under Article 7a shall define in an agreement:

1. the content of the information and the time whereat the said information is to be provided to the said representatives;
2. the time whereat the factory and office workers' representatives are to formulate their opinion on the information provided;
3. the timing and the subject of consultation;
4. the employer's representatives designated to inform and to consult.

(2) In case no agreement under Paragraph (1) is reached:

1. the information on the recent and probable development of the enterprise's activities and economic situation shall be provided within the time limits for preparation of the financial statements;
2. the information regarding the situation, structure and probable development of employment within the enterprise and on any

anticipatory measures envisaged shall be provided within one month before such measures are undertaken;

3. the information regarding the decisions likely to lead to substantial changes in work organisation or in the employment relationships shall be provided within one month before the relevant changes are effected;

4. (amended, SG No. 7/2012) the consultation under Items 2, 3 and 4 of Article 130c (1) shall take place within two weeks after the information is provided.

(3) In the cases where the employer envisages any measures leading to a change under Article 123 or 123a or to collective dismissals, the information shall be provided and the consultations shall take place under the terms, according to the procedure and within the time limits established by Articles 130a and 130b.

(4) In case the employer fails to provide information within the time limits under Paragraphs (1) or (2), the factory and office workers' representatives shall have the right to request the said information therefrom in writing, and upon refusal to provide information, the said representatives shall have the right to alert the General Labour Inspectorate Executive Agency of a non-observance of labour legislation.

## **Article 131**

(Repealed, SG No. 100/1992).

## **Article 132**

(Repealed, SG No. 100/1992).

## **Article 133**

(Repealed, SG No. 100/1992).

## **Article 134**

(Repealed, SG No. 100/1992).

## **Article 135**

(Repealed, SG No. 100/1992).

# **Chapter Seven**

## **WORKING TIME AND REST**

### **Section I**

#### **NORMAL WORKING TIME**

Normal Duration of Working Time

#### **Article 136**

(Amended, SG No. 100/1992)

(1) (Amended, SG No. 25/2001) The working week shall consist of five days, with a normal duration of the weekly working time of up to 40 hours.

(2) (Repealed, SG No. 25/2001).

(3) (Amended, SG No. 25/2001) The normal duration of the working time during the day shall be up to eight hours.

(4) (Supplemented, SG No. 25/2001) The normal duration of the working time under the foregoing paragraphs may not be extended, except in the cases and according to the procedure provided for in this Code.

(5) (Repealed, SG No. 25/2001).

## Extension of Working Time

### Article 136a

(New, SG No. 25/2001)

(1) (Amended, SG No. 48/2006) For production reasons the employer may, by an order in writing, extend the working time on some working days and compensate the said working time on other working days by the respective reduction thereof after advance consultation with the trade union organisations' representatives and the factory and office workers' representatives under Article 7 (2). The employer shall be obligated to notify in advance the labour inspectorate of any such extension of working time.

(2) (Amended and supplemented, SG No. 52/2004) The duration of the extended working day under the terms of Paragraph (1) may not exceed 10 hours and, applicable to factory and office workers at reduced working time, the said duration may not exceed one hour in excess of their reduced working time. In such cases, the duration of the working week may not exceed 48 hours and, applicable to factory and office workers at reduced working time, the said duration may not exceed 40 hours. The employer shall be obliged to keep a special book for recording the extension and, respectively, the compensation of the working time.

(3) Extension of the working time under Paragraphs (1) and (2) shall be permissible for a period of up to 60 working days during one calendar year, but for not more than 20 successive working days.

(4) In the cases under Paragraph (1), the employer shall be obligated to compensate the extension of the working time by a respective reduction of the said working time for each extended working day within four months. Where the employer fails to compensate the extension of the working time within the said time limit, the factory or office workers shall be entitled to determine at their own discretion the time during which the extension of the working time will be compensated by the respective reduction thereof, notifying in writing the employer of the exercise of this discretion at least two weeks in advance.

(5) Upon termination of the employment relationship before compensation under Paragraph (4), the balance to the normal working day shall be paid as overtime work.

(6) For factory and office workers under Article 147, extension of working time shall be permissible under the terms for performance of overtime as set forth in this Article.

## Reduced Working Time

### Article 137

(1) (Redesignated from Article 137, SG No. 25/2001) Reduced working time shall be established for:

1. (Amended, SG No. 100/1992, SG No. 83/2005) factory and office workers who perform work under specific conditions and where the risks to the life and health thereof cannot be eliminated or reduced regardless of the measures taken, but reduction of the duration of working time leads to containment of the risks to the health thereof;

2. (Supplemented, SG No. 100/1992) factory or office workers who have not attained the age of 18 years.

(2) (New, SG No. 83/2005) The types of work for which reduced hours of work are established shall be determined by an ordinance of the Council of Ministers.

(3) (Repealed, SG No. 100/1992, new, SG No. 25/2001, renumbered from Paragraph (2), SG No. 83/2005) Factory and office workers, who work under the respective conditions for not less than half of the statutory working time, shall be entitled to reduced working time under Item 1 of Paragraph (1).

(4) (New, SG No. 25/2001, renumbered from Paragraph (3), SG No. 83/2005) Upon reduction of working time pursuant to Paragraphs (1) and (2), the labour remuneration and the other entitlements of the factory or office workers under the employment relationship may not be reduced.

## Part-Time Work

## **Article 138**

(Amended, SG No. 100/1992)

(1) (Redesignated from Article 138, SG No. 25/1992) The parties to the employment contract may agree on work for a part of the statutory working time (part-time work). In such case, the said parties shall specify the duration and allocation of the working time.

(2) (New, SG No. 25/2001, amended, SG No. 48/2006) In the cases under Paragraph (1), the monthly duration of the working time of part-time factory and office workers shall be less compared to the monthly duration of the working time of the factory and office workers who under a full-time employment relationship at the same enterprise and perform the same or similar work. Where no full-time factory and office workers are engaged in the same or similar work, the comparison shall be drawn against the duration of the monthly working time of the rest of the factory and office workers at the enterprise.

(3) (New, SG No. 25/2001, amended, SG No. 48/2006) The factory and office workers under Paragraph (1) may not be placed at a disadvantage solely due to the part-time duration of the working time thereof compared to the factory and office workers who are party to a full-time employment contract and who perform the same or similar work at the enterprise. The said workers shall enjoy the same rights and shall have the same duties as the factory and office workers working on a full-time basis, save as where the law makes the enjoyment of certain rights contingent on the duration of the time workers, the length of employment service, the qualifications possessed and other such.

(4) (New, SG No. 7/2012) An employment contract concluded for part of the statutory working time shall be deemed to be a contract concluded for normal working time where the supervisory authorities find that the factory or office worker under such contract works outside the working time fixed for him/her, without the existence of any circumstances requiring overtime work as allowed by law.

### **Introduction of Part-Time Work by Employer**

## **Article 138a**

(New, SG No. 48/2006)

(1) Upon reduction in the volume of work, the employer may establish part-time work for the factory and office workers at the enterprise of at a unit thereof, who work on a full-time basis, for a period of up to three months during any one calendar year, after advance co-ordination with the trade union organisations' representatives and with the factory and office workers' representatives under Article 7 (2).

(2) The duration of the working time under Paragraph (1) may not be less than half of the statutory duration for the period of calculation of the working time.

(3) With a view to creating a possibility for transfer from full-time to part-time work or vice versa, the employer:

1. shall give consideration to the requests of factory and office workers for transfer from full-time work to part-time work, regardless of whether the said requests are for the same or another job, where such a possibility exists at the enterprise;

2. shall give consideration to the requests of factory and office workers for transfer from part-time to full-time work or for an increase in the duration of the part-time work, should such a possibility present itself;

3. shall make available to factory and office workers, at a suitable place at the enterprise, information regarding the vacant full-time and part-time jobs and positions, so as to facilitate the transfer from full-time work to part-time work or vice versa; and such information shall furthermore be made available to the trade union organisations' representatives and to the factory and office workers' representatives under Article 7 (2);

4. shall take measures to facilitate access to part-time work at all levels at the enterprise, including skilled and managerial positions, and where possible to facilitate the access of part-time factory and office workers to vocational training for the purpose of enhancing career growth opportunities and occupational mobility.

### **Allocation of Working Time**

## **Article 139**



- (1) The allocation of working time shall be established by the internal works rules of the enterprise.
- (2) (Amended, SG No. 100/1992) Flexible working time may be established at enterprises where the organisation of work so allows. The time during which the factory or office worker must mandatorily be present for work at the enterprise, as well as the manner of accounting for the said time, shall be specified by the employer. Outside the time of the mandatory presence thereof, the factory or office worker shall have discretion to determine the commencement of the working time thereof.
- (3) Depending on the nature of work and the work organisation, the working day may be divided into two or three parts.
- (4) (Amended, SG No. 100/1992, SG No. 25/2001, repealed, SG No. 48/2006) .
- (5) (Amended, SG No. 100/1992) For some categories of factory and office workers, due to the special nature of their work, an obligation may be established to be on duty or on stand-by at the employer's disposal during specified time within a 24-hour period. The categories of factory and office workers, the maximum duration of the time, and the procedure for accounting for the said time shall be determined by the Minister of Labour and Social Policy.

## Open-Ended Working Hours

### Article 139a

(New, SG No. 48/2006)

- (1) Owing to the special nature of work, the employer, after consultation with the trade union organisations' representatives and with the factory and office workers' representatives under Article 7 (2), may establish open-ended working hours for certain positions.
- (2) (New, SG No. 108/2008) Open-ended working hours may not be established for factory and office workers at reduced working time.
- (3) (Renumbered from Paragraph (2), SG No. 108/2008) The list of positions for which open-ended working hours are established shall be determined by an order of the employer.
- (4) (Renumbered from Paragraph (3), SG No. 108/2008) Factory and office workers at open-ended working hours shall be obligated, where necessary, to perform the labour duties thereof even after expiry of the normal working time.
- (5) (Renumbered from Paragraph (4), SG No. 108/2008) In the cases under Paragraph (3), the factory and office workers shall be entitled, in addition to the rest breaks under Article 151, also to a rest break of not less than 15 minutes after expiry of the normal working time.
- (6) (Renumbered from Paragraph (5), SG No. 108/2008) In the cases under Paragraph (3), the aggregate duration of the working time may not interfere with the minimum uninterrupted daily and weekly rest period as established by this Code.
- (7) (Renumbered from Paragraph (6), SG No. 108/2008) The work in excess of the normal working time on working days shall be compensated by additional paid annual leave, and the work on weekends and holidays shall be compensated by an increased remuneration for overtime.

## Night Work

### Article 140

- (1) (Amended, SG No. 25/2001) The normal duration of the weekly working time at night for a five-day working week shall be up to 35 hours. The normal duration of the working time at night for a five-day working week shall be up to seven hours.
- (2) (Amended, SG No. 25/2001) Night work shall be the work performed between 10:00 p.m. and 6:00 a.m. and for factory and office workers who have not attained the age of 18 years, the work performed between 8:00 p.m. and 6:00 a.m.
- (3) (Amended, SG No. 100/1992) The employer shall be obligated to provide the factory and office workers with hot food, refreshing beverages and other facilities for the effective performance of night work.
- (4) Night work shall be prohibited for:

1. (supplemented, SG No. 100/1992) factory and office workers who have not attained the age of 18 years;
  2. (supplemented, SG No. 100/1992, amended, SG No. 52/2004, supplemented, SG No. 103/2009, effective 29.12.2009) pregnant female factory and office workers, as well as female factory and office workers in an advanced stage of in vitro treatment;
  3. (amended, SG No. 52/2004) mothers of children who have not attained the age of 6 years, as well as mothers who take care of children with disabilities irrespective of the age of the said children, except with their written consent;
  4. (supplemented, SG No. 100/1992) occupational-rehabilitatee factory and office workers, except with their own consent, and only when such work will not affect adversely their health according to a conclusion of the health authorities;
  5. (supplemented, SG No. 100/1992) factory and office workers who pursue their studies without interruption of employment, except with their own consent.
- (5) (New, SG No. 52/2004, repealed, SG No. 48/2006).

#### Special Rules for Performance of Night Work

##### **Article 140a**

(New, SG No. 48/2006)

- (1) Factory and office workers whereof the normal working time includes at least three hours of night work under Article 140 (2), as well as factory and office workers who work in shifts whereof one includes at least three hours of night work, shall be treated as factory and office workers who perform night work.
- (2) Factory and office workers who perform night work shall be employed only after a pre-employment medical examination for the account of the employer.
- (3) Factory and office workers who perform night work shall be subject to periodical medical examinations under Article 287.
- (4) Where a health authority ascertains that the health condition of a factory or office worker has deteriorated as a result of the performance of night work, the said worker shall be transferred to a suitable day work or shall become an occupational rehabilitatee.
- (5) The employer wherewith the factory and office workers perform night work shall be obligated, when requested to do so by the General Labour Inspectorate Executive Agency, to provide the said Agency with information on the number of such workers, the night hours worked, as well as the measures undertaken to provide safety and health at work.

#### Shift Work

##### **Article 141**

- (1) Where the nature of the production process so necessitates, work at the enterprise shall be organised in two or more shifts.
- (2) A work shift shall be mixed where it includes day work and night work. A mixed work shift of four or more hours of night work shall be considered a night shift and shall have the duration of a night shift, and if a shift of less than four hours of night work shall be considered a day shift and shall have the duration of a day shift.
- (3) The rotation of shifts in the enterprise shall be determined by the internal works rules.
- (4) (Supplemented, SG No. 100/1992) The work shifts of the factory and office workers who pursue their studies without interruption of employment, as well as of students who work in their free time, shall be specified depending on the organisation of the educational process.
- (5) Assigning work during two successive work shifts shall be prohibited.
- (6) (Supplemented, SG No. 100/1992) For enterprises with a continuous working process, the factory or office worker may not discontinue work before the arrival of the factory or office worker taking the next shift without the permission of his immediate superior. In such cases the immediate superior shall be obligated to take the necessary measures for the arrival of a

factory or office worker to take the next shift.

Accounting for Working Time

### **Article 142**

(1) Working time shall be calculated in terms of working days, on a daily basis.

(2) (Amended, SG No. 100/1992, SG No. 25/2001, SG No. 48/2006) The employer may establish calculation of working time on the basis of a longer reference period: a week, a month, or over another calendar period, which may not be longer than six months.

(3) (Amended, SG No. 100/1992) Calculation of working time on a weekly or longer basis shall not be allowed for factory and office workers at open-ended working hours.

(4) (Amended, SG No. 100/1992, supplemented, SG No. 52/2004) The maximum duration of a work shift upon calculation of working time on a weekly or longer basis may be up to 12 hours, while the total duration of the working week may not exceed 56 hours and for factory and office workers at reduced working time it may be up to one hour beyond their reduced working time.

## **Section II**

## **OVERTIME WORK**

Definition and Prohibition

### **Article 143**

(1) (Amended, SG No. 100/1992, SG No. 25/2001) Work done on the order of, or with the knowledge of and with no objection from, the employer or the respective superior, by a factory or office worker beyond the working time fixed for him or her shall be considered overtime work.

(2) Overtime work shall be prohibited.

Admissibility as Exception

### **Article 144**

Overtime work shall be permitted as an exception in the following cases only:

1. for performance of work related to national defence;
2. (supplemented, SG No. 100/1992, amended, SG No. 19/2005, supplemented, SG No. 102/2006, amended, SG No. 35/2009, effective 12.05.2009) for the prevention, management and mitigation of the effects of disasters;
3. (amended, SG No. 100/1992) for performance of urgent publicly necessary work to restore water and electricity supply, heating, sewerage, transport and communication links, and for provision of medical care;
4. (amended, SG No. 100/1992) for performance of emergency repair on working premises, of machinery or of other equipment;
5. (amended, SG No. 100/1992, SG No. 108/2008) for completion of work which cannot be performed within the normal working time;
6. (new, SG No. 100/1992) for performance of intensive seasonal work.

Procedure for Performance

### **Article 145**

(Amended, SG No. 100/1992, repealed, SG No. 25/2001).

## Duration

### Article 146

(1) (Amended and supplemented, SG No. 100/1992) The duration of overtime work performed by one factory or office worker within any one calendar year may not exceed 150 hours.

(2) The duration of overtime work may not exceed:

1. 30 hours of day work, or 20 hours of night work during one calendar month;
2. 6 hours of day work, or 4 hours of night work during one calendar week;
3. 3 hours of day work, or 2 hours of night work during two successive working days.

(3) The restrictions under the foregoing paragraphs shall not apply to the cases under Items 1 to 3 of Article 144.

## Inadmissibility of Overtime Work

(Heading amended, SG No. 100/1992)

### Article 147

(Amended and supplemented, SG No. 100/1992)

(1) Performance of overtime work shall not be permitted for:

1. factory or office workers who have not attained the age of 18 years;
2. (amended, SG No. 52/2004, supplemented, SG No. 103/2009, effective 29.12.2009) pregnant female factory or office workers, as well as female factory and office workers in an advanced stage of in vitro treatment;
3. (amended, SG No. 52/2004) mothers of children who have not attained 6 years of age, as well as mothers who take care of children with disabilities irrespective of the age thereof, except with their written consent;
4. occupational-rehabilitatee factory or office workers, except with their consent, and only when such employment will not affect adversely the health thereof according to a conclusion by the health authorities;
5. factory or office workers who pursue their studies without interruption of employment, except with their consent.

(2) (Amended, SG No. 83/2005) With the exception of the cases under Items 1 to 3 of Article 144, overtime work shall not be permitted for factory and office workers for whom reduced hours of work have been established under Item 1 of Article 137 (1).

## Refusal to Work Overtime

### Article 148

(Amended, SG No. 100/1992)

The factory or office worker shall be entitled to refuse to work overtime, where the rules of this Code, of another statutory instrument or of the collective agreement are not observed.

## Accounting for Overtime Work

### Article 149

(Amended, SG No. 100/1992)

(1) The employer shall be obligated to keep a special book to account for overtime work.

(2) (Amended, SG No. 27/2014) The overtime work performed in one calendar year shall be reported to the labour inspectorate no later than January 31 of the following calendar year.

#### Pay for Overtime Work

### **Article 150**

(Amended, SG No. 100/1992, SG No. 52/2004)

Labour remuneration in an amount increased according to Article 262 shall be paid for overtime work performed.

## **Section III**

## **REST**

#### Rest Breaks during Working Day

### **Article 151**

(1) (Amended, SG No. 100/1992) The working time of the factory or office worker shall be interrupted by one or several rest breaks. The employer shall provide the factory or office worker a rest break for a meal, which may not be shorter than 30 minutes.

(2) The rest breaks shall be not included in the working time.

(3) (Amended, SG No. 100/1002, SG No. 25/2001) In continuous production processes and at enterprises where work is uninterrupted, the employer shall provide the factory or office worker with time for a meal during the working time.

#### Daily Rest Period

### **Article 152**

(Supplemented, SG No. 100/1992)

Factory or office workers shall be entitled to an uninterrupted daily rest period which may not be shorter than 12 hours.

#### Weekly Rest Period

### **Article 153**

(1) In conditions of a five-day working week, the factory or office worker shall be entitled to a weekly rest of two successive days, one of which shall in principle be Sunday. In such cases, the factory or office worker shall be provided with a weekly rest period of at least 48 consecutive hours.

(2) (Amended, SG No. 25/2001, SG No. 52/2004) Upon calculation of working time on a weekly or longer basis, the uninterrupted weekly rest period shall be not less than 36 hours.

(3) (New, SG No. 52/2004) In case of changes of shifts upon calculation of working time on a weekly or longer basis, the uninterrupted weekly rest period may be less than the rest period under Paragraph (2), but not less than 24 hours, provided this is required by the actual and technical work organisation at the enterprise.

(4) (New, SG No. 52/2004) In cases of overtime work performed during the two days of the weekly rest period, when calculating working time on a daily basis, factory or office workers shall be entitled, in addition to an increased pay for such work, also to an uninterrupted weekly rest period of not less than 24 hours during the succeeding working week.

#### Legal Holidays

### **Article 154**

(1) (Supplemented, SG No. 6/1988, amended, SG No. 30/1990, SG No. 27/1991, SG No. 104/1991, supplemented, SG

No. 88/1992, amended, SG No. 2/1996, supplemented, SG No. 22/1998, SG No. 56/1998, SG No. 108/1998, SG No. 15/2010) The public holidays shall be: the 1st day of January - New Year; the 3rd day of March - Day of the Liberation of Bulgaria from Ottoman Domination, National Day; the 1st day of May - Labour and International Workers - Solidarity Day; the 6th day of May - St. George's Day - Day of Valour and of the Bulgarian Armed Forces; the 24th day of May - Day of Bulgarian Education and Culture and of Slav Letters; the 6th day of September - Bulgaria - Rumelia Union Day; the 22nd day of September - Bulgaria Independence Day; the 1st day of November - National Awakeners Day (non-study day for all educational establishments); the 24th day of December - Christmas Eve; the 25th and 26th day of December - Christmas; Good Friday, Holy Saturday and Easter (Easter Sunday and Monday) as determined for Easter celebrations in the relevant year.

(2) (Supplemented, SG No. 52/2004, amended, SG No. 15/2010) The Council of Ministers may also declare other days for one-time national public holidays, days for the commemoration of certain professions or tribute days, as well as shift the non-working days in the course of the year. In such cases the duration of the working week may not exceed 48 hours, and the weekly rest period may not be less than 24 hours.

Working Time and Rest for Work of Specific Nature and/or Work

Organisation

### **Article 154a**

(New, SG No. 48/2006)

Upon compliance with the common rules for provision of health and safety at work, the Council of Ministers may establish a different duration of the daily, weekly or monthly working time, of the daily and weekly rest period, of the rest breaks during the working day and of night work for factory and office workers who perform work of a specific nature and/or work organisation.

## **Chapter Eight**

### **LEAVES**

#### **Section I**

#### **TYPES OF LEAVES**

Basic and Extended Paid Annual Leave

(Heading amended, SG No. 100/1992)

### **Article 155**

(Amended and supplemented, SG No. 100/1992)

(1) (Amended, SG No. 52/2004) Each factory or office worker shall be entitled to paid annual leave.

(2) (New, SG No. 52/2004) In case of beginning work for the first time, the factory or office worker may use his or her paid annual leave after acquiring at least eight months' length of employment service.

(3) (New, SG No. 52/2004) Upon termination of the employment relationship before acquiring eight months' length of employment service, the factory or office worker shall be entitled to compensation for unused paid annual leave, calculated according to the procedure established by Article 224(1).

(4) (Amended, SG No. 25/2001, renumbered from Paragraph (2), SG No. 52/2004) The amount of basic paid annual leave shall be not less than 20 working days.

(5) (Amended, SG No. 25/2001, renumbered from Paragraph (3), SG No. 52/2004) Certain categories of factory and office workers, depending on the special nature of work, shall be entitled to extended paid annual leave, which shall include the leave

under Paragraph (4). The categories of such factory and office workers, and the minimum amount of such leave shall be determined by the Council of Ministers.

## Additional Paid Annual Leave

### Article 156

(1) (Amended, SG No. 100/1992, SG No. 52/2004, redesignated from Article 156, SG No. 83/2005) Under the terms established by Article 155 (2), the factory or office worker shall be entitled to additional paid annual leave:

1. (amended, SG No. 83/2005) for work under specific conditions and life and health hazards which cannot be eliminated, restricted or reduced regardless of the measures taken: not less than five working days;
2. for work at open-ended working hours: not less than five working days.

(2) (New, SG No. 83/2005) The types of work for which additional paid annual leave is established shall be determined by an ordinance of the Council of Ministers.

## Agreeing on Longer Amounts of Leaves

### Article 156a

(New, SG No. 100/1992)

Longer amounts of the leaves under Articles 155 and 156 may be agreed in a collective agreement, as well as between the parties to an employment relationship.

## Leave for Performance of Civic, Public and Other Duties

(Heading amended, SG No. 52/2004)

### Article 157

(Amended and supplemented, SG No. 100/1992)

(1) The employer shall be obligated to excuse from work the factory or office worker:

1. upon contracting marriage: for two working days;
2. upon blood donation: for the day of the examination and donation, as well as for one day thereafter;
3. (amended, SG No. 25/2001) in the event of death of a parent, child, spouse, brother, sister and spouse's parent or other lineal relatives: for two working days;
4. (amended, SG No. 25/2001) where summoned to appear before a court of law or by other authorities as a party, witness or expert;
5. to attend sittings as a member of a representative State body or for jury service;
- 5a. (new, SG No. 57/2006) to attend meetings of a special negotiating body, a European Works Council or a representative body in a European Company or a European Cooperative Society;
6. where the employer has given notice of termination of the employment relationship: for one hour daily for the days of the period of the notice. This right may not be enjoyed by a factory or office worker who works for seven hours or less;
7. (new, SG No. 87/1995, repealed, SG No. 25/2001, new, SG No. 19/2005, amended, SG No. 102/2006) for the duration of training and for participation in voluntary formations for disaster protection.

(2) (New, SG No. 52/2004, supplemented, SG No. 103/2009, effective 29.12.2009) The employer shall be obligated to excuse from work a pregnant female factory or office worker, as well as a female factory or office worker in an advanced stage of in vitro treatment for medical examinations, where it is necessary that such examinations be performed during working time. For any such period of time, the pregnant female factory or office worker, as well as a female factory or office worker in

an advanced stage of in vitro treatment shall be paid compensation by the employer in the amount under Article 177.

(3) (Amended and supplemented, SG No. 133/1998, amended, SG No. 25/2001, renumbered from Paragraph (2), SG No. 52/2004) For the time of the leaves under Paragraph (1), the factory or office worker shall be paid a remuneration as follows:

1. under Items 1 to 3: as provided for in the collective agreement or as agreed between the factory or office worker and the employer;
2. (amended, SG No. 57/2006) under Items 5a and 6: by the employer, in the amount under Article 177;
3. in the rest of the cases: according to the provisions of the special laws.

Leave of absence during active duty in the volunteer reserve

## **Article 158**

(Amended, SG No. 25/2001, SG No. 35/2009, effective 12.05.2009, SG No. 20/2012, effective 10.06.2012)

(1) When called up for active duty in the volunteer reserve, an employee shall be considered to be on unpaid service leave for the duration of the event/duty, including the days of travel there and back.

(2) Should such active duty in the volunteer reserve continue for more than 15 calendar days, the employee shall be entitled to two calendar days of unpaid leave prior to departure and upon return.

(3) For the duration of the leave as per (2), the employee shall receive compensation from the budget of the Ministry of Defense.

Trade Union Activists' Leave

## **Article 159**

(Amended, SG No. 100/1992)

(1) For performance of trade union activities, the unsalaried members of national, industry, and territorial leaderships of trade union organisations, as well as the unsalaried chairpersons of the trade union leaderships in the enterprises, shall be entitled to paid leave of an amount established by the collective agreements, but not less than 25 hours per calendar year.

(2) The leave under the foregoing paragraph shall be paid according to Article 177 and may not be compensated in cash.

(3) The trade union activist shall choose the time of use of the leave under Paragraph (1) and shall promptly notify the employer of this. The time and duration of the leave used shall be accounted for in a special register with the employer.

(4) The leave under Paragraph (1) may not be postponed for a succeeding calendar year.

Unpaid Leave

## **Article 160**

(Amended, SG No. 100/1992)

(1) Upon the request of the factory or office worker, the employer may grant him or her unpaid leave, regardless of the fact whether the said worker has used his or her paid annual leave or not, and irrespective of the duration of his or her length of employment service.

(2) (New, SG No. 43/2008) The employer shall be obliged to grant a one-time unpaid leave of up to one year to a factory or office worker, who has a current employment relation with a European Union institution other than the cases referred to in Article 120a, the United Nations Organization, the Organization for Security and Co-operation in Europe, the North Atlantic Treaty Organization, as well as with any other international governmental organization.

(3) (Renumbered from Paragraph 2, SG No. 43/2008) The unpaid leave of up to 30 working days within one calendar year shall be assimilated to the length of employment service, and the unpaid leave in excess of 30 working days shall be assimilated to the length of employment service only if this is provided for in this Code, in another law, or an act of the Council of



Ministers.

## Service and Sabbatical Leaves

### Article 161

(Amended and supplemented, SG No. 100/1992)

(1) (Amended, SG No. 25/2001) The factory or office worker may be granted paid or unpaid service or sabbatical leave under terms and according to a procedure established in a collective agreement or an agreement between the parties to the employment relationship.

(2) Unless otherwise stipulated in a collective agreement, the salaried elected trade union activists shall be considered to be on unpaid leave for the time during which they hold the respective trade union position.

(3) (New, SG No. 57/2006) Any factory or office workers, who is member of a representative body in a European Company or a European Cooperative Society, shall be entitled to a leave for training necessary for the performance of the functions thereof. The length of the said leave and the remuneration due during the time of use thereof shall be bargained in a collective agreement or by agreement between the parties to the employment relationship.

## Temporary Disability Leave

### Article 162

(1) (Supplemented, SG No. 52/2004) The factory or office worker shall be entitled to leave for temporary disability through general sickness or occupational disease, employment injury, for sanatorial treatment or for urgent medical examination or tests, quarantine, suspension from work prescribed by the health authorities, attendance of a sick or quarantined member of the family, urgent need to accompany a sick member of the family to a medical examination, test or treatment, as well as for taking care of a healthy child dismissed from a children's establishment by reason of a quarantine imposed on the establishment or on the child.

(2) The leave under the foregoing paragraph shall be granted by the health authorities.

(3) For the time of temporary disability leave, the factory or office worker shall be paid a cash benefit within periods and in amounts specified by a separate law.

## Pregnancy, Child-Birth and Adoption Leave

### Article 163

(1) (Amended, SG No. 110/1999, SG No. 52/2004, No. 68/2006, SG No. 109/2008, effective 2.01.2009) Female factory and office workers shall be entitled to pregnancy and child-birth leave of 410 days for each child, 45 days of which shall compulsorily be used before the confinement.

(2) (Repealed, SG No. 25/2001).

(3) Where due to misforecasting of the date of confinement by the health authorities the confinement occurs prior to the expiry of 45 days from the commencement of the use of the leave, the balance to 45 days shall be used after the confinement.

(4) If the child is stillborn, dies or is placed in a fully public-financed child-care institution or is surrendered for adoption, the mother shall be entitled to leave until expiry of 42 days after the confinement. If, as a result of the confinement, the mother's working capacity is not regained after the 42nd day, the said leave shall be extended at the discretion of the health authorities. Until expiry of the time limit under Paragraph (1), this leave shall be paid as a pregnancy and child-birth leave.

(5) Where the child is surrendered for adoption, is placed in a fully public-financed child-care institution, or dies after the 42nd day after the confinement, the leave under Paragraph (1) shall be terminated as from the next succeeding day. In such cases, if the mother's working capacity is not regained, sentences two and three of the foregoing paragraph shall apply.

(6) (Amended, SG No. 48/2006) A female factory or office worker who adopts a child shall be entitled to a leave under Paragraph (1) in an amount equal to the difference between the child's age on the day when it was delivered for adoption and the expiry of the period of child-birth leave to which the said adopter is entitled.

(7) (New, SG No. 108/2008, effective 1.01.2009) Where the mother and father are married or share a household, the father shall be entitled to a 15-day leave upon the birth of a child as from the date of discharge of the child from the medical-treatment facility.

(8) (New, SG No. 108/2008, effective 1.01.2009, amended, SG No. 109/2008, effective 2.01.2009) With the consent of the mother (female adopter), the father (male adopter) may use the balance to 410 days instead of her after the child's attainment of the age of six months.

(9) (New, SG No. 108/2008, effective 1.01.2009) The leave of the mother shall be interrupted for the time during which the father (male adopter) uses a leave under Paragraph (8).

(10) (Renumbered from Paragraph (7) and amended, SG No. 108/2008, effective 1.01.2009, supplemented, SG No. 15/2010) During the time of leave under Paragraphs (1) to (9), the persons shall be paid a cash benefit under terms and in amounts specified by a separate law. The leave period shall be acknowledged as length of employment service.

(11) (New, SG No. 68/2006, renumbered from Paragraph (8), SG No. 108/2008, effective 1.01.2009) The procedure and manner of use of the leave under Paragraph (1) shall be determined by an Ordinance of the Council of Ministers.

#### Child-Care Leave until Child's Attainment of 2 Years of Age

(Heading amended, SG No. 25/2001)

### Article 164

(1) After use of the pregnancy, child-birth or adoption leave, if the child has not been placed in a child-care establishment, the female factory or office worker shall be entitled to an additional child-care leave for a first, second, and third child until the child's attainment of the age of two years, and six months for each additional child.

(2) (Repealed, SG No. 25/2001).

(3) (Amended, SG No. 25/2001) With the consent of the mother (female adopter), the leave under Paragraph (1) shall be granted to the father (male adopter) or to one of their parents where they work under an employment relationship.

(4) During the time of leave under the foregoing paragraphs, the mother (female adopter) or the person who has assumed the care of the child shall be paid a cash benefit under terms and in amounts specified by a separate law. The time of use of any such leave shall be assimilated to the length of employment service.

(5) (Amended and supplemented, SG No. 25/2001, amended, SG No. 1/2002, effective 1.01.2002) In the cases where the leave under Paragraph (1) is not used, or the person using such leave terminates its use, the mother (female adopter), if working under an employment relationship, shall be paid a cash benefit from Public Social Insurance.

#### Child-Care Leave upon Placement for Raising with Extended and

Immediate Family or with Foster Family

### Article 164a

(New, SG No. 52/2004)

(1) The persons wherewith a child has been placed according to the procedure established by Article 26 of the Child Protection Act shall be entitled to a child-care leave until the child's attainment of the age of two years.

(2) Where the child has been placed with spouses, the leave may be used by only one of them.

(3) During the time of leave under Paragraphs (1) and (2), a cash benefit shall be paid under terms and in amounts specified in a separate law. Such leave shall be assimilated to the length of employment service.

(4) The leave under Paragraphs (1) and (2) may not be used simultaneously with a leave under Article 164.

#### Leave upon Adoption of a Child between 2 and 5 Years of Age

### Article 164b

(New, SG No. 104/2013, effective 1.01.2014)

- (1) A female factory or office worker who has adopted a child having attained the age of 2 years, on unconditional adoption basis, shall be entitled to a leave for a period of 365 days as of the day when the child was delivered for adoption, but not later than the child's fifth birthday.
- (2) With the consent of the female adopter the leave under Paragraph (1) may be used by the male adopter upon expiry of six months as of the day when the child was delivered for adoption, but not later than child's fifth birthday.
- (3) For the period during which the male adopter uses the leave under Paragraph (2), the leave of the female adopter shall be suspended.
- (4) The factory or office worker shall also be entitled to a leave under the terms and in the periods under Paragraph (1) if he/she had adopted the child alone.
- (5) The leave under Paragraphs (1), (2) and (4) may not be used in case of the child's demise, of termination of the adoption, as well as if the child is admitted to a child-care facility, including a crèche or an educational establishment.
- (6) During the leave under Paragraphs (1), (2) and (4) the female (male) adopter shall be paid monetary compensation under terms and in amounts, defined by a separate Act. The period of time, during which the leave is used, shall qualify as length of employment service.
- (7) The order and manner of using the leave under Paragraphs (1), (2) and (4) shall be determined by an Ordinance of the Council of Ministers.

#### Unpaid Child-Care Leave until Child's Attainment of 2 Years of Age

(Heading amended, SG No. 25/2001, SG No. 52/2004)

### Article 165

(Amended, SG No. 52/2004)

- (1) After use of the leave under Article 164(1), a female factory or office worker with four or more children she be entitled, upon request, to unpaid leave until the child's attainment of the age of two years, unless the child has been placed in a child-care establishment. With the consent of the mother (female adopter), this leave may also be used by the persons under Article 164 (3).
- (2) The time of use of the leave under the foregoing paragraph shall be assimilated to the length of employment service.

#### Nursing and Baby-Feeding Breaks

### Article 166

- (1) A female factory or office worker who breastfeeds her child on her own shall be entitled to a paid nursing break until the child attains the age of eight months: one hour twice a day or, with her consent, two hours in a single uninterrupted period. For a female factory or office worker who works at working time reduced to seven hours or less, the duration of this break shall be one hour daily. After the child attains the age of eight months, the duration of the said break shall be one hour daily and shall be granted to the female factory or office worker at the discretion of the health authorities, so long as it may be necessary for nursing the child.
- (2) Where the female factory or office worker has twins or a premature child, the duration of the break under the foregoing paragraph shall be three hours daily until the child's attainment of the age of eight months and two hours daily thereafter, as long as it may be necessary for breastfeeding at the discretion of the health authorities. In such cases, if the female factory works at working time reduced to seven hours or less, the initial duration of the nursing break shall be two hours, and after the child attains eight months of age, one hour daily. The break under this Paragraph shall be available in two periods or, with the consent of the female factory or office worker, in a single uninterrupted period.
- (3) A break under the terms and of the duration specified in this Article shall be also granted to the female adopter and to the step-mother.

(4) The break under the foregoing paragraphs shall be paid by the employer.

Leave upon Parent's Death or Severe Illness

## **Article 167**

(1) (Amended, SG No. 52/2004) Where the mother (female adopter) of a child who has not attained the age of two years dies or contracts a severe illness which prevents her from taking care of the child, the balance of the child-birth, adoption and child-care leaves shall be used by the father (male adopter). With his consent, these leaves may be used by either of his parents, or by either of the parents of the deceased or severely ill mother (female adopter) of the child, should the said person work under an employment relationship.

(2) (Amended, SG No. 52/2004) Where both parents of a child who has not attained the age of two years die, and should the child be not placed in a child-care establishment, the balance of the leaves under the foregoing paragraph shall be used by the child's tutor or, with the said tutor's consent, by either of the parents of the child's mother or father.

Unpaid Child-Care Leave until Child's Attainment of 8 Years of Age

## **Article 167a**

(New, SG No. 52/2004)

(1) (Supplemented, SG No. 7/2012) After use of the leaves under Article 164 (1) and Article 165 (1), each of the parents (adopters), if working under an employment relationship and the child has not been placed in a fully public-financed child-care institution, shall be entitled upon request to use unpaid child-care leave in the amount of six months until the child's attainment of the age of eight years. Each parent (adopter) may use up to 5 months of the other parent's (adopter's) leave, subject to the other parent's (adopter's) consent.

(2) In the cases under Article 167 (2), the tutor shall be entitled to leave under Paragraph (1) in the amount of twelve months. With the guardian's consent, a leave in the amount of up to twelve months or the balance of the unused leave up to this amount may be used by any of the parents of the child's mother or father.

(3) If after the child's attainment of the age of two years both parents die without having used any leave under Paragraph (1), the tutor shall be entitled to such leave in the amount of twelve months, and where the parents have used any portion of the leave, to the balance of the unused leave up to this amount. With the tutor's consent, such leave may be used by any of the parents of the child's mother or father.

(4) Any parent (adopter), who takes care of a child on his or her own, shall be entitled to a leave under Paragraph (1) in the amount of twelve months in the cases where:

1. the said parent is not married to the other parent and does not share a household therewith;
2. the other parent has been deprived of parental rights by an effective judgment of court;
3. the other parent has died.

(5) In the cases under Items 1 and 2 of Paragraph (4), the other parent shall not be entitled to leave under Paragraph (1).

(6) The leave under Paragraph (1) may be used in a single uninterrupted period or in a piecemeal way. When used in a piecemeal way, the duration of any such leave may not be less than five working days.

(7) The person who wishes to use leave under Paragraph (1) must inform the employer thereof of this at least ten days in advance.

(8) The time during which the leave under Paragraph (1) is used shall be assimilated to the length of employment service.

(9) The procedure and manner of use of the leave under Items 1 to 8 shall be established by an ordinance of the Council of Ministers.

Rights of Factory and Office Workers Returning to Work after a Period of Leave

**Article 167b.** (New, SG No. 7/2012) (1) Where a factory or office worker returns to work at the end of a period of leave as referred to in Articles 163 - 167a or earlier due to an interruption of such period, he/she shall have the right to propose to the employer changes in the length and distribution of his/her working time for a certain period or other changes in the employment relationship to facilitate his/her return to work.

(2) With a view to facilitating a better balance between a factory or office worker's professional and family duties, the employer shall be under the obligation to take into consideration the proposal referred to in Paragraph (1), provided that the circumstances in the enterprise allow that.

(3) The factory or office worker and the employer may agree to change the employment relationship under Article 119 even while the worker is on leave as provided for by Articles 163 - 167a.

Paid Leave for Two and More Living Children

## **Article 168**

(Amended, SG No. 100/1992)

(1) (Amended, SG No. 25/2001) Where so stipulated in a collective agreement, a female factory or office worker with two living children who have not attained the age of 18 years shall be entitled to two working days, and such a factory or office worker with three or more living children who have not attained the age of 18 years shall be entitled to four working days of paid leave for each calendar year. This leave shall be used at a time of the factory or office worker's choice, and it may not be compensated in cash, except upon termination of the employment relationship.

(2) The entitlement of the female factory or office worker to use leave under the foregoing paragraph shall include the calendar year during which one or all of the children attain the age of 18 years.

(3) (Repealed, SG No. 25/2001).

(4) The use of leave under this article may be postponed according to the procedure established by Article 176.

Paid Study Leave

(Heading amended, SG No. 100/1992)

## **Article 169**

(1) (Amended and supplemented, SG No. 100/1992, amended, SG No. 25/2001) Factory and office workers, who attend a secondary or a higher school without interruption of employment with the consent of the employer, shall be entitled to a paid leave of 25 working days for each year of study.

(2) (Amended, SG 100/1992, SG No. 25/2001) The leave under Paragraph (1) shall be used regardless of all other types of leaves. It may be used in a single uninterrupted period or in a piecemeal way, and shall not be granted to a factory or office worker who repeats a year without valid reasons.

(3) (Amended, SG No. 100/1992) The students under Paragraph (1) shall also be entitled to a one-time additional paid leave of 30 working days for preparation and sitting for a matriculation examination or a State final certification examination, including for preparation and defence of a thesis, graduation project or dissertation.

(4) (Amended and supplemented, SG No. 100/1992, supplemented, SG No. 25/2001) Factory and office workers enrolled in an extramural or part-time doctoral degree course shall be entitled to a one-time paid leave of six months to prepare a dissertation for the award of the academic degree of Doctor, and to a one-time paid leave of twelve months to prepare a dissertation for the award of the academic degree of Doctor of Sciences. This right shall be enjoyed with the consent of the employer.

(5) (Supplemented, SG No. 25/2001) Factory and office workers who attend evening classes, with the exception of such working at working time reduced to seven hours or less, shall be excused from work one hour earlier on each day of study with the consent of the employer.

Leave for Entrance Examination at Educational Establishment

## **Article 170**

(Amended and supplemented, SG No. 100/1992)

(1) (Amended, SG No. 25/2001) Where with the consent of the employer a factory or office worker applies for admission to a school requiring entrance examinations, such a factory or office worker shall be entitled to paid leave, as follows:

1. where applying for admission to a secondary school: six working days;
2. where applying for admission to a higher school or for enrolment in a doctoral degree course: twelve working days.

(2) (New, SG No. 25/2001) Where the employer has not granted his consent, the factory or office worker shall be entitled to unpaid leave in half of the amounts under Paragraph (1), which shall be assimilated to the length of employment service.

(3) (Renumbered from Paragraph (2), amended, SG No. 25/2001) Where a factory or office worker has used the paid or unpaid leave under Paragraphs (1) and (2), but has not been admitted to the respective educational establishment or enrolled in a doctoral degree course, the said worker shall be entitled to unpaid leave for the succeeding years in half of the amount of the leave under Paragraph (1), which shall be assimilated to the length of employment service.

Unpaid Study Leave

## **Article 171**

(1) (Amended, SG No. 25/2001) The factory and office workers under Article 169 (1) shall also be entitled to unpaid leave in the following amounts:

1. for preparation and sitting for an examination: up to 20 working days per academic year;
2. (Amended, SG No. 25/2001) for preparation and sitting for an entrance, matriculation or state final certification examination, including for preparation and defence of a thesis or a graduation project in secondary educational establishments: up to 30 working days;
3. for preparation and sitting for a state final certification examination, including for preparation and defence of a thesis or a graduation project in higher educational establishments: up to four months;
4. for preparation and defence of a dissertation by extramural doctoral candidates or part-time doctoral candidates: up to four months.

(2) (New, SG No. 25/2001) Where the employer has not granted consent, the factory or office worker who attends a secondary or a higher school without interruption of employment shall be entitled to unpaid leave in half of the amounts under Paragraph (1).

(3) (Renumbered from Paragraph 2, amended, SG No. 25/2001) The unpaid leave under Paragraphs (1) and (2) shall be assimilated to the length of employment service.

Use of Study Leave

## **Article 171a**

(New, SG No. 25/2001)

Study leaves under this Section shall be used at a time determined by the factory and office workers depending on the organisation of the instruction process, after giving the employer written notification at least seven days in advance.

## **Section II**

### **USE OF PAID ANNUAL LEAVE**

Manner of Use

## Article 172

(Amended, SG No. 100/1992, SG No. 25/2001, SG No. 58/2010, effective 30.07.2010)

Paid annual leave shall be granted to the factory or office worker in a single uninterrupted period or in a piecemeal way and shall be used in accordance with a time-schedule, approved by the employer, during the calendar year for which the leave is due.

Procedure for Use

## Article 173

(Supplemented SG No. 26/1992, amended and supplemented, SG No. 100/1992, SG No. 25/2001, amended, SG No. 58/2010)

(1) (Amended, SG No. 18/2011, effective 1.03.2011) By 31st December of the preceding calendar year the employer shall approve a time-schedule for using the paid annual leave of factory or office workers for the following calendar year after consultations with the trade union organisations' representatives and with the factory and office workers' representatives under Article 7 (2). The time-schedule shall be prepared in such a way, as to enable all factory and office workers to use their paid annual leave before the end of the calendar year for which the leave is due. The data to be included in the time-schedule and the procedure for amending it shall be regulated by ordinance of the Council of Ministers.

(2) The factory or office worker shall use the paid annual leave thereof until the end of the calendar year for which the leave is due.

(3) In the event that during the period specified in the time-schedule referred to in Paragraph 1 the factory or office worker is in another leave, he/she can use the paid annual leave due at another time during the same calendar year.

(4) The employer shall be obligated to permit factory and office workers who profess a religion other than Eastern Orthodox Christianity, at the choice of the said workers, use of part of the paid annual leave or grant them unpaid leave under Article 160 (1), for the days of the respective religious holidays, but not more than the number of days for the Eastern Orthodox Christian holidays under Article 154.

(5) The days for the religious holidays of the religions other than Eastern Orthodox Christianity shall be determined by the Council of Ministers on a motion by the official leadership of the relevant religious denomination.

(6) Paid annual leave shall be used on a written authorisation by the employer.

(7) The employer shall be entitled to grant the paid annual leave to the factory or office worker even without the worker's written request or consent:

1. during an idling of more than five days;

2. where all factory or office workers use the leave simultaneously, as envisaged in a statutory instrument, in the collective labour agreement or the internal work rules;

3. (amended, SG No. 18/2011, effective 1.03.2011) in the cases where the factory or office worker would have failed to request the leave by the initial date for its use, specified in the time-schedule referred to in Paragraph 1.

(8) The employer shall be obliged to authorise the use of the paid annual leave of the factory or office worker, where the leave has been requested for the period specified in the time-schedule referred to in Paragraph 1, unless where the use of the leave has been deferred in accordance with the procedure of Article 176.

(9) In the cases where the employer has not authorised the use of the leave during the period specified in the time-schedule referred to in Paragraph 1, the factory or office worker shall be entitled to define himself/herself the time for the use of the leave and inform the employer thereof in writing at least two weeks in advance.

Use of Leave by Minors and by Mothers

(Heading amended, SG No. 100/1992)

## **Article 174**

(Supplemented, SG No. 100/1992, amended, SG No. 18/2011, effective 1.03.2011)

Factory and office workers who have not attained the age of 18 years, and mothers of children who have not attained the age of seven years shall use their leave during the summer or, if they so wish, during any other time of the year, except in the cases under Paragraph (7) of the foregoing article.

Interruption of Use of Leave

## **Article 175**

(Amended and supplemented, SG No. 100/1992)

(1) Where during the use of paid annual leave the factory or office worker is granted another type of paid or unpaid leave, the use of paid annual leave shall be interrupted upon the worker's request and the balance shall be used later by agreement between the worker and the employer.

(2) Beyond the cases under the foregoing paragraph, the leave of the factory or office worker may be interrupted by mutual consent of the parties expressed in writing.

Postponement of Use of Leave

## **Article 176**

(Amended, SG No. 100/1992, amended and supplemented, SG No. 25/2001, amended, SG No. 58/2010, effective 30.07.2010)

(1) For important production reasons the employer may postpone for the next succeeding calendar year the use of part of the paid annual leave in the amount of not more than 10 working days.

(2) (New, SG No. 18/2011, effective 1.03.2011) For compelling reasons and upon written request by the factory or office worker and with the consent of the employer the use of a part of the paid annual leave in the amount of not more than 10 working days may be postponed for the next succeeding calendar year.

(3) (Repealed, new, SG No. 18/2011, effective 1.03.2011) .

(4) (Renumbered from Paragraph 4, amended and supplemented, SG No. 18/2011, effective 1.03.2011) The use of the paid annual leave may be also postponed where during the calendar year for which it was due the factory or office worker has not had the opportunity to use it fully or partially as a result of using a leave for temporary disability, for pregnancy, maternity and adoption or for raising a young child, as well as a result of using a leave on other legal grounds.

Expiry of the entitlement to use

## **Article 176a**

(New, SG No. 18/2011)

(1) If the paid annual leave or any part thereof would not have been used within two years of the end of the year, for which it had been due, irrespective of the reason, the right of use thereof shall expire by lapse of time.

(2) If the paid annual leave would be postponed under the terms and procedure of Article 176(4), the right of factory or office worker to use it shall expire by lapse of time upon expiry of two years as of the end of the year, in which the reason not to use it would have ceased to exist.

Pay

## **Article 177**

(1) (Amended, SG No. 100/1992, redesignated from Article 177 and amended, SG No. 108/2008) For the time of paid annual leave, the employer shall pay the factory or office worker a remuneration calculated on the basis of the average daily gross remuneration charged at the same employer for the last calendar month preceding the use of the leave, during which the



factory or office worker has worked at least ten working days.

(2) (New, SG No. 108/2008) Where the factory or office worker has not worked at least ten working days for the same employer during any month, the remuneration referred to in Paragraph (1) shall be determined on the basis of the basic and supplementary labour remunerations of a permanent nature as agreed in the employment contract.

Prohibition of Cash Compensation

#### **Article 178**

It shall be prohibited to compensate in cash the paid annual leave, except upon termination of the employment relationship.

### **Chapter Nine**

## **WORK DISCIPLINE**

### **Section I**

#### **GENERAL PROVISIONS**

##### **Article 179**

(Repealed, SG No. 100/1992).

##### **Article 180**

(Repealed, SG No. 100/1992).

Internal Works Rules

##### **Article 181**

(Amended, SG No. 100/1992, SG No. 108/2008)

(1) The employer shall be obligated to issue internal work rules, which shall define the rights and obligations of the factory and office workers and of the employer under the employment relationship and shall regulate the work organisation at the enterprise according to the specific nature of the activities thereof.

(2) The employer shall issue the internal work rules after holding advance consultations with the trade union organisations' representatives at the enterprise and with the factory and office workers' representatives under Article 7 (2).

### **Section II**

**(Repealed, SG No. 100/1992)**

## **AWARDS**

##### **Article 182**

(Repealed, SG No. 100/1992).

##### **Article 183**

(Repealed, SG No. 100/1992).

##### **Article 184**

(Repealed, SG No. 100/1992).

## **Article 185**

(Repealed, SG No. 100/1992).

## **Section III**

## **DISCIPLINARY LIABILITY**

### **Breach of Work Discipline**

## **Article 186**

A culpable failure to fulfil labour duties shall constitute a breach of work discipline. The offender shall be penalised by the disciplinary sanctions provided for in this Code without prejudice to the financial, administrative penalty or criminal liability, if such liability is provided for.

### **Types of Work Discipline Breaches**

## **Article 187**

The following shall constitute breaches of work discipline:

1. reporting for work late, leaving early, being absent from work or failing to utilise working time efficiently;
2. (supplemented, SG No. 100/1992) reporting of the factory or office worker for work in a state which prevents him from fulfilling the tasks assigned thereto;
3. non-execution of the work assigned, non-observance of the technical and technological rules;
4. production of inferior-quality output;
5. non-observance of the rules for health and safety at work;
6. (repealed, SG No. 100/1992);
7. (amended, SG No. 100/1992) non-execution of the lawful orders of the employer;
8. abusing the confidence and damaging the reputation of the enterprise, as well as disclosure of data which is confidential in respect of the enterprise;
9. (amended, SG No. 100/1992) damaging the employer's property and squander of prime and raw materials, energy and other resources;
10. non-fulfilment of other labour duties provided for by laws and other statutory instruments, by the internal works rules, the collective agreement or established upon the formation of the employment relationship.

### **Types of Disciplinary Sanctions**

## **Article 188**

(Amended, SG No. 100/1992)

Disciplinary sanctions shall be:

1. reprimand;
2. warning of dismissal;
3. dismissal.

### **Criteria for Imposition and Singularity of Disciplinary Sanction**

(Heading amended, SG No. 100/1992)

## **Article 189**

(1) (Repealed, renumbered from Paragraph (2), SG No. 100/1992) Upon determining the disciplinary sanction, consideration shall be given to the gravity of the breach, the circumstances of the commission, as well as the conduct of the factory or office worker.

(2) (Renumbered from Paragraph (3), SG No. 100/1992) Only one disciplinary sanction may be imposed for one and the same breach of work discipline.

Dismissal for Breach of Discipline

## **Article 190**

(1) (Amended, SG No. 100/1992, redesignated from Article 190, SG No. 25 of 2001) A dismissal for breach of discipline may be imposed after:

1. reporting for work late or leaving early on three occasions, each of not less than one hour, within one calendar month;
2. being absent from work in the course of two consecutive working days;
3. systematic breaches of work discipline;
4. (amended, SG No. 25/2001) abusing the employer's confidence or disclosing data which is confidential in respect of the employer;
5. inflicting detriment on members of the public by factory or office workers in distributive trade and services through overcharging, shortweighting, or supplying goods or services of quality inferior to the stated quality;
6. (new, SG No. 51/1999) participation in games of chance through telecommunication facilities of the enterprise, and the costs incurred shall be restored in full amount;
7. (renumbered from Paragraph (6), SG No. 51/1999) other grave breaches of the work discipline.

(2) (New, SG No. 25/2001) A dismissal for breach of discipline under Paragraph (1) shall be imposed in compliance with the criteria under Article 189 (1).

## **Article 191**

(Repealed, SG No. 100/1992).

Authorities which Impose Disciplinary Sanctions

## **Article 192**

(1) (Amended, SG No. 100/1992) Disciplinary sanctions shall be imposed by the employer or by a designee thereof, or by another authority empowered by a law.

(2) (Supplemented, SG No. 100/1992) The disciplinary sanctions on the manager of the enterprise, as well as on factory or office workers appointed by a superior authority shall be imposed by that authority.

(3) (Repealed, SG No. 100/1992).

Employer's Obligations Prior to Imposing Disciplinary Sanction

(Heading amended, SG No. 100/1992)

## **Article 193**

(Amended, SG No. 21/1990, amended and supplemented, SG No. 100/1992)

(1) Prior to imposing a disciplinary sanction, the employer shall give the factory or office worker a hearing or shall accept the

written explanations thereof and shall gather and assess the specified evidence.

(2) Where the employer has failed to give the factory or office worker a hearing or to accept the written explanations thereof before imposition of the sanction, the court shall revoke the disciplinary sanction without examining the case on the merits.

(3) The provisions of the foregoing paragraph shall not apply if the factory or office worker was not given a hearing or the explanations thereof were not given through the worker's own fault.

#### Time Limits for Imposition of Sanction

### Article 194

(1) Disciplinary sanctions shall be imposed within two months after detection of the breach and not later than one year after the commission thereof.

(2) For a breach of discipline which also constitutes a criminal offence or an administrative violation related to the work assigned and established by an effective sentence or a penalty decree, the time limits under the foregoing paragraph shall begin to run as from the effective date of the sentence or penalty decree.

(3) (Supplemented, SG No. 21/1990, SG No. 100/1992, amended, SG No. 25/2001) The time limits under Paragraph (1) shall not run during the time in which the factory or office worker is on statutory leave or takes part in a strike.

(4) (Repealed, SG No. 100/1992).

#### Disciplinary Sanction Order

(Heading amended, SG No. 100/1992)

### Article 195

(1) A disciplinary sanction shall be imposed by a reasoned order in writing, which shall specify the identity of the offender, the breach and the date of commission thereof, the sanction and the provision of the law pursuant to which the sanction is imposed.

(2) (Amended and supplemented, SG No. 100/1992) The disciplinary sanction order shall be served on the factory or office worker upon signed acknowledgement of service, noting the date of service. Should it be impossible to serve the order on the factory or office worker, the employer shall send the said order to the said worker by registered mail with advice of delivery.

(3) (Supplemented, SG No. 100/1992) The disciplinary sanction shall be considered imposed as from the day of service of the order on the factory or office worker or as from the day of receipt of the said order, where sent by registered mail with advice of delivery.

(4) (Repealed, SG No. 100/1992).

### Article 196

(Repealed, SG No. 100/1992).

#### Striking of Disciplinary Sanctions

### Article 197

(Amended and supplemented, SG No. 100/1992)

(1) The disciplinary sanctions shall be stricken upon the lapse of one year after the imposition thereof.

(2) Striking shall operate proactively. The striking of a dismissal for breach of discipline shall not constitute grounds for reinstatement of the factory or office worker in his or her former work.

#### Early Striking of Disciplinary Sanction

### Article 198

(Amended, SG No. 100/1992)

(1) Disciplinary sanctions other than dismissal may be stricken by the employer before the lapse of the time limit under Paragraph (1) of the foregoing article, if the factory or office worker has not committed other breaches of work discipline. The striking shall operate proactively.

(2) The striking of a sanction under the foregoing paragraph shall be effected by means of a written order in writing, which shall be served on the factory or office worker.

Suspension from Work

## **Article 199**

(1) The employer or the immediate superior may suspend from work a factory or office worker who reports for work in a state which prevents him from performing his or her labour duties, consumes alcoholic beverages or other strong intoxicating substances during working time.

(2) The suspension shall continue until the factory or office worker restores his or her fitness to execute the work assigned thereto.

(3) During the time of suspension, the factory or office worker shall not receive labour remuneration.

## **Chapter Ten**

# **FINANCIAL LIABILITY AND OTHER TYPES OF COMPENSATION**

## **Section I**

### **FINANCIAL LIABILITY OF EMPLOYER**

**(Heading amended, SG No. 100/1992)**

Financial Liability of Employer for Factory or Office

Worker's Death or Injured Health

(Heading amended and supplemented, SG No. 100/1992)

## **Article 200**

(Amended and supplemented, SG No. 100/1992)

(1) (Amended, SG No. 52/2004, SG No. 41/2004, effective 1.07.2009, SG No. 15/2010) The employer shall incur financial liability for detriment resulting from employment injury or occupational disease which have caused temporary disability, permanently reduced working capacity of 50 per cent or more or death of a factory or office worker, regardless of whether an authority of the said employer or another factory or office worker is at fault for their occurrence.

(2) The employer shall also be liable where the employment injury has been caused by force majeure upon or in connection with the execution of the work assigned, or of any other work performed even without orders but in the employer's interest, as well as during a rest break spent within the enterprise.

(3) The employer shall be liable for compensation for the difference between the detriment caused, whether a personal injury or damage to property, including the lost profit, and the social security benefit and/or pension.

(4) (New, SG No. 83/2005) The compensation due under Paragraph (3) shall be reduced by the amount of sums received under contracts concluded for insurance of the factory and office workers.

(5) (Renumbered from Paragraph (4), SG No. 83/2005) The receipt of compensation under the foregoing paragraph by the survivors of a factory or office worker who has died as a result of an employment injury or occupational disease shall not be

treated as acceptance of a succession.

Exclusion or Reduction of Liability

(Heading amended, SG No. 100/1992)

### **Article 201**

(Amended, SG No. 100/1992)

(1) The employer shall not be liable under the foregoing article if the injured party intentionally caused the detriment.

(2) The liability of the employer may be reduced if the injured party has contributed towards the employment injury by committing gross negligence.

Recourse Action

### **Article 202**

(Amended, SG No. 100/1992)

The employer shall have the right to bring a legal action against the blameworthy factory or office workers for the compensation paid to the injured party or to the survivors thereof in accordance with the rules of Section II of this Chapter.

## **Section II**

### **FINANCIAL LIABILITY OF FACTORY OR OFFICE WORKER**

(Heading supplemented, SG No. 100/1992)

Scope of Financial Liability

### **Article 203**

(1) A factory or office worker shall be financially liable according to the rules of this Chapter for the detriment caused thereby to the employer by negligence upon or in connection with the performance of the labour duties thereof.

(2) The liability for detriment caused intentionally or as a result of a criminal offence or caused otherwise than upon or in connection with the performance of the labour duties shall be determined by the civil law.

(3) The financial liability of a factory or office worker shall apply without prejudice to the disciplinary, administrative penalty and criminal liability for the same act.

Exclusion of Liability

### **Article 204**

(Amended, SG No. 100/1992)

A factory or office worker shall not be financially liable for any detriment resulting from a normal manufacturing and business risk.

Compensable Detriment

### **Article 205**

(1) A factory or office worker shall be liable for the loss sustained but shall not be liable for the lost profit.

(2) The extent of the detriment shall be determined at the day of the occurrence thereof, or if the said day cannot be determined, at the day of discovery of the detriment.

## Extent of Liability

### Article 206

(Amended, SG No. 100/1992)

(1) For any detriment inflicted on the employer by negligence upon or in connection with the execution of the labour duties, the factory or office worker shall be liable up to the extent of the said detriment, but not more than the agreed monthly labour remuneration.

(2) Where the detriment is caused by a manager, including by an immediate superior, upon or in connection with the exercise of the managerial functions thereof, the liability shall be up to the extent of the said detriment but not more than the treble amount of the agreed monthly labour remuneration.

(3) The liability shall be up to the extents under the foregoing paragraphs where the employer has compensated third parties for detriment caused by the factory or office worker under the same conditions.

## Extent of Liability for Detriment Caused upon Activities

### Involving Accountability for Assets

### Article 207

(Amended, SG No. 100/1992)

(1) A factory or office worker who has been assigned, as a labour duty, to collect, keep, expend or account for pecuniary or physical assets shall be liable to the employer:

1. up to the extent of the detriment, but not more than the triple amount of the agreed monthly labour remuneration;
2. for deficiency: to the full extent, with legal interest from the day of infliction of the detriment and, if this date cannot be established, from the day of discovery of the deficiency.

(2) Persons who have received a benefit without cause from the inflictor of the detriment or who have availed themselves of the detriment under Item 1 of the foregoing paragraph shall owe, jointly with the inflictor of the detriment, restoration of the benefit received up to the extent of the enrichment, except in the cases under Article 271 (1). The said persons shall also owe the restoration of any benefit received from the inflictor of the detriment as a gift when the gift is on means derived from the detriment inflicted.

(3) Actionability under Item 2 of Paragraph (1) and under Paragraph (2) shall be extinguished upon the lapse of a ten-year prescription period reckoned from the day of infliction of the detriment.

(4) Other cases of full financial liability may be established by law.

## Liability for Detriment Caused by Several Factory or Office Workers

(Heading supplemented, SG No. 100/1992)

### Article 208

(Supplemented, SG No. 100/1992)

Where the detriment has been caused by several factory or office workers, they shall be held liable for:

1. in the cases of limited liability: in proportion to the part of each of them in the causing the detriment, and where each one's part cannot be established, in proportion to the agreed labour monthly remuneration thereof. The sum total of the compensations due therefrom may not exceed the extent of the detriment;
2. in the cases of full liability: jointly.

## Work-Team Liability

## **Article 209**

(1) (Amended and supplemented, SG No. 100/1992) The work-team liability for a deficiency may be assumed by a written contract signed between the employer and the factory or office workers who occupy a position of accountability for assets working together or in shifts. Where the specific inflictor of the detriment cannot be identified, the compensation shall be allocated among the factory and office workers who have signed the contract, in proportion to the gross wage received for the period of time for which the deficiency has been established.

(2) (Repealed, SG No. 100/1992).

### **Enforcement of Limited Financial Liability**

## **Article 210**

(1) (Amended and supplemented, SG No. 100/1992) In cases of limited financial liability the employer shall issue an order determining thereby the grounds for and the extent of the factory or office worker's liability. Where the detriment has been caused by the employer, the order shall be issued by the competent superior authority, and there is no such authority, by the collective management body of the enterprise.

(2) The order shall be issued within one month after discovery of the detriment or after payment of the amount to a third party, but not later than one year after the infliction of the said detriment; and where the detriment has been caused by a manager or in execution of a position of accountability for assets, within three months after discovery of the said detriment but not later than five years after the infliction of the said detriment. These time limits shall not run if proceedings for enforcement of full financial liability have been instituted, until the said proceedings are pending.

(3) (Amended and supplemented, SG No. 100/1992) If the factory or office worker contests in writing the grounds or the extent of the liability within one month after service of the order, the employer may bring a legal action against the said worker before the court.

(4) (Amended and supplemented, SG No. 100/1992) If the factory or office worker does not contest the grounds or the extent of the liability within the time limit under the foregoing paragraph, the employer shall deduct the sum due from the remuneration of the factory or office worker in the amounts specified in the Code of Civil Procedure .

(5) (Amended, SG No. 100/1992, SG No. 59/2007) In the cases where, as a result of termination of the employment relationship or for other reasons the sum due cannot be collected through deductions according to the procedure established by the foregoing paragraph, the employer shall have the option to move for the issuance of an enforcement order under Article 410 (1) of the Code of Civil Procedure, regardless of the amount of the claim.

(6) (Amended, SG No. 100/1992, repealed, SG No. 12/1996).

### **Enforcement of Full Financial Liability**

## **Article 211**

Full financial liability shall be enforced by a judicial procedure. In such cases, deductions may be made only on the basis of an effective judgment of court.

### **Application of Civil Law**

## **Article 212**

The civil law shall apply to any matters related to the employer's financial liability for causing death or health injury to a factory or office worker, as well as to the factory or office worker's liability to the employer, which are not regulated in this chapter.

## **Section III**

## **OTHER FORMS OF COMPENSATION**

### **Compensation for Non-Admission to Work**



## **Article 213**

(Amended and supplemented, SG No. 100/1992)

(1) Upon of unlawful non-admission to work of a factory or office worker wherewith an employment relationship has been created according to the procedure established by Chapter Five, the employer or the blameworthy officials shall be jointly liable for payment to the factory or office worker of the gross labour remuneration for the relevant position from the day when the said worker reported to begin work until the actual admission of the said worker to work.

(2) The joint liability of the employer and the blameworthy officials for payment of compensation to the factory or office worker who has been unlawfully denied admission to work shall apply for the duration of the performance of the employment relationship. The said compensation shall amount to the gross labour remuneration of the factory or office worker for the time of unlawful non-admission to work.

Compensation for Suspension from Work

## **Article 214**

(Redesignated from Paragraph (1), amended and supplemented,

SG No. 100/1992)

(1) A factory or office worker, who has been unlawfully suspended from work by the employer or the immediate superior, shall be entitled to compensation amounting to the gross labour remuneration of the said worker for the time of the unlawful suspension. The employer and the blameworthy officials shall be jointly liable for payment of the said compensation.

(2) (Repealed, SG No. 100/1992).

Secondment Allowance

## **Article 215**

Upon secondment, the factory or office worker shall be entitled, in addition to his or her gross labour remuneration, to travel, per diem and accommodation expenses under terms and in amounts determined by the Council of Ministers.

Relocation Allowance

## **Article 216**

(Amended, SG No. 100/1992)

(1) A factory or office worker, who is transferred to work in another nucleated settlement, may be paid by agreement with the employer:

1. the travel expenses for the worker and for the members of the family thereof;
2. the expenses on the moving of the household furnishings thereof;
3. a remuneration for the days of travel plus two extra days.

(2) A factory or office worker whereof employment relationship has been terminated not through his or her fault or not on his or her initiative with notice may be paid by agreement with the employer the expenses under Items 1 and 2 of the foregoing paragraph for the return of the said worker and the family thereof to the place of permanent residence thereof.

(3) A factory or office worker shall be entitled to the allowance under the foregoing paragraphs where, according to a procedure established by a law, is being or has been transferred to permanent work in another nucleated settlement not upon his or her own request. When the distance to the nucleated settlement where the new work is located exceeds 100 kilometres and the transfer is for a period exceeding one year, the factory or office worker shall furthermore be paid the agreed monthly remuneration for the new work and a remuneration amounting to one-fourth of the same amount for each dependent member of the factory or office worker's family. The allowance shall be paid by the employer wherewith the factory or office worker is transferred for work.

## Compensation upon Occupational Rehabilitation

### Article 217

(Amended and supplemented, SG No. 100/1992)

(1) (Amended, SG No. 41/2009, effective 1.07.2009) The employer shall owe the factory or office worker who is subject to occupational rehabilitation a compensation to the amount of the said worker's gross labour remuneration from the day of receipt of the occupational rehabilitation prescription until fulfilment of the said prescription.

(2) A factory or office worker, who without valid reasons refuses to accept the occupational rehabilitation work assigned in the same or another enterprise, shall not be entitled to the compensation under the foregoing paragraph.

## Compensation in Disaster

(Heading amended, SG No. 100/1992, SG No. 19/2005, SG No. 35/2009, effective 12.05.2009)

### Article 218

(1) (Amended, SG No. 100/1992, SG No. 19/2005, supplemented, SG No. 102/2006, amended, SG No. 35/2009, effective 12.05.2009) Where in an disaster a factory or office worker is prevented from reporting for work, the said worker shall be paid compensation amounting to 50 per cent of the gross labour remuneration thereof for the time during which the said worker was prevented from working but not less than 75 per cent of the national minimum wage.

(2) (Amended and supplemented, SG No. 100/1992, amended, SG No. 19/2005, supplemented, SG No. 102/2006, amended, SG No. 35/2009, effective 12.05.2009) If the factory or office worker has taken part in rescue operations in disaster, the said worker shall be paid the full amount of the gross labour remuneration.

(3) (Amended, SG No. 100/1992) The compensation under the foregoing paragraphs shall be paid by the employer for whom the factory or office worker works.

(4) The reasons for non-reporting to work and the participation in rescue work shall be certified by the mayoralty, by the municipal council or by any other state body.

## Compensation upon Factory or Office Worker's Lawful

### Refusal to Execute Work

### Article 219

(1) Any factory or office worker who, acting on a legal ground, has refused to execute work or has discontinued work because of the exposure of his or her life and health to a serious and immediate hazard, shall be entitled to a compensation amounting to the gross labour remuneration thereof for the period during which the said worker has not worked.

(2) The right to compensation under the foregoing paragraph shall furthermore be enjoyed by a factory or office worker who refuses to execute work assigned thereto which does not fall within the cases admissible under this Code of unilateral change of the place and nature of work, if the said worker is prevented from executing the work thereof under the pre-existing conditions.

## Compensation for Unobserved Notice Period

### Article 220

(Amended, SG No. 100/1992)

(1) The party who is entitled to terminate the employment relationship with notice may terminate the said relationship even before the expiry of the notice period, in which case the said party shall owe the other party compensation amounting to the factory or office worker's gross labour remuneration for the unobserved notice period.

(2) The party who has been given notice of termination of the employment relationship may terminate the said relationship even before the expiry of the notice period, in which case the said party shall owe the other party compensation amounting to the factory or office worker's gross labour remuneration for the unobserved notice period.

## Compensation for Termination of Employment Relationship without Notice

### Article 221

(Amended, SG 100/1992)

(1) (Amended, SG 52/2004, supplemented, SG No. 58/2010, effective 30.07.2010) Upon termination of the employment relationship by a factory or office worker without notice in the cases of Items 2, 3 and 3a of Article 327 (1), the employer shall owe the said worker compensation amounting to the gross labour remuneration for the notice period in case of an employment relationship of an indefinite duration; and amounting to the actual detriment in case of a fixed-term employment relationship.

(2) Upon dismissal for breach of discipline, the factory or office worker shall owe the employer compensation amounting to the workers' gross labour remuneration for the notice period in case of an employment relationship of an indefinite duration; and amounting to the actual detriment in case of a fixed-term employment relationship.

(3) The foregoing paragraph shall furthermore apply where the factory or office worker is dismissed under Article 330 (1) by reason of conviction for a criminal offence which also constitutes a breach of the labour duties.

(4) The actual detriment under the foregoing paragraphs shall be calculated on the basis of the gross labour remuneration of the factory or office worker as follows:

1. in the cases under Paragraph (1): for the period during which the factory or office worker was unemployed, but not more than the remainder of the term of the employment relationship;
2. in the cases under Paragraphs (2) and (3): for the period during which the employer has been left without a factory or office worker for the same work, but not more than the remainder of the term of the employment relationship.

## Compensation for Dismissal on Other Grounds

(Heading amended, SG No. 100/1992)

### Article 222

(Amended and supplemented, SG No. 100/1992)

(1) (Amended, SG No. 1/2002, SG No. 108/2008) Upon dismissal by reason of closure of the enterprise or of a part thereof, downsizing of personnel, reduction in the volume of work, idling for more than 15 working days, upon refusal of the factory or office worker to follow the enterprise or a division thereof, in which the worker works, when the said enterprise or division relocates to another nucleated settlement or locality, or where the position occupied by the factory or office worker must be vacated for reinstatement of a wrongfully dismissed factory or office worker who previously occupied the same position, the factory or office worker shall be entitled to compensation from the employer. The said compensation shall amount to the worker's gross labour remuneration for the period of unemployment but not more than one month. A compensation for a longer period may be provided for by an act of the Council of Ministers, by a collective agreement or by the employment contract. If the factory or office worker begins work paying a lower labour remuneration during the said period, the worker shall be entitled to the difference for the said period.

(2) (Supplemented, SG No. 58/2010, effective 30.07.2010, amended, SG No. 7/2012) Upon termination of the employment relationship by reason of illness (Item 9 of Article 325 (1) and Item 1 of Article 327 (1)), the factory or office worker shall be entitled to compensation from the employer amounting to the worker's gross labour remuneration for a period of two months, provided that the said worker has a length of employment service of at least five years and has not received compensation on the same grounds during the last five years of employment service.

(3) (Amended, SG No. 2/1996, SG No. 25/2001) Upon termination of the employment relationship, after the factory or office worker has acquired entitlement to a contributory-service and retirement-age pension, irrespective of the grounds for the termination, the said worker shall be entitled to compensation from the employer amounting to the worker's gross labour remuneration for a period of two months; and where the factory or office worker has worked for the same employer for the last ten years of the worker's length of employment service, the compensation shall amount to the worker's gross labour remuneration for a period of six months. Compensation under this paragraph shall be payable on a single occasion only.

### Article 223

(Repealed, SG No. 100/1992).

## Compensation for Unused Paid Annual Leave

### **Article 224**

(Amended and supplemented, SG No. 100/1992)

(1) (Amended, SG No. 58/2010, effective 30.07.2010, amended SG No. 18/2011, declared unconstitutional by Constitutional Court of the Republic of Bulgaria - SG No. 91/2010, in the part "for the current calendar year in proportion to the time assimilated to the length of employment service and for any unused leave deferred in accordance with the procedure set out in Article 176")

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Upon termination of the employment relationship, the factory or office worker shall be entitled to a cash compensation for any unused paid annual leave for the current calendar year in proportion to the time assimilated to the length of employment service and for any unused leave deferred in accordance with the procedure set out in Article 176, the right to which has not lapsed by prescription.

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(2) The compensation under the foregoing paragraph shall be calculated according to the procedure established by Article 177 as of the date of termination of the employment relationship.

(3) The paid study leave of students and of doctoral candidates without interruption of employment and for an entrance examination at an educational establishment, when unused, shall not be compensated in cash.

## Compensation for Wrongful Dismissal and for Non-Admission to Work of Reinstated Factory or Office Worker

(Heading supplemented, SG No. 100/1992)

### **Article 225**

(Amended and supplemented, SG No. 100/1992)

(1) Upon wrongful dismissal, the factory or office worker shall be entitled to compensation from the employer amounting to the worker's gross labour remuneration for the period of unemployment caused by reason of the said dismissal, but not more than six months.

(2) When during the period under the foregoing paragraph the factory or office worker has worked in a lower paid job, the said worker shall be entitled to the difference between the wages. The same entitlement shall apply to a factory or office worker who has been wrongfully transferred to another, lower paid job.

(3) Where a wrongfully dismissed factory or office worker is reinstated to work and after reporting to the enterprise to take the work to which he or she has been reinstated, is not admitted to the execution of the said work, the employer and the blameworthy officials shall be jointly liable to the factory or office worker for payment of an amount equal to the worker's gross labour remuneration from the day of reporting to the day of actual admission to work.

## Employer's Liability for Other Detriment Caused to Factory or Office Worker

### **Article 226**

(1) The employer and the blameworthy officials shall be jointly liable for any detriment caused to a factory or office worker because of:

1. a failure to issue or late issuing of documents needed by the said worker, certifying facts related to the employment

relationship;

2. entry of false particulars in the said documents.

(2) The employer and the blameworthy officials shall be jointly liable to the factory or office worker for the detriment sustained thereby as a result of a wrongful detention of the worker's work book after termination of the employment relationship thereof.

(3) The compensation under Paragraph (1) shall cover all detriments sustained by the factory or office worker, including personal injury. The compensation under Paragraph (2) shall amount to the worker's gross labour remuneration from the day of termination of the employment relationship to the day of delivery of the work book to the factory or office worker.

Recourse Liability

## **Article 227**

(Amended, SG No. 94/1990, SG No. 100/1992)

The amount of the compensations paid under Articles 213, 214, 225 (3) and 226 shall be recoverable by the employer from the officials through whose fault the said compensations had to be paid in accordance with the rules of Section II of this Chapter.

Gross Labour Remuneration as Basis for Calculation of Compensations

## **Article 228**

(Amended and supplemented, SG No. 100/1992)

(1) The gross labour remuneration as a basis for calculation of the compensations under this Section shall be the gross labour remuneration received by the factory or office worker for the month preceding the month in which the grounds for the relevant compensation occurred, or the last monthly gross labour remuneration received by the factory or office worker, unless otherwise provided.

(2) The amounts of the compensations under Articles 215, 218, 222 and 225 shall apply as long as no greater amounts are provided for in an act of the Council of Ministers, in a collective agreement or in the employment contract.

Employer's Obligations to Maintain and Upgrade Factory and Office Workers' Professional Qualification

## **Article 228a**

(New, SG No. 108/2008)

(1) The employer shall be obligated to ensure conditions for the maintenance and upgrading of the professional qualification of factory and office workers for the effective performance of the obligations thereof under the employment relationship in accordance with the requirements of the work performed and the future professional development thereof.

(2) In case of a prolonged absence of the factory or office worker from work, the employer shall be obligated to ensure the said worker with conditions to familiarise himself or herself with the novelties in the work which has occurred during the absence thereof and to attain the qualification level necessary for the effective fulfilment of the labour duties thereof.

Factory or Office Worker's Obligation to Maintain and Upgrade Professional Qualification

## **Article 228b**

(New, SG No. 108/2008)

The factory or office worker shall be obligated to participate in the forms of training for the maintenance and upgrading of the professional qualification thereof and for the improvement of the professional skills thereof, which are organised or financed by the employer, as well as to make efforts to upgrade the qualification level thereof in accordance with the nature of the work performed.

# **Chapter Eleven**

# **(Amended, SG No. 100/1992)**

## **PROFESSIONAL QUALIFICATION**

### Contract for Attainment of Qualification

#### **Article 229**

- (1) The employer may conclude a contract for attainment of qualification with a person who is entering or has entered an educational establishment.
- (2) By a contract under the foregoing paragraph, the employer shall undertake:
1. to provide the trainee with maintenance and other facilities in connection with the training;
  2. upon completion of the training, to employ the trainee in a work suitable for the qualification attained for the period agreed between the parties, which may not be longer than six years.
- (3) By a contract under Paragraph (1), the trainee shall undertake:
1. to complete the training thereof in the agreed qualification without undue delay;
  2. to work for the employer for the agreed period of time.
- (4) Upon culpable non-fulfilment of the obligations under Paragraphs (2) and (3), save as otherwise agreed, the party at fault shall be held liable according to the civil law.

### On-The-Job Training Employment Contract

(Title amended, SG No. 27/2014)

#### **Article 230**

- (1) (Amended, SG No. 27/2014) By an on-the-job training employment contract, the employer shall undertake to train the worker or employee in the process of work in a specified occupation or speciality; and the trainee shall undertake to master the said occupation or speciality. Such contract with the same worker or employee may be concluded only once with the same company for training in the same profession.
- (2) The contract shall specify the forms, the place and the duration of training, which cannot be longer than six months, the compensation, which the parties owe each other in case of non-performance, as well as any other matters related to the provision of the training.
- (3) (Amended, SG No. 27/2014) By the contract, the parties shall furthermore specify the period during which the trainee undertakes to work for the employer after the successful completion of the training, and the employer undertakes to provide work to the apprentice conforming to the qualifications attained. That period may not be longer than three years.
- (4) (Amended, SG No. 27/2014) During the training, the trainee shall receive labour remuneration in proportion to the work done, but not less than 90 per cent of the national minimum salary.

### Training Completion

(Title amended, SG No. 27/2014)

#### **Article 231**

(Amended, SG No. 27/2014)

- (1) The results of the training under the contract under Article 230, Paragraph 1 shall be established by an examination of the trainee, which shall be held under terms and according to a procedure established by the employer. In case of professional qualification training, the examination shall be held under terms and according to a procedure established by the Vocational

## Education and Training Act.

(2) Upon successful passing of the examination, a document shall be issued to the trainee, which certifies the knowledge and skills gained by him/her.

(3) Upon completion of the training, the trainee shall be entitled to a paid leave for preparation and taking of an examination in an amount agreed with the employer, but not less than 5 working days. For a second sitting for an examination, he shall be entitled to unpaid leave of 5 working days, which shall count as length of employment service.

## Obligation for Work and Liability for Non-Performance of Apprenticeship Contract

(Title amended, SG No. 27/2014)

### Article 232

(1) (Amended, SG No. 27/2014) After successful completion of the training according to the contract under Article 230, Paragraph 1, the employer shall be obligated to employ the trainee in a position, corresponding to the qualifications attained and the trainee shall be obligated to begin work and to work during the agreed period.

(2) (Amended, SG No. 27/2014) If the employer fails to provide an trainee who has successfully completed the training with work corresponding to the qualifications attained, the employer shall owe the apprentice the gross labour remuneration for the relevant position for the time during which the employer has failed to provide such work, but not more than 6 months, save as otherwise agreed.

(3) (Amended, SG No. 27/2014) If the trainee fails to complete the training without valid reasons or, having completed the training, fails to begin the work provided thereto by the employer, or quits before the expiry of the agreed period, the apprentice shall owe the employer compensation in proportion to the non-performance in an amount agreed between the parties but not more than six times the amount of the gross salary for the respective position.

## Applicability of Labour Legislation to On-The-Job Training Employment Contract

(Title amended, SG No. 27/2014)

### Article 233

(Amended, SG No. 27/2014)

The effective labour legislation shall apply to the relationships between the parties to an on-the-job training employment contract for the period of training.

## Traineeship

**Article 233a.** (New, SG No. 27/2014) (1) Traineeship shall mean working under the guidance of the employer or a designee thereof - a mentor, for the purpose of practical skills utilization in the acquired profession or specialty.

(2) Mentor can be a person working for the same company, holding qualification in the same or similar profession as the one of traineeship, with no less than three years length of employment or professional experience in the same profession.

(3) The relationship between employer and mentor shall be regulated by additional agreement, where the allocation of working time and other mentorship execution conditions shall be defined.

## Employment contract with a condition of probation

**Article 233b.** (New, SG No. 27/2014) (1) The employer shall be allowed to conclude an On-The-Job Training Employment Contract with a person under 29 years of age, who is a high school or university graduate with no work or professional experience in his/her attained profession or specialty.

(2) The contract under Item 1 shall be concluded for work at a position, consistent with the profession or specialty attained by the person. Such contract may be concluded only once with the same person.

(3) In addition to the requirements of Article 66, Item 1 the contract under Item 1 shall specify the method and form of the

practical skill acquisition during the work execution process, the name of the work position and the mentor, the term of the contract, which may not be less than 6 and more than 12 months, as well as other conditions regarding the internship.

### Certification of the Training Results

**Article 233c.** (New, SG No. 27/2014) Within 14 days of the contract termination under Article 233b, the employer shall issue a recommendation letter to the trainee, certifying the training results and which can be presented before future employers upon employment application.

### Contract for Qualification Upgrading and for Re-Training

#### **Article 234**

(1) The parties to an employment relationship may conclude a contract for upgrading of the factory or office worker's qualification or for attainment of qualifications in another occupation or speciality (re-training).

(2) The contract under the foregoing paragraph shall specify:

1. the occupation and speciality in which the factory or office worker is to be trained;
2. the place, form and duration of the training;
3. the financial, welfare and other conditions for the duration of the training.

(3) The contract under Paragraph (1) may provide for:

1. an obligation of the factory or office worker to work for the employer for a specified period, but not longer than five years;
2. liability for non-completion of the training, as well as for non-fulfilment of the obligations under the foregoing item.

### Qualification Contract with Non-Working Person

#### **Article 235**

A contract for upgrading of qualification or for re-training may furthermore be concluded between an employer and a person who is preparing to start work for the employer upon completion of the training.

### Termination of Qualification Contract

#### **Article 236**

Each party may terminate the contract under this Chapter by giving the other party a written notice before expiry of the period of the training:

1. by reason of culpable non-fulfilment of the obligations of the other party, allowing the party at fault reasonable time for performance;
2. in other cases agreed in the contract.

### Post-Training Employment Contract

#### **Article 237**

After completion of the training on the basis of a contract under this Chapter, the industrial relations between the parties shall be regulated by an employment contract or by a relevant modification of the employment contract.

#### **Article 238**

(Repealed, SG No. 100/1992).

#### **Article 239**

(Repealed, SG No. 100/1992).



## **Article 240**

(Repealed, SG No. 100/1992).

## **Article 241**

(Repealed, SG No. 100/1992).

# **Chapter Twelve**

## **LABOUR REMUNERATION**

### **Section I**

### **GENERAL PROVISIONS**

Valuable Consideration for Work Performed

#### **Article 242**

(Amended, SG No. 100/1992)

Work shall be performed under an employment relationship for a valuable consideration.

Right to Equal Pay

#### **Article 243**

(Repealed, SG No. 100/1992, new, SG No. 25/2001)

(1) Women and men shall be entitled to equal pay for equal work or work of equal value.

(2) Paragraph (1) shall apply to all payments under the employment relationship.

Regulation of Minimum Labour Remunerations and Benefits

#### **Article 244**

(Amended, SG No. 100/1992)

The Council of Ministers shall fix:

1. the national minimum wage;
2. the types and minimum amounts of the additional labour remunerations and of the benefits under an employment relationship, in so far as they are not fixed in this Code.

Guaranteed Payment of Labour Remuneration

#### **Article 245**

(Amended, SG No. 100/1992, SG No. 52/2004)

(1) Upon performance of his or her labour duties in good faith, the factory or office worker shall be guaranteed payment of a labour remuneration to the amount of 60 per cent of his or her gross labour remuneration, but not less than the national minimum wage.

(2) The balance to the full amount of the labour remuneration shall remain exigible and shall be paid additionally with legal interest.

## **Article 246**

(Repealed, SG No. 100/1992),

## **Section II**

### **SYSTEMS OF PAY FOR WORK**

**(Heading amended, SG No. 100/1992)**

#### Determination of Amount of Labour Remuneration

## **Article 247**

(Amended, SG No. 100/1992)

(1) The amount of the labour remuneration shall be determined according to the duration of work or according to the results of work.

(2) The amount of the labour remuneration per unit produced (work target) shall be agreed between the factory or office worker and the employer and may not be less than the relevant provision in the collective agreement.

## **Article 248**

(Repealed, SG No. 100/1992).

## **Article 249**

(Repealed, SG No. 100/1992).

#### Setting and Revising Work Targets

## **Article 250**

(Amended, SG No. 100/1992)

(1) Work targets shall be set with a view to establishing a normal intensity of work.

(2) Work targets shall be set and revised by the employer after consulting the factory and office workers concerned.

## **Article 251**

(Repealed, SG No. 100/1992).

## **Article 252**

(Repealed, SG No. 100/1992).

## **Article 253**

(Repealed, SG No. 100/1992).

## **Article 254**

(Repealed, SG No. 100/1992).

## **Article 255**

(Repealed, SG No. 100/1992).

## **Article 256**

(Repealed, SG No. 100/1992).

## **Section III**

**(Renumbered from Section IV, SG No. 100/1992)**

### **ADDITIONAL AND OTHER LABOUR REMUNERATIONS**

#### **Article 257**

(Repealed, SG No. 100/1992).

#### **Article 258**

(Repealed, SG No. 100/1992).

Labour Remuneration for Internal Concurrent Employment

#### **Article 259**

(Amended and supplemented, SG No. 100/1992)

(1) Where a factory or office worker executes a position or work of an absent factory or office worker, the said worker shall enjoy the rights attaching to the said position or work, including the labour remuneration, if this is more favourable for the said worker. If the said worker simultaneously executes his or her own work or position as well, the said worker shall be entitled to an additional labour remuneration which shall be agreed between the parties to the employment relationship.

(2) A factory or office worker whose position is deputy to the absent factory or office worker may not benefit from the rights under the foregoing paragraph.

(3) Replacement under Paragraph (1) shall require the consent of the employer and the factory or office worker expressed in writing. Lack of written consent shall not be an impediment for the factory or office worker to receive the remuneration for the replacement.

Labour Remuneration for External Concurrent Employment

#### **Article 260**

(Amended and supplemented, SG No. 100/1992)

A factory or office worker who is engaged in external concurrent employment shall receive the full amount of the labour remuneration for the principal work, as well as a remuneration for the external concurrent employment, as agreed between the parties.

Pay for Night Work

#### **Article 261**

(Amended, SG No. 100/1992)

Night work performed shall be paid with an increase agreed between the parties to the employment relationship, but not less than the amounts determined by the Council of Ministers.

Pay for Overtime Work

#### **Article 262**

(Amended, SG No. 100/1992)

(1) Overtime work performed shall be paid with an increase agreed between the factory or office worker and the employer but not less than:

1. 50 per cent: for work on working days;
2. 75 per cent: for work on weekends;
3. 100 per cent: for work on public holidays;
4. 50 per cent: for work at working time calculated on a weekly or longer basis.

(2) Unless otherwise agreed, the increase under the foregoing paragraph shall be calculated on the basis of the labour remuneration fixed by the employment contract.

#### Pay for Overtime Work in Open-Ended Working Hours

### **Article 263**

(Amended, SG No. 100/1992)

(1) No labour remuneration shall be paid for overtime work performed on working days by factory and office workers at open-ended working hours.

(2) Labour remuneration in the amounts under Items 2 and 3 of Article 262 (1) shall be paid for overtime work performed by factory and office workers at open-ended working hours on weekends and during the days of public holidays.

#### Labour Remuneration for Work on Public Holidays

### **Article 264**

(Amended, SG No. 100/1992)

Work on public holidays, regardless of whether this represents overtime work or not, shall be paid to factory or office workers as agreed, but not less than the double amount of the said workers' labour remuneration.

### **Article 265**

(Repealed, SG No. 100/1992).

#### Labour Remuneration upon Non-fulfilment of Work Targets

### **Article 266**

(Amended, SG No. 100/1992)

(1) A factory or office worker, who fails to fulfil the work targets thereof through no fault of his or her, shall receive labour remuneration according to the results of work, but not less than the remuneration agreed for complete fulfilment.

(2) Upon non-fulfilment of the work targets through the factory or office worker's fault, the said worker shall be entitled to labour remuneration according to the results of work.

#### Labour Remuneration in Case of Idling and Production Necessity

### **Article 267**

(Amended, SG No. 100/1992)

(1) A factory or office worker shall be entitled to the gross labour remuneration for idling not through the fault of the said worker.

(2) A factory or office worker shall forfeit the entitlement thereof to labour remuneration for the time of idling where the idling is through the fault of the said worker.

(3) For the time during which a factory or office worker executed another work due to production necessity, the said worker shall receive labour remuneration for the work executed, but not less than the gross labour remuneration for the principal work thereof.

## Labour Remuneration for Inferior-Quality Output

### **Article 268**

(Amended, SG No. 100/1992)

- (1) In case of production of entirely unfit output through the fault of the factory or office worker, the said worker shall not be paid labour remuneration.
- (2) Where the output conforms partly to the established quality requirements (partial waste) through the fault of a factory or office worker, the amount of the said worker's labour remuneration shall be reduced in proportion to the fitness of the output.
- (3) Upon production of unfit output not through the fault of the factory or office worker, the said worker shall be entitled to labour remuneration as for a fit output.

## **Section IV**

**(Renumbered from Section V, SG No. 100/1992)**

## **PAYMENT OF LABOUR REMUNERATION**

Payment in Cash and in Kind

### **Article 269**

- (1) The labour remuneration shall be paid in cash.
- (2) (Amended, SG No. 100/1992) Additional labour remunerations or part thereof may be paid in kind if so provided for in an act of the Council of Ministers, in a collective agreement or in the employment contract.

Place and Time Limits for Payment

### **Article 270**

- (1) The labour remuneration shall be paid at the enterprise where the work has been performed.
- (2) (Supplemented, SG No. 100/1992) Labour remuneration shall be paid in advance or in a lump sum twice a month, unless otherwise agreed.
- (3) (Amended and supplemented, SG No. 100/1992) The labour remuneration shall be paid to the factory or office worker in person under a payroll or against receipt or, upon a written request by the factory or office worker, to his relatives. At the written request of the factory or office worker, the labour remuneration thereof shall be credited to a deposit with a bank named thereby.

Receiving Labour Remuneration in Good Faith

### **Article 271**

- (1) The factory or office worker shall not be obliged to refund any labour remuneration and benefits under an employment relationship received in good faith.
- (2) The culpable officials, who have ordered or have suffered a groundless payment of the amounts under the foregoing paragraph, shall incur financial liability.

Deductions from Labour Remuneration

(Heading amended, SG No. 100/1992)

### **Article 272**

- (1) (Supplemented, SG No. 100/1992) No deductions may be made from a factory or office worker's labour remuneration

without the worker's consent, except for:

1. advance payments received;
2. amounts overpaid as a result of technical error;
3. taxes deductible from the labour remuneration under special laws;
4. (new, SG No. 28/1996, effective 1.03.1996) social insurance contributions, which are for the account of the factory or office worker who is insured against all social insurance risks;
5. (renumbered from Item 4, SG No. 28/1996, effective 1.03.1996) distraints imposed according to the established procedure;
6. (amended, SG No. 100/1992, renumbered from Item 5, SG No. 28/1996, effective 1.03.1996) deductions in the case under Article 210 (4).

(2) The total amount of the monthly deductions under the foregoing paragraph may not exceed the amount fixed in the Code of Civil Procedure.

## **Chapter Thirteen**

### **HEALTH AND SAFETY AT WORK**

#### **Article 273**

(Repealed, SG No. 100/1992).

#### **Article 274**

(Repealed, SG No. 100/1992).

Obligation to Provide Health and Safety at Work

#### **Article 275**

(Amended, SG No. 100/1992)

(1) (Amended, SG No. 25/2001) The employer shall be obligated to ensure health and safety at work so that any risks to the factory or office worker's life and health could be eliminated, restricted or mitigated.

(2) (Amended, SG No. 25/2001) Within the powers thereof, the executive authorities shall implement the state policy of ensuring health and safety at work.

Statutory Instruments, Uniform and Sectoral Rules

(Heading amended, SG No. 25/2001)

#### **Article 276**

(Amended, SG No. 100/1992)

(1) (Amended, SG No. 25/2001) The Minister of Labour and Social Policy shall issue, whether independently or jointly with other ministers, acts ensuring health and safety at work. Where necessary, the Minister of Labour and Social Policy shall designate the authorities and organisations which will participate in the drafting of such acts.

(2) (Amended, SG No. 25/2001) The Minister of Labour and Social Policy and the Minister of Health shall, whether independently or jointly, endorse uniform rules for ensuring health and safety at work, which shall apply to all sectors and activities.

(3) (Amended, SG No. 25/2001) The ministers and the other executive authorities under Article 19 (4) of the Administration

Act shall endorse sectoral rules for ensuring health and safety at work in the enterprises and activities of the relevant sector.

(4) (Repealed, SG No. 25/2001).

(5) (Repealed, SG No. 25/2001).

(6) (New, SG No. 28/1996, amended, SG No. 25/2001) The orders endorsing the rules under Paragraphs (2) and (3) shall be promulgated in the State Gazette, and the rules shall be issued by the respective endorsing authority.

#### Rules at Enterprise

(Heading amended, SG No. 25/2001)

#### **Article 277**

(1) (Amended, SG No. 100/1002, SG No. 25/2001) The employer shall elaborate and endorse rules for ensuring health and safety at work in the enterprise, which may not conflict with the statutory requirements.

(2) (Repealed, renumbered from Paragraph (3), amended, SG No. 100/1992) The rules under the foregoing paragraph shall be displayed in an appropriate manner at the working places.

#### **Article 278**

(Repealed, SG No. 25/2001).

#### **Article 279**

(Repealed, SG No. 25/2001).

#### **Article 280**

(Amended, SG No. 100/1992, repealed, SG No. 25/2001).

#### Briefing and Training

#### **Article 281**

(1) (New, SG No. 25/2001) All factory and office workers shall be briefed and trained in the safe methods of work.

(2) (Supplemented, SG No. 100/1992, renumbered from Paragraph (1), SG No. 25/2001) Factory and office workers whereof the work involves the use, servicing and maintenance of machinery and other technical equipment, as well as factory and office workers engaged in activities posing a risk to their health and life, shall be mandatorily briefed, trained and shall pass an examination in the rules for ensuring health and safety at work.

(3) (Amended and supplemented, SG No. 100/1992, renumbered from Paragraph (2), SG No. 25/2001) High-risk machinery, other equipment and technological processes shall be serviced only by competent factory and office workers. The licensed competence thereof shall be regulated by special ordinances. The list of high-risk equipment and activities shall be endorse by the competent central-government departments.

(4) (Renumbered from Paragraph (3), supplemented, SG No. 25/2001) No persons who do not possess the necessary knowledge and skills provided for in the rules for ensuring health and safety at work shall be admitted to work.

(5) (Amended, SG No. 100/1992, renumbered from Paragraph (4), amended, SG No. 25/2001) The employer shall be obligated to organise the delivery of periodic training or briefing of the factory and office workers in the rules for ensuring health and safety at work under terms and according to a procedure established by an ordinance of the Minister of Labour and Social Policy.

#### Obligation to Provide Sanitary, Welfare and Medical Services

#### **Article 282**

(Amended and supplemented, SG No. 100/1992)

The employer shall be obliged to provide sanitary, welfare and medical services to the factory and office workers in accordance with the sanitary standards and requirements.

#### Factory or Office Worker's Refusal to Perform Work Assigned

(Heading amended, SG No. 100/1992)

#### **Article 283**

(Amended and supplemented, SG No. 100/1992)

A factory or office worker shall have the right to refuse the performance or to discontinue work where the life or health thereof is exposed to a serious and immediate hazard, and must forthwith inform the immediate superior thereof. In such cases, resumption of the work shall be admissible solely after the elimination of the hazard, on an order of the employer or the immediate superior.

#### Special Work Clothes and Personal Protective Equipment

#### **Article 284**

(Amended and supplemented, SG No. 100/1992)

(1) The employer shall be obligated to provide, free of charge, special work clothes and personal protective equipment to the factory and office workers who work with or at machinery, equipment, liquids, gases, molten metals, heated objects and other such objects hazardous or harmful for health and life.

(2) The factory and office workers shall be obligated to use the special work clothes and the personal protective equipment for the intended purpose thereof, and then only during work.

(3) The terms and procedure for the provision of special work clothes and personal protective equipment, as well as the type thereof, shall be determined by the Minister of Labour and Social policy and by the Minister of Health.

(4) (New, SG No. 83/2005) It shall be prohibited to substitute money equivalent for personal protective equipment.

#### Free Meals

(Heading supplemented, SG No. 25/2001, amended, SG No. 83/2005)

#### **Article 285**

(Amended, SG No. 100/1992, supplemented,

SG No. 25/2001, amended, SG No. 83/2005)

(1) Factory and office workers who work at enterprises of a specific nature and work organisation shall be ensured by the employer with free food and/or food additives.

(2) The terms and procedure whereunder the free food and/or the additives thereto under Paragraph (1) are provided shall be established by an ordinance of the Minister of Labour and Social Policy and the Minister of Health.

#### Limited Duration of Work in Harmful or Hazardous Environment

#### **Article 286**

(Amended and supplemented, SG No. 100/1992)

(1) A maximum number of years shall be determined for work in types of production and work which are particularly harmful and hazardous for health, upon the lapse of which the factory or office worker shall be transferred to another suitable work.

(2) The list of types of production and work, as well as the maximum number of years for work in them, shall be endorsed by the Council of Ministers on a motion by the Minister of Health and the Minister of Labour and Social policy.



## Preliminary and Periodical Medical Examinations

(Title amended, SG No. 82/2011)

### **Article 287**

(1) (Amended and supplemented, SG No. 100/1992, redesignated from Article 287, SG No. 25/2001, amended and supplemented, SG No. 82/2011) All factory and office workers shall be subject to mandatory preliminary and periodical medical examinations. The conditions for performance of preliminary and periodical medical examinations depending on the nature of work, the working conditions and the age of the factory and office workers shall be determined by the Minister of Health.

(2) (New, SG No. 25/2001, amended, SG No. 82/2011) The costs for preliminary medical examinations shall be paid by the job applicants, while those for periodical medical examinations shall be paid by the employer.

(3) (New, SG No. 25/2001, amended, SG No. 48/2006) The employer and the officials in the enterprise shall be obligated to respect the confidentiality of the data regarding the health condition of the factory and office workers and the information from and on the relevant medical examinations.

## Data on Health and Safety at Work

### **Article 288**

(Amended, SG No. 100/1992, repealed, SG No. 18/2003).

## Prevention and Reporting of Employment Injuries and Diseases

### **Article 289**

(Amended, SG No. 100/1992)

(1) The employer shall be obligated to take measures for the prevention and reduction of the incidence of employment injuries and of general sicknesses and occupational diseases.

(2) (Repealed, SG No. 25/2001).

## Legal Framework of Employment Injuries and Occupational Diseases

### **Article 290**

Occupational injuries, general sicknesses and occupational diseases, as well as the procedure for the establishment thereof and the consequences of the occurrence thereof, shall be regulated by a separate law.

## **Chapter Fourteen**

## **SOCIAL, WELFARE AND CULTURAL SERVICES IN ENTERPRISE**

### **Article 291**

(Repealed, SG No. 100/1992).

## Financing

### **Article 292**

(Amended, SG No. 100/1992)

The social, welfare and cultural services of the factory and office workers shall be financed by resources of the employer and from other sources.

## Allocation and Use of Resources

## **Article 293**

(1) (Amended, SG No. 100/1992) The manner of use of the resources social, welfare and cultural services shall be determined by resolution of the General Meeting of factory and office workers.

(2) The resources for social, welfare and cultural services may not be diverted and used for other purposes.

Ensuring Satisfaction of Social, Welfare and Cultural Requirements

## **Article 294**

(Amended and supplemented, SG No. 100/1992,  
supplemented, SG No. 25/2001)

The employer may independently or jointly with other authorities and organisations, ensure to the factory and office workers:

1. organised feeding conforming to the rational standards and the specific conditions of work;
2. shopping and welfare services, by building and maintaining distributive trade establishments and services centres;
3. commuter transport services between the place of residence and the workplace;
4. facilities for short- and long-term recreation, physical culture, sports and tourism;
5. (amended, SG No. 100/1992) facilities for cultural pursuits, clubs, libraries and other such;
6. (supplemented, SG No. 100/1992) assistance to young and to newly appointed factory and office workers;
7. satisfaction of other social, welfare and cultural requirements.

## **Article 295**

(Repealed, SG No. 100/1992).

Work Clothes and Uniforms

## **Article 296**

(1) (Amended, SG No. 100/1992, redesignated from Article 296, SG No. 25/2001) The employer shall provide to the factory and office workers work clothes and uniforms under terms and according to a procedure established by the Council of Ministers or in the collective agreement.

(2) (New, SG No. 25/2001) The factory or office worker shall be obligated to wear the work clothes or uniforms during working time and to keep them as property of the employer.

Housing and Workers' Hostels

## **Article 297**

(Amended and supplemented, SG No. 100/1992)

(1) (Amended and supplemented, SG No. 25/2001) The employer may take care to provide housing to the factory and office workers and the families thereof by using resources from the employer's own funds allocated for this purpose and the efforts of the working collective.

(2) The housing units shall be allocated under criteria established in the collective agreement.

(3) (Supplemented, SG No. 25/2001) The employer may build and maintain workers' hostels.

## **Article 298**

(Repealed, SG No. 100/1992).

## Care of Factory and Office Workers' Families

(Heading amended, SG No. 100/1992)

### **Article 299**

(Amended and supplemented, SG No. 100/1992)

(1) (Supplemented, SG No. 25/2001) The employer may provide assistance for placing of the factory and office workers' children in children's establishments by maintaining, building or taking part in the building and maintenance of such establishments on own resources or jointly with other employers and the municipal councils.

(2) (Supplemented, SG No. 25/2001) The employer may place at the disposal of the factory and office workers' children the available facilities for recreation, physical culture, sports and tourism, youth activities and cultural pursuits.

(3) The social funds and the forms of social services may be used by the factory or office worker's families as well by resolution of the General Meeting (meeting of proxies) and in accordance with the collective agreement.

## Care of Retired Factory and Office Workers.

### **Article 300**

(Amended, SG No. 100/1992)

By resolution of the General Meeting of factory and office workers, the social funds and the forms of social services may also be used by pensioners who have worked for the same employer.

## **Chapter Fifteen**

## **SPECIAL PROTECTION OF CERTAIN CATEGORIES OF FACTORY AND OFFICE WORKERS**

**(Heading supplemented, SG No. 100/1992)**

### **Section I**

### **SPECIAL PROTECTION OF MINORS**

#### Minimum Age for Employment

### **Article 301**

(1) The minimum age for employment shall be 16 years. Employment of persons who have not attained the age of 16 years shall be prohibited.

(2) (Supplemented, SG No. 48/2006) As an exception, persons aged between 15 and 16 years may be employed in work which is light and which is not hazardous or harmful to their health and to their proper physical, mental and moral development and whose execution would not be detrimental to their regular attendance at school or to their participation in vocational guidance or training programmes.

(3) (Amended, SG No. 100/1992) As an exception, girls who have attained the age of 14 years and boys who have attained the age of 13 years may be appointed to apprentice positions at circuses, and persons who have not attained the age of 15 years may be recruited for participation in the shooting of films, in the preparation and performance of theatrical and other productions under relaxed conditions and in conformity with the requirements for their proper physical, mental and moral development. The working conditions in such cases shall be determined by the Council of Ministers.

#### Employment of Persons who Have not Attained 16 Years of Age

### **Article 302**

(1) Persons who have not attained the age of 16 years shall be employed after a thorough medical examination and a medical conclusion that they are fit to perform the respective work and that the said work will impair their health and impede their proper physical and mental development.

(2) (Amended, SG No. 100/1992) Persons who have not attained the age of 16 years shall be employed by permission of the Labour Inspectorate in each particular case.

#### Employment of Persons Aged between 16 and 18 Years

### Article 303

(1) (Amended, SG No. 48/2006) It shall be prohibited to employ persons who have attained the age of 16 years but have not attained the age of 18 years in work which is hard, hazardous or harmful to the health and to their proper physical, mental and moral development.

(2) Persons who have attained the age of 16 years but have not attained the age of 18 years shall be employed after a thorough pre-employment medical examination and a medical conclusion, which shall establish their fitness to perform the respective work.

(3) (Amended, SG No. 100/1992) Persons who have attained the age of 16 years but have not attained the age of 18 years of age shall be employed by permission of the Labour Inspectorate for each particular case.

(4) (New, SG No. 18/2003, amended and supplemented, SG No. 48/2006) The terms and procedure for granting a permission for work under Paragraph (3), of a permission for work for persons who have not attained the age of 16 years, as well as the obligations of the employer to provide health and safety at work for the persons who have not attained the age of 18 years, shall be established by an ordinance of the Minister of Labour and Social Policy and of the Minister of Health.

#### Work for Persons who Have not Attained 18 Years of Age

### Article 304

(Amended, SG No. 100/1992, SG No. 25/2001)

(1) Minors may not engage in work which is:

1. beyond their physical or psychological capacity;
2. involving exposure to a harmful physical, biological or chemical impact, and in particular to toxic agents, carcinogens and agents causing heritable genetic or intrauterine damage;
3. involving hazards which chronically affect human health in any other way whatsoever;
4. involving exposure to radiation;
5. at extremely low or high temperatures, noise or vibration;
6. involving the risk of employment injury which it may be assumed the minor cannot recognise or avoid owing to his or her physical or psychological immaturity.

(2) (Repealed, SG No. 18/2003).

#### Special Care of Minors

### Article 305

(1) (Amended, SG No. 100/1992) The employer shall take special care of the work of persons who have not attained the age of 18 years by providing alleviated working conditions and opportunities for attainment of professional qualification and for upgrading of the said qualification.

(2) (Repealed, SG No. 100/1992, new, SG No. 25/2001) The employer shall be obligated to inform the underage factory and office workers and the parents or curators thereof of the potential risks at work and of the measures taken to ensure health and safety at work.

(3) (Supplemented, SG No. 100/1992, amended, SG No. 25/2001, supplemented, SG No. 48/2006) The working time of factory and office workers who have not attained the age of 18 years shall be 35 hours weekly and seven hours daily in conditions of a five-day working week. The time for attainment of professional qualification and for upgrading of the said qualification, where spent under a combined work/training scheme, shall be counted as daily and weekly working time of any such workers.

(4) (Amended, SG No. 100/1992, supplemented, SG No. 108/2008) Factory and office workers who have not attained the age of 18 years shall be entitled to basic paid annual leave in the amount of not less than 26 working days, including during the calendar year when they attain the age of 18 years.

## **Section II**

### **SPECIAL PROTECTION OF WOMEN**

#### **Article 306**

(Repealed, SG No. 100/1992).

#### **Protection of Pregnant and of Breastfeeding Women**

#### **Article 307**

(Amended, SG No. 100/1992, SG No. 52/2004)

(1) (Supplemented, SG No. 103/2009, effective 29.12.2009) The employer may not order, nor obligate pregnant and breastfeeding women, as well as female factory or office workers in an advanced stage of in vitro treatment to perform any work which exposes to a hazard or endangers the safety and health thereof.

(2) (Supplemented, SG No. 103/2009, effective 29.12.2009) A pregnant or breastfeeding woman, as well as a female factory or office worker in an advanced stage of in vitro treatment may refuse to execute any work which is designated as harmful for the health of the mother or the child or which, after a risk assessment, has been found to pose a substantial risk to the health of the mother or of her child.

(3) The list of works and working conditions under Paragraph (1) shall be determined by an ordinance of the Minister of Social Policy and the Minister of Health.

#### **Rooms for Women**

#### **Article 308**

(Amended, SG No. 100/1992, supplemented, SG No. 103/2009, effective 29.12.2009)

Any employer who employs 20 or more women shall be obligated to furnish rooms for personal hygiene of women and rooms for rest of pregnant women and female factory or office workers in an advanced stage of in vitro treatment according to a procedure established by the Minister of Health.

#### **Occupational Rehabilitation of Pregnant or Breastfeeding Women**

#### **Article 309**

(Amended and supplemented, SG No. 100/1992)

(1) (Amended, SG No. 52/2004, amended and supplemented, SG No. 103/2009, effective 29.12.2009) Where a pregnant woman or a breastfeeding woman, as well as a female factory or office worker in an advanced stage of in vitro treatment executes a work unsuitable for her condition, acting at a prescription of the health authorities the employer shall take the necessary measures for temporary adjustment of the working conditions at the workplace and/or the working time, with a view to eliminating the risk for their safety and health. If the adjustment of the working conditions at the workplace and/or of the working time is not technically or objectively feasible or cannot reasonably be required on duly substantiated grounds, the employer shall take the necessary measures for transfer of the female factory or office worker to another appropriate work.

(2) (Supplemented, SG No. 52/2004, amended, SG No. 103/2009, effective 29.12.2009) The prescription of the health authorities shall be mandatory for the pregnant, breastfeeding woman, female factory or office worker in an advanced stage of in vitro treatment and for the employer. Pending the fulfilment of the prescription, the female worker shall be excused from the obligation to execute the work unsuitable for her condition, and the employer shall pay her a benefit in the amount of the gross labour remuneration received for the month preceding the date of issuance of the prescription.

(3) (Amended, SG No. 52/2004) In the cases under Paragraph (1), the female factory or office worker shall receive labour remuneration for the work executed. When the said remuneration is lower than the labour remuneration for the previous work, she shall be entitled to a cash benefit to the amount of the difference between the labour remunerations according to a separate law.

(4) (Supplemented, SG No. 103/2009, effective 29.12.2009) The employer, jointly with the health authorities, shall annually designate positions and jobs suitable for pregnant and breastfeeding mothers and for female factory or office workers in an advanced stage of in vitro treatment.

## Secondment of Pregnant Women and Mothers with Children

### Article 310

(Amended, SG No. 100/1992, SG No. 25/2001, SG No. 52/2004, supplemented,  
SG No. 103/2009, effective 29.12.2009)

The employer may not second a pregnant woman, a female factory or office worker in an advanced stage of in vitro treatment and a mother of a child who has not attained the age of three years without her written consent.

### Article 311

(Repealed, SG No. 100/1992).

## Home Work

### Article 312

(Amended and supplemented, SG No. 100/1992)

(1) A female factory or office worker who is the mother of a small child shall be entitled to work at home for the same or for another employer until the child's attainment of the age of six years.

(2) Where a female factory or office worker under the foregoing paragraph transfers to home work for the same employer, the said employer shall be obligated, after the said worker ceases to work at home but not later than the child's attainment of the age of six years, to provide the said worker with the work which she previously executed or, if the position has been eliminated, with another suitable work with her consent.

(3) Where the female factory or office worker under Paragraph (1) transfers to home work for another employer, the employment relationship with the employer for whom the said worker worked at the date of the transfer shall not be terminated but the female factory or office worker shall be on unpaid leave. When she ceases to work at home, but not later than the child's attainment of the age of six years, the unpaid leave shall be terminated. If the position has been eliminated, the employer shall provide her with another suitable work with her consent.

## Use of Mother's Rights by Father

### Article 313

(Amended, SG No. 100/1992)

The rights of the mother under Articles 310 and 312 may be used by the father where the mother is not in a position to enjoy the said rights.

## Obligation to Notify

## **Article 313a**

(New, SG No. 52/2004)

(1) (Supplemented, SG No. 103/2009, effective 29.12.2009) A pregnant factory or office worker, as well as a female factory or office worker in an advanced stage of in vitro treatment, shall avail herself of the rights under Item 2 of Article 140 (4), Item 2 of Article 147 (1), Article 157 (2), Articles 307, 309, 310 and 333 (5) after certifying the condition thereof to the employer by a document duly issued by the competent health authorities.

(2) Upon termination of the pregnancy, the female factory or office worker under Paragraph (1) shall be obligated to notify the employer within seven days.

(3) The employer and the officials at the enterprise shall be obligated to respect the confidentiality of the circumstances under Paragraphs (1) and (2).

## **Section III**

# **SPECIAL PROTECTION OF PERSONS WITH REDUCED WORKING CAPACITY**

### **Grounds for Occupational Rehabilitation**

## **Article 314**

A factory or office worker, who by reason of a disease or employment injury is unable to execute the work assigned thereto, but who may execute another suitable work or the same work under relaxed conditions without hazard to his or her health, shall become an occupational rehabilitee, being transferred to another work or to the same work under suitable conditions at a prescription of the health authorities.

### **Jobs for Occupational Rehabilitation**

## **Article 315**

(Amended and supplemented, SG No. 100/1992)

(1) (Amended, SG No. 2/1996, SG No. 41/2009, effective 1.07.2009, SG No. 15/2010) An employer with more than 50 factory and office workers shall be obligated to designate annually jobs suitable for occupational rehabilitation, from 4 to 10 per cent of the total number of factory and office workers depending on the economic activity.

(2) (New, SG No. 61/2011) The total number of factory and office workers for the purposes of Paragraph (1) shall not include any seafarers working in the enterprise.

(3) (Amended, SG No. 15/2010, renumbered from Paragraph 2, SG No. 61/2011) The proportion of the total number of factory and office workers under Paragraph (1) by economic activities shall be determined by the Minister of Labour and Social Policy and the Minister of Health.

### **Specialised Enterprises and Workshops for Persons with Permanently Reduced Working Capacity**

(Heading amended, SG No. 25/2001, 41/2009, effective 1.07.2009)

## **Article 316**

(Amended and supplemented, SG No. 100/1992)

(1) (Supplemented, SG No. 2/1996, amended, SG No. 41/2009, effective 1.07.2009) The government ministers, the heads of other central-government departments and the municipal councils shall be obligated to establish specialised state-owned (municipal) enterprises, and the employers with more than 300 factory and office workers shall be obligated to establish workshops and other units designed for persons with permanently reduced working capacity.

(2) The activities of the specialised enterprises, workshops and units under the foregoing paragraph shall be planned and

accounted for separately, and specific rules for work targets, accounting for and pay for work shall be established for the factory and office workers there according to a procedure established by the Council of Ministers.

## Factory and Office Workers' Occupational Rehabilitation

(Heading supplemented, SG No. 100/1992)

### Article 317

(Amended and supplemented, SG No. 100/1992)

(1) (Amended, SG No. 41/2009, effective 1.07.2009) The need to transfer a factory or office worker to another suitable work or to the same job under relaxed conditions, the nature of the work done, the working conditions and the period of transfer shall be determined under a prescription of the health authorities.

(2) The occupational rehabilitation prescription issued by the health authorities shall obligate the factory or office worker not to execute the work from which he or she is transferring, and the employer not to admit the said worker to the said work.

(3) The employer shall be obligated to transfer the factory or office worker to a suitable work according to the prescription of the health authorities within seven days after receipt of the said prescription.

(4) Upon failure to fulfil the prescription of the health authorities by the employer, the employer shall owe the factory or office worker compensation under Article 217.

### Article 318

(Repealed, SG No. 100/1992).

## Paid Annual Leave

### Article 319

(Amended, SG No. 100/1992, SG No. 25/2001, supplemented, SG No. 108/2008, amended, SG No. 41/2009, effective 1.07.2009)

Factory and office workers with permanently reduced working capacity 50 per cent and more than 50 per cent shall be entitled to basic paid annual leave in an amount of not less than 26 working days.

## Labour Remuneration

### Article 320

(1) A factory or office worker who is an occupational rehabilitee according to the procedure established by this Section shall receive labour remuneration for the work executed.

(2) (Amended, SG No. 25/2001, SG No. 41/2009, effective 1.07.2009) A factory or office worker, who have permanently reduced working capacity less than 50 per cent and who is an occupational rehabilitee for a fixed period and receives a lower labour remuneration for the new work than the remuneration for the previous work, shall be entitled to a cash compensation for the difference between the labour remunerations according to a separate law.

### Article 321

(Repealed, SG No. 100/1992).

## Section IV

**(Repealed, SG No. 100/1992)**

## **SPECIAL PROTECTION OF WORKING PENSIONERS**

### Article 322



(Repealed, SG No. 100/1992).

### **Article 323**

(Repealed, SG No. 100/1992).

### **Article 324**

(Repealed, SG No. 100/1992).

## **Chapter Sixteen**

## **TERMINATION OF EMPLOYMENT RELATIONSHIP**

### **Section I**

### **TERMINATION OF EMPLOYMENT CONTRACT**

Standard Grounds for Termination of Employment Contract

(Heading amended, SG No. 100/1992)

### **Article 325**

(1) (Previous Article 325, SG No. 7/2012) An employment contract shall be terminated without either party being obligated to give notice to the other party:

1. by mutual consent of the parties, expressed in writing. The party who has been approached with the offer shall be obligated to take a stand on the said offer and to inform the other party within seven days after receipt of the said offer. Upon failure to do so, rejection of the offer shall be presumed;

2. (amended, SG No. 100/1992) where the dismissal of a factory or office worker is pronounced wrongful, or where the worker is reinstated to the previous work thereof by the court, but the said worker fails to report to work within the time limit under Article 345 (1);

3. upon expiry of the agreed term;

4. by the completion of the work as specified;

5. upon return to work of the replaced factory or office worker;

6. (amended, SG No. 100/1992) where the position has been designated for occupation by a pregnant woman of an occupational rehabilitee, and an applicant who is entitled to occupy the said position appears;

7. (repealed, SG No. 100/1992);

8. (supplemented, SG No. 100/1992) upon the beginning of work of a factory or office worker who has been elected or who has won a competitive examination;

9. (amended and supplemented, SG No. 100/1992, amended, SG No. 41/2009, effective 1.07.2009) if the factory or office worker is unable to execute the work assigned thereto by reason of illness which has led to permanently reduced working capacity or because of health contraindications on the basis of a conclusion of the medical expert board for working capacity certification. In such case, termination shall be inadmissible if the employer can provide another work suitable to the state of health of the factory or office worker and the said worker agrees to take it;

10. (supplemented, SG No. 100/1992) upon the death of the person wherewith factory or office worker has concluded the employment contract intuitu personae;

11. (supplemented, SG No. 100/1992) upon the death of the factory or office worker;

12. (new, SG No. 67/1999) owing to the designation of the position for occupation by a civil servant.

(2) (New, SG No. 7/2012) An employment contract as referred to in Article 68(6) shall be terminated upon the termination of the long-term mission under the Diplomatic Service Act, without either party being under the obligation to give prior notice.

Termination of Employment Contract by Factory

or Office Worker with Notice

(Heading supplemented, SG No. 100/1992)

## **Article 326**

(Amended and supplemented, SG No. 100/1992)

(1) A factory or office worker may terminate the employment contract by giving the employer a written notice.

(2) (Amended and supplemented, SG No. 108/2008) The period of notice of termination of an employment contract of an indefinite duration shall be 30 days, unless the parties have agreed on a longer period, but not longer than three months. In a collective agreement, the period of notice upon dismissal under Items 1 to 4 and Item 11 of Article 328 (1) may be made contingent on the duration of the length of employment service of the factory or office worker for the same employer. The period of notice of termination of a fixed-term employment contract shall be three months, but not more than the remainder of the term of the contract.

(3) Factory and office workers who occupy positions of property accountability, in case the property entrusted thereto cannot be handed over within the 30-day period under Paragraph (2), may be allowed an extended time period for hand-over of the said property which, however, may not exceed two months inclusive of the notice period.

(4) The notice period shall begin to run on the day succeeding the receipt of the said notice. A notice may be withdrawn if the factory or office worker communicates this fact before or simultaneously with the receipt of the said notice. With the consent of the employer, a notice may furthermore be withdrawn before expiry of the notice period.

(5) (Repealed, SG No. 100/1992).

Termination of Employment Contract by Factory or Office Worker without Notice

(Heading supplemented, SG No. 100/1992)

## **Article 327**

(Supplemented, SG No. 100/1992)

(1) (Previous Article 327, SG No. 58/2010, effective 30.07.2010) A factory or office worker may terminate the employment contract in writing without notice, where:

1. (amended, SG No. 100/1992) the said worker is unable to execute the work assigned thereto by reason of illness and the employer fails to provide the said worker with another suitable work conforming to the prescription of the health authorities;

2. (amended, SG No. 100/1992) the employer delays the payment of the labour remuneration or of a benefit under this Code or under social insurance;

3. (amended, SG No. 100/1992) the employer changes the place or nature of work or the agreed labour remuneration, except in the cases where the employer has the right to make such changes, as well as where the employer fails to fulfil other obligations agreed by the employment contract or by the collective agreement, or established by a statutory instrument;

3a. (new, SG No. 52/2004, supplemented, SG No. 108/2008) as a result of a change effected under Article 123 (1) and Article 123a (1), the working conditions under the new employer deteriorate substantially;

4. (amended, SG No. 100/1992) he/she transfers to a salaried elective office or begins research work on the basis of a competitive examination;

5. (repealed, SG No. 46/2007);

6. he/she pursues the studies thereof as a full-time student at an educational establishment, or enrolls in a full-time doctoral degree course;
  7. (supplemented, SG No. 100/1992, amended, SG No. 108/2008) he/she works under a fixed-term employment contract under Item 1 and Item 3 of Article 68 (1) and transfers to another work for an indefinite duration;
  - 7a. (new, SG No. 7/2012) he/she works under an employment contract with an enterprise providing temporary work and concludes another employment contract with another employer which is not an enterprise providing temporary work.
  8. is reinstated to work according to the established procedure by reason of pronouncement of the dismissal as wrongful, in order to take the work whereto the said worker has been reinstated;
  9. (new, SG No. 67/1999) enters civil service;
  10. (new, SG No. 58/2010, effective 30.07.2010) the employer discontinues its operation;
  11. (new, SG No. 58/2010, effective 30.07.2010) the employer gives unpaid leave to the factory or office worker without the consent thereof.
- (2) (New, SG No. 58/2010, effective 30.07.2010, supplemented, SG No. 27/2014) In the cases under Paragraph 1, Item 10, where the worker cannot submit his/her written notice of termination of the employment contract because the employer, the person representing it or the person designated to receive the correspondence of the employer cannot be found at the management address specified in the employment contract, the notice can be submitted in the labour inspectorate at the place where the headquarters or the management address of the employer is located. The notice may be forwarded to the labour inspectorate by registered mail or by e-mail in compliance with the provisions in the Electronic Document and Electronic Signature Act. If after an inspection, carried out jointly by the control authorities of the labour inspectorate, the National Social Security Institute and the National Revenue Agency, it is established that the employer has really discontinued operations, the employment contract shall be deemed terminated as from the date of registration of the notice in the labour inspectorate at the place where the headquarters or the management address of the employer is located.
- (3) (New, SG No. 58/2010, effective 30.07.2010) The procedure for carrying out the inspection referred to in Paragraph 2 shall be set out in an ordinance of the Minister of Labour and Social Policy, agreed with the Governor of the National Social Security Institute and the Executive Director of the National Revenue Agency.

Termination of Employment Contract by Employer with Notice

## **Article 328**

(Amended, SG No. 21/1990, SG No. 100/1992)

- (1) An employer may terminate the employment contract by giving the factory or office worker a written notice observing the notice periods under Article 326 (2) in the following cases:
1. upon closure of the enterprise;
  2. upon closure of part of the enterprise or downsizing of personnel;
  3. upon reduction in the volume of work;
  4. (amended, SG No. 25/2001) upon idling for more than 15 working days;
  5. where the factory or office worker lacks the capacity for efficient execution of the work;
  6. where the factory or office worker does not possess the educational level or professional qualification required for the work executed;
  7. upon refusal of the factory or office worker to follow the enterprise or a division thereof, in which the worker works, when the said enterprise or division relocates to another nucleated settlement or locality;
  8. where the position occupied by the factory or office worker must be vacated for reinstatement of a wrongfully dismissed factory or office worker, who previously occupied the same position;

9. (repealed, SG No. 46/2007);

10. (amended, SG No. 2/1996, supplemented, SG No. 28/1996, amended, SG No. 25/2001, SG No. 101/2010, SG No. 7/2012) upon attainment of the age of 65 in the case of professors, associate professors or persons holding a doctoral degree;

10a. (new, SG No. 46/2010, effective 18.06.2010, amended, SG No. 100/2010, effective 1.01.2011) where the employment relationship has arisen after the factory or office worker has acquired and exercised his/her right to pension for social insurance length of service and age.

11. upon change of the requirements for execution of the position, if the factory or office worker does not satisfy the said requirements;

12. when performance of the employment contract is objectively impossible.

(2) (Supplemented, SG No. 25/2001) In addition to the cases under Paragraph (1), office workers of the enterprise management may furthermore be dismissed by notice, observing the notice periods under Article 326 (2), by reason of conclusion of an enterprise management contract. Any such dismissal may be effected after the commencement of performance of the management contract, but not later than nine months.

(3) (New, SG No. 46/2010, effective 18.06.2010) In the cases under Article 1, item 10a, the employer may acquire ex officio from the National Social Insurance Institute information about an exercised entitlement to pension by the factory and office worker. The National Social Security Institute makes the information available free within 14 days upon receipt of the request.

#### **Article 328a**

(New, SG No. 100/1992, repealed, SG No. 2/1996).

#### **Article 328b**

(New, SG No. 100/1992, repealed, SG No. 2/1996).

#### **Right to Selection**

#### **Article 329**

(1) (Amended, SG No. 100/1992) Upon closure of part of an enterprise, as well as upon downsizing of personnel or reduction in the volume of work, the employer shall have the right to selection and, acting for the good of production or for the good of the service, may dismiss factory and office workers whose positions are not downsized in order to retain in employment factory and office workers who possess higher qualifications and work better.

(2) (Amended, SG No. 100/1992, repealed, SG No. 25/2001).

(3) (New, SG No. 100/1992, repealed, SG No. 25/2001).

(4) (New, SG No. 23/1992, renumbered from Paragraph (3), SG No. 100/1992, repealed, SG No. 25/2001).

#### **Termination of Employment Contract by Employer without Notice**

(Heading amended, SG No. 100/1992)

#### **Article 330**

(1) (Amended, SG No. 100/1992) An employer may terminate without notice an employment contract of a factory or office worker who has been detained for execution of a sentence.

(2) (Amended, SG No. 100/1992) An employer shall terminate an employment contract without notice where:

1. (repealed, renumbered from Item 2, SG No. 100/1992) the factory or office worker has been disqualified, by a sentence or according to an administrative procedure, from practising a profession or from occupying the position to which the said worker has been appointed;

2. (renumbered from Item 3, SG No. 100/1992, amended, SG No. 101/2010) the factory or office worker is divested of the

academic degree, if the contract of employment has been concluded considering the degree awarded;

3. (new, SG No. 83/1998, supplemented, SG No. 46/2005, amended, SG No. 76/2005, No. 75/2006) the official has been stricken from the registers of the professional organisations under the Doctors and Dentists Professional Organisations Act , from the register of the professional organisation of masters of pharmacy under the Professional Organisation of Masters of Pharmacy Act , or from the register of the Bulgarian Association of Bulgarian Health Care Specialists under the Professional Organisations of Medical Nurses, Midwives and Associated Specialists Guild Act ;

4. (renumbered from Item 4, SG No. 100/1992, renumbered from item 3, SG No. 83/1998, repealed, SG No. 52/2004);

5. (renumbered from Item 5, SG No. 100/1992, renumbered from Item 4, SG No. 83/1998) the factory or office worker refuses to accept a suitable work offered thereto upon occupational rehabilitation;

6. (renumbered from Item 6, SG No. 100/1992, renumbered from item 5, SG No. 83/1998) the factory or office worker is dismissed by reason of breach of discipline;

7. (new, SG No. 95/2003) the factory or office worker fails to fulfil the obligation to notify under Item 12 of Article 126;

8. (new, SG No. 95/2003) incompatibility exists in the cases under Article 107a (1).

9. (new, SG No. 94/2008, effective 1.01.2009) a conflict of interest has been ascertained by an effective act under the Conflict of Interest Prevention and Disclosure Act.

Termination of Employment Contract on Employer's Initiative in

Consideration of Agreed Compensation

### **Article 331**

(Repealed, SG No. 100/1992, new, SG No. 25/2001)

(1) The employer, acting on his or her own initiative, may offer the factory or office worker termination of the employment contract in consideration of compensation. If the factory or office worker fails to react in writing to any such offer within seven days, rejection of the offer shall be presumed.

(2) If the factory or office worker accepts the offer under Paragraph (1), the employer shall owe the said worker compensation to the amount of not less than the quadruple amount of the gross monthly labour remuneration as last received, unless the parties have agreed on a larger amount of the compensation.

(3) If the compensation under Paragraph (2) is not paid within one month after the date of termination of the employment contract, the grounds for termination of the said contract shall be presumed lapsed.

### **Article 332**

(Repealed, SG No. 21/1990).

Protection against Dismissal

### **Article 333**

(Amended, SG No. 100/1992)

(1) (Amended, SG No. 110/1999, effective 17.12.1999, SG No. 25/2001) In the cases under Items 2, 3, 5 of Article 328 (1) and Item 6 of Article 330 (2), an employer must mandatorily obtain an advance permission from the labour inspectorate for each particular case in order to dismiss:

1. (amended, SG No. 52/2004, SG No. 108/2008) a female factory or office worker, who is the mother of a child who has not attained the age of three years;

2. an occupational-rehabilitatee factory or office worker;

3. a factory or office worker suffering from a disease designated in an ordinance of the Minister of Health;

4. a factory or office worker who has commenced the use of a leave permitted thereto;
  5. (new, SG No. 48/2006) a factory or office worker who has been elected a factory and office workers' representative according to the procedure established by Article 7 (2) and Article 7a, for the time until the said worker is in such capacity;
  - 5a. (new, SG No. 27/2014) a factory or office worker who has been elected a factory and office workers' representative on health and safety at work by the General Meeting or by the meeting of proxies according to the procedure established by Article 6, for the time he serves in such a capacity;
  6. (new, SG No. 57/2006) any factory or office worker, who is member of a special negotiating body, a European Works Council or a representative body in a European Company or a European Cooperative Society, for the duration of performance of the functions thereof.
- (2) In the cases under Items 2 and 3 of the foregoing paragraph, the medical expert board for working capacity certification shall be approached for an opinion as well before the dismissal.
- (3) (Amended, SG No. 110/1999, effective 17.12.1999, SG No. 25/2001) In the cases under Items 2, 3, 5 and 11 of Article 328 (1) and Item 6 of Article 330 (2), an employer may dismiss a factory or office worker who is a member of the trade union leadership at the enterprise, of a territorial, industrial or national elective trade union governing body, during the time of occupation of the relevant trade union position and within six months after the said worker vacates office, only with the advance consent of a trade union body designated by decision of the central leadership of the trade union organisation concerned.
- (4) Where so provided for in the collective agreement, the employer may dismiss a factory or office worker due to downsizing of personnel or reduction in the volume of work after obtaining the advance consent of the relevant trade union body in the enterprise.
- (5) (New, SG No. 52/2004, amended, SG No. 46/2007, supplemented, SG No. 103/2009, effective 29.12.2009) A pregnant female factory or office worker and a female factory or office worker in an advanced stage of in vitro treatment, may be dismissed with notice only in pursuance of Items 1, 7, 8 and 12 of Article 328 (1), as well as without notice in pursuance of Item 6 of Article 330 (1) and Article 330 (2). In the cases under Item 6 of Article 330 (2), dismissal may take place only with the prior permission of the labour inspectorate.
- (6) (New, SG No. 25/2001, renumbered from Paragraph (5), SG No. 52/2004, amended, SG No. 108/2008) A factory or office worker, who uses a leave under Article 163, may be dismissed only in pursuance of Item 1 of Article 328 (1).
- (7) (Renumbered from Paragraph (5), SG No. 25/2001, renumbered from Paragraph (6), SG No. 52/2004) Protection under this Article shall apply at the time of service of the order of dismissal.

#### Termination of Employment Contract for Additional Work

#### **Article 334**

(Amended, SG No. 100/1992)

- (1) (Amended, SG No. 27/2014) In addition to the cases provided for by this Code, an employment contract for additional work (Articles 110, 111 and 114) and On-The-Job Training Employment Contract under Article 233b, Paragraph 1 may furthermore be terminated by the factory or office worker or the employer with a 15 days' notice.
- (2) Article 333 shall not apply to dismissal under the foregoing paragraph.

#### Form and Time of Termination of Employment Contract

(Heading amended, SG No. 25/2001)

#### **Article 335**

- (1) (New, SG No. 25/2001) An employment contract shall be terminated in writing.
- (2) (Amended, SG No. 21/1990, SG No. 100/1992, redesignated from Article 335, SG No. 25/2001) An employment contract shall be terminated:

1. in case of termination with notice: upon expiry of the notice period;
2. in case of non-observance of the notice period: upon expiry of the relevant part of the notice period;
3. in case of termination without notice: as from the time of receipt of the written declaration on termination of the contract.

Applicability of Provisions to Termination of Employment Contract

#### **Article 336**

(Amended, SG No. 100/1992)

The provisions of this Section shall apply, mutatis mutandis, to a termination of an employment relationship formed through a competitive examination.

## **Section II**

# **TERMINATION OF EMPLOYMENT RELATIONSHIP FORMED THROUGH ELECTION**

Termination of Employment Relationships upon Expiry of Term

#### **Article 337**

An employment relationship formed through an election shall be terminated upon expiry of the term for which the person has been elected. Should no new election have been conducted upon expiry of the said term, the employment relationship shall be extended until conduct of such election.

Recall

#### **Article 338**

(Amended, SG No. 100/1992)

Employment relationships formed through an election may be terminated without notice by the competent electoral body.

Applicability of Provisions on Termination of Employment Contract

#### **Article 339**

(Amended, SG No. 100/1992)

(1) The grounds for termination of an employment contract, with the exception of dismissal for breach of discipline, shall apply, mutatis mutandis, to termination of an employment relationship formed through an election.

(2) In the cases under the foregoing paragraph, where a declaration of will of the employer is required for termination of the employment relationship, the said declaration shall be replaced by a decision of the electoral body.

Non-applicability of Protection against Dismissal

#### **Article 339a**

(New, SG No. 100/1992)

Article 333 shall not apply to termination of an employment relationship formed through an election.

Termination of Election Employment Relationship in Pursuance of another Statutory Instrument of Statute

#### **Article 340**

The provisions of this Section shall apply insofar as a law, another statutory instrument or statute does not provide otherwise.

### **Section III**

**(Repealed, SG No. 100/1992)**

## **TERMINATION OF EMPLOYMENT RELATIONSHIP FORMED THROUGH MEMBERSHIP IN PRODUCERS' CO-OPERATIVE**

### **Article 341**

(Repealed, SG No. 100/1992).

### **Article 342**

(Repealed, SG No. 100/1992).

### **Article 343**

(Repealed, SG No. 100/1992).

### **Section IV**

**(Amended, SG No. 100/1992)**

## **PROTECTION AGAINST WRONGFUL DISMISSAL**

### **Contestation of Legality of Dismissal**

#### **Article 344**

(1) A factory or office worker shall be entitled to contest the legality of the dismissal thereof before the employer or before the court and to claim:

1. that the dismissal be pronounced wrongful and be revoked;
2. that the worker be reinstated to the previous work;
3. that the worker be paid compensation for the period of unemployment due to the dismissal;
4. that the grounds for the dismissal, as entered in the work book or in other documents, be corrected.

(2) The employer, acting on his or her own initiative, may revoke the order of dismissal before the factory or office worker brings a legal action before the court.

(3) In the cases where the dismissal requires an advance consent of the labour inspectorate or of a trade union body and such consent has not been requested or has not been granted before the dismissal, the court shall revoke the order of dismissal as unlawful on these grounds only, without examining the labour dispute on the merits.

(4) (New, SG No. 2/1996) Labour disputes under Paragraph (1) shall be examined by the regional court within three months after receipt of the statement of action and by the district court within one month after receipt of the appeal.

### **Reinstatement to Previous Work**

#### **Article 345**

(1) Upon reinstatement of the factory or office worker to the previous work thereof by the employer or by the court, the said worker may take the said work if the said worker reports to work within two weeks after receipt of the communication, unless this time limit be exceeded for valid reasons.



(2) A factory or office worker, who has been dismissed under Article 330 (1), shall be reinstated to the previous work under the foregoing paragraph on the basis of an effective verdict of acquittal.

Recording Revocation of Dismissal

### **Article 346**

(1) Where the factory or office worker's dismissal is pronounced wrongful by the employer or by the court, or where the grounds for termination of the employment relationship are corrected, the intervening change shall be entered in the work book of the factory or office worker.

(2) The entry in the work book shall be effected by the employer wherewith the employment relationship has been terminated, and if the said employer refuses to do so, the said entry shall be effected by the labour inspectorate.

## **Chapter Seventeen**

## **WORK BOOK AND LENGTH OF EMPLOYMENT SERVICE**

### **Section I**

**(Amended, SG No. 100/1992)**

### **WORK BOOK**

Intended Purpose

### **Article 347**

The work book shall be an official document certifying the circumstances entered therein in connection with the employment record of the factory or office worker.

Presentment, Issuing and Custody

(Heading amended, SG No. 25/2001)

### **Article 348**

(1) Upon beginning work, the factory or office worker shall be obligated to present the work book thereof to the employer.

(2) (Amended, SG No. 108/2008) Where a factory or office worker begins work for the first time, the employer shall be obligated to provide the said worker with a work book within five days. The beginning of work for the first time shall be certified by the factory or office worker by a written declaration.

(3) The work book shall be in the custody of the factory or office worker, who shall be obligated to present it to the employer upon request, as well as for entry of new circumstances therein.

Content

### **Article 349**

(1) The following particulars about the factory or office worker shall be entered in the work book:

1. name, date and place of birth;

2. address;

3. (amended, SG No. 25/2001) number of the personal identity card or another identity document and Standard Public Registry Personal Number;

4. educational attainment, occupation, speciality;

5. position occupied and organisational unit where the holder works (department, workshop, office);
6. labour remuneration agreed;
7. date of beginning of work;
8. date and grounds for termination of the employment relationship (article, paragraph, item and littera under this Code);
9. duration of the time assimilated to the length of employment service, as well as of the time which is not assimilated to the length of employment service;
10. compensations paid upon termination of the employment relationship;
11. (amended, SG No. 59/2007) notices of distraint, provided for in Article 512 (4) of the Code of Civil Procedure.

(2) The employer shall be obligated to enter accurately and promptly the particulars under the foregoing paragraph and any intervening changes therein.

(3) (New, SG No. 58/2010, effective 30.07.2010) In the cases referred to in Article 327 (2) the date and the grounds for termination of the employment relationship shall be entered in the work book by the labour inspectorate in which the notice has been submitted.

#### Entry of Dismissal and Replacement of Lost Work Book

### **Article 350**

(1) Upon termination of the employment relationship, the employer shall enter in the work book the particulars relevant to the termination and shall immediately deliver the work book to the factory or office worker.

(2) Where a work book has been lost through the fault of the employer, upon request by the factory or office worker a new work book shall be issued by the competent labour inspectorate. In such case the employer shall provide to the labour inspectorate the requisite particulars from the previous employers.

(3) Where a work book has been lost through the fault of the factory or office worker, the labour inspectorate shall issue the said worker a new work book on the basis of reliable particulars provided by the factory or office worker.

#### Entry of Length of Employment Service on Basis of Court Judgment

### **Article 350a**

(New, SG No. 108/2008)

The duration of the length of employment service, established by a judgment of court, shall be entered in the work book by the employer and, upon a refusal or where this is impossible, by the labour inspectorate exercising competence over the registered office or address of the employer.

## **Section II**

## **LENGTH OF EMPLOYMENT SERVICE**

#### Length of Employment Service under Employment Relationship

### **Article 351**

(1) (Amended and supplemented, SG No. 100/1992, supplemented, SG No. 67/1999, previous Article 351, SG No. 15/2010, effective 28.08.2010) Within the meaning given by this Code, length of employment service shall be the time during which a factory or office worker has worked under an employment relationship, unless otherwise provided for in this Code or in another law, as well as the time during which the person has worked as a civil servant.

(2) (New, SG No. 15/2010, effective 28.08.2010) Length of employment service shall also be the time of civil service to the

State or work under an employment relation as per the legislation of another Member State of the European Union, in another State party to the Agreement on the European Economic Area or in the Swiss Confederation, as well as the time of holding office at an institution of the European Union, as certified by an act attesting to the establishment and termination of employment relations.

Time under Employment Relationship which is Assimilated to Length of Employment Service without Factory or Office Worker Having Actually Worked

## **Article 352**

(1) (Previous Article 352, SG No. 15/2010, effective 28.08.2010) The time under an employment relationship, during which a factory or office worker has not actually worked, shall likewise be assimilated to the length of employment service in the following cases:

1. the weekends and the public holidays;
2. the paid leaves used, regardless of the grounds and mode of payment;
3. the unpaid leaves used, as established by this Code or by other statutory instruments, where this is expressly provided for;
4. (supplemented, SG No. 15/2010, effective 28.08.2010) the unpaid leaves for temporary disability or pregnancy and maternity used;
5. the time spent at courses, schools and other forms of vocational training and retraining with interruption of employment;
6. the time during which a factory or office worker has not worked by reason of a wrongful non-admission to work;
7. the time of suspension from work according to the procedure established by Article 33 (2) to (4) of the Labour Code of 1951 for a criminal offence committed in connection with the work, if the factory or office worker has not been indicted according to the relevant procedure;
8. the time of suspension from work according to the procedure established by Article 33 (2) to (4) of the Labour Code of 1951 after a factory or office worker has been indicted, as well as the time of suspension from work according to the procedure established by the Penal Procedure Code, if the factory or office worker has been acquitted or the criminal prosecution has been dropped because the factory or office worker did not commit the act or the act performed did not constitute a criminal offence;
9. in other cases established by the Council of Ministers.

(2) (New, SG No. 15/2010, effective 28.08.2010) The provision of Paragraph (1) shall also apply with respect to employment relations under Article 351(2).

Length of Employment Service under Void Employment Relationship

## **Article 353**

(Amended, SG No. 15/2010, effective 28.08.2010)

In cases of work in Bulgaria, in another Member State of the European Union, in another State party to the Agreement on the European Economic Area or in the Swiss Confederation, the period until an employment relationship is pronounced void shall be acknowledged as length of employment service, provided that the factory or office worker acted in good faith when the said relationship was established.

Time Assimilated to Length of Employment Service without Existence of Employment Relationship

## **Article 354**

(1) (Previous Article 354, SG No. 15/2010, effective 28.08.2010) The time during which an employment relationship did not exist shall likewise be assimilated to the length of employment service in the following cases:

1. the factory or office worker was unemployed by reason of a dismissal which was pronounced wrongful by the competent

authorities: from the date of dismissal until the date of reinstatement of the said worker to work;

2. the factory or office worker, dismissed by reason of detention by the bodies of power, remained unemployed as a result of the said dismissal, where the said worker was not indicted, was acquitted or the criminal prosecution was dropped because the said worker did not commit the act or the act performed does not constitute a criminal offence;

3. the person has served a custodial sentence which was subsequently pronounced, according to the relevant procedure, as groundlessly imposed;

4. the occupational rehabilitee of the pregnant female factory or office worker does not work because no suitable work has been provided by the employer conforming to the prescription of the health authorities;

5. the factory or office worker remained unemployed by reason of wrongful detention of the work book;

6. (amended, SG No. 100/1992) the mother, the father, the male adopter or the female adopter takes care of the raising of a child until the child's attainment of the age of three years;

7. (amended, SG No. 2/1996) the factory or office worker has remained unemployed and has received unemployment benefits or has been enrolled in retraining schools and courses;

8. in other cases established by the Council of Ministers.

(2) (New, SG No. 15/2010, effective 28.08.2010) The provisions laid down in Items 1 through 7 of Paragraph (1) shall also apply accordingly when the said circumstances occur in another Member State of the European Union, in another State party to the Agreement on the European Economic Area or in the Swiss Confederation

Length of Employment Service, How Calculated

### **Article 355**

(1) The length of service shall be calculated in terms of days, months and years.

(2) A day shall count towards the length of employment service if the factory or office worker has worked for at least one-half of the statutory working day applicable to the said worker during that day under one or several employment relationships.

(3) (Amended, SG No. 25/2001) A calendar month shall count towards the length of employment service if at least 21 days have been worked during that month in conditions of a five-day working week.

(4) A year shall count towards the length of employment service if it consists of twelve months of employment service calculated in the manner established in the foregoing paragraph.

(5) Under this Code, the time in excess of the actual time worked under an employment relationship which counts towards entitlement to pension, as well as the time in excess resulting from the conversion of work of one category into another upon retirement of the factory or office worker, shall not count towards the length of employment service.

Secondary Legislation Framework

### **Article 356**

(Amended, SG No. 100/1992)

The Council of Ministers shall issue an ordinance on the application of this Chapter.

## **Chapter Eighteen**

**(Amended, SG No. 100/1992)**

## **LABOUR DISPUTES**

Definition

## **Article 357**

(1) (Supplemented, SG No. 25/2001, redesignated from Article 357, SG No. 48/2006) Labour disputes shall be the disputes between a factory or office worker and an employer regarding the formation, existence, implementation and termination of employment relationships, as well as the disputes over the performance of collective agreements and the ascertainment of length of employment service.

(2) (New, SG No. 48/2006) The disputes between the factory and office workers' representatives elected according to the procedure established by Article 7 (2) and Article 7a and the employer upon violation of the rights of the said representatives shall likewise be labour disputes.

(3) (New, SG No. 7/2012) Disputes between factory and office workers commissioned by an enterprise providing temporary work and the user undertaking in case their rights are violated shall also be considered as labour disputes.

### **Prescription**

## **Article 358**

(Amended, SG No. 100/1992)

(1) Labour disputes shall be actionable within the following prescription periods:

1. (amended, SG No. 48/2006) one month: for disputes over limited financial liability of a factory or office worker, for revocation of a disciplinary sanction of reprimand, and in the cases under Article 357 (2);

2. (amended, SG No. 25/2001) two months: for disputes for revocation of a disciplinary sanction of warning of dismissal, change in the place and nature of work, and termination of the employment relationship;

3. three years: for all other labour disputes.

(2) The periods under the foregoing paragraph shall begin to run:

1. for legal actions for revocation of a disciplinary sanction and over a change in the place and nature of work: as from the day on which the respective order was served on the factory or office worker, and for legal actions regarding termination of an employment relationship, as from the day of termination;

2. for other legal actions: as from the day on which the right in action became exigible or exercisable. For claims in cash, the exigibility shall be presumed as occurred on the day on which payment was due according to the established procedure.

(3) The period under Paragraph (1) shall not be considered lapsed if prior to the expiry thereof the statement of action was submitted to a non-competent authority. In such case, the statement of action shall be forwarded to the court ex officio.

### **Proceedings in Labour Cases Free**

## **Article 359**

(Amended, SG No. 25/2001)

Proceedings in labour cases shall be free of charge to factory and office workers. They shall not pay fees and expenses on proceedings, including for applications for reversal of effective judgments on labour cases.

### **Jurisdiction**

## **Article 360**

(1) Labour disputes shall be examined by the courts. They shall be examined according to the procedure established by the Code of Civil Procedure, save insofar as otherwise provided for by this Code.

(2) (Declared partly unconstitutional by the Constitutional Court of the Republic of Bulgaria, SG No. 69/1995; amended, SG No. 2/1996) The courts shall not examine disputes regarding the dismissal of:

1. elective office workers in the executive authorities, in public organisations and in political parties and movements;

2. (Judgment No. 11/30.04.1998 of the Constitutional Court of the Republic of Bulgaria, SG No. 52/1998, new, SG No. 25/2001) the office workers under Article 28 (2) of the Administration Act.

Cognisance of Labour Disputes with Non-residents

### **Article 361**

(1) (Redesignated from Article 361, SG No. 48/2006) Labour disputes between factory or office workers who are foreign citizens and employers who are foreign nationals and employers which are non-resident persons or joint ventures with a registered office in the Republic of Bulgaria, where the work is performed in this country, shall be cognisable in the court exercising jurisdiction over the registered office of the employer, save as otherwise agreed between the parties.

(2) (New, SG No. 48/2006) Disputes over ensuring minimum conditions of work which are guaranteed to seconded factory and office workers in the Republic of Bulgaria within the framework of provision of services according to the procedure established by Article 70 (4) of the Employment Promotion Act shall likewise be cognisable in the court under Paragraph (1).

Cognisance of Labour Disputes of Bulgarian Factory or Office Workers Abroad

### **Article 362**

Labour disputes between factory or office workers who are Bulgarian nationals working abroad and Bulgarian employers abroad shall be cognisable in the competent court in Sofia, and where the factory or office worker is a respondent, any such disputes shall be cognisable in the competent court exercising jurisdiction over the worker's place of residence in this country.

### **Article 363**

(Amended, SG No. 25/2001, repealed, SG No. 105/2002).

### **Article 364**

(Repealed, SG No. 100/1992).

### **Article 365**

(Repealed, SG No. 100/1992).

### **Article 366**

(Repealed, SG No. 100/1992).

### **Article 367**

(Repealed, SG No. 100/1992).

### **Article 368**

(Repealed, SG No. 100/1992).

### **Article 369**

(Repealed, SG No. 100/1992).

### **Article 370**

(Repealed, SG No. 100/1992).

### **Article 371**

(Repealed, SG No. 100/1992).

### **Article 372**

(Repealed, SG No. 100/1992).

**Article 373**

(Repealed, SG No. 100/1992).

**Article 374**

(Repealed, SG No. 100/1992).

**Article 375**

(Repealed, SG No. 100/1992).

**Article 376**

(Repealed, SG No. 100/1992).

**Article 377**

(Repealed, SG No. 100/1992).

**Article 378**

(Repealed, SG No. 100/1992).

**Article 379**

(Repealed, SG No. 100/1992).

**Article 380**

(Repealed, SG No. 100/1992).

**Article 381**

(Repealed, SG No. 100/1992).

**Article 382**

(Repealed, SG No. 100/1992).

**Article 383**

(Repealed, SG No. 100/1992).

**Article 384**

(Repealed, SG No. 100/1992).

**Article 385**

(Repealed, SG No. 100/1992).

**Article 386**

(Repealed, SG No. 100/1992).

**Article 387**

(Repealed, SG No. 100/1992).

**Article 388**

(Repealed, SG No. 100/1992).

#### **Article 389**

(Repealed, SG No. 100/1992).

#### **Article 390**

(Repealed, SG No. 100/1992).

#### **Article 391**

(Repealed, SG No. 100/1992).

#### **Article 392**

(Repealed, SG No. 100/1992).

#### **Article 393**

(Repealed, SG No. 100/1992).

#### **Article 394**

(Repealed, SG No. 100/1992).

#### **Article 395**

(Repealed, SG No. 100/1992).

#### **Article 396**

(Repealed, SG No. 100/1992).

#### **Article 397**

(Repealed, SG No. 100/1992).

#### **Article 398**

(Repealed, SG No. 100/1992).

### **Chapter Nineteen**

## **CONTROL OVER OBSERVANCE OF LABOUR LEGISLATION AND ADMINISTRATIVE PENALTY LIABILITY FOR VIOLATIONS THEREOF**

### **Section I**

**(Amended, SG No. 100/1992)**

### **CONTROL OVER OBSERVANCE OF LABOUR LEGISLATION**

General Labour Inspectorate Executive Agency

(Heading amended, SG No. 25/2001)

#### **Article 399**

(Amended, SG No. 25/2001)

(1) (Redesignated from Article 399, SG No. 77/2010) Overall control over observance of labour legislation in all sectors and



activities shall be exercised by the General Labour Inspectorate Executive Agency with the Minister of Labour and Social Policy.

(2) (New, SG No. 77/2010) The General Labour Inspectorate Executive Agency carries out specialized control activities on the observance of the legislation related to the performance of civil service and of the rights and obligations of the parties in the civil-service relationship.

#### External Departmental Control

### **Article 400**

Other state bodies, in addition to the one specified in the foregoing article, shall exercise general or specialised control over the observance of labour legislation by the operation of law or an act of the Council of Ministers.

#### Internal Departmental Control

### **Article 401**

The government ministers, the heads of other central-government departments, as well as the local government authorities shall exercise control over the observance of labour legislation through their own specialised authorities.

#### Rights of Control Authorities

### **Article 402**

(1) (Amended, SG No. 108/2008) Within the limits of the competence thereof, control authorities shall have the right:

1. to visit at any time the ministries, the other central-government departments, the enterprises and the places where work is performed, the premises used by factory and office workers, as well as to require from the persons found within the territory thereof to identify themselves by means of an identity document;

2. (supplemented, SG No. 77/2010) to require from the employer, from the appointing authority respectively, to provide explanations, information and to produce all documents, papers and certified copies thereof as may be necessary in connection with the exercise of control;

3. (supplemented, SG No. 77/2010) to obtain information directly from factory and office workers on all matters related to the exercise of control, as well as to require from workers to declare in writing facts and circumstances related to the performance of the work activity, and of civil service performance respectively, including data on pay for work;

4. to take specimens, samples and other such materials for laboratory tests and analyses, to use technical devices and apparatus and to take measurements of factors of the working environment in connection with the exercise of control over the work activity performed;

5. to establish the causes and circumstances whereunder employment injuries have occurred.

(2) (Supplemented, SG No. 77/2010) The employers, the appointing authorities, the officials and the factory and office workers shall be obligated to co-operate with the control authorities in the performance of their functions.

(3) (New, SG No. 27/2014) The General Labour Inspectorate Executive Agency shall inform the National Revenue Agency of any ex-officio cancellation of notification sent of a concluded Employment Contract, if the employer or an official would have failed to fulfil in due course an effective mandatory prescription under Article 404, (1), Item 11 or in cases under Article 404 (4).

(4) (New, SG No. 48/2006, supplemented, SG No. 77/2010, renumbered from Paragraph 3, SG No. 27/2014) The National Revenue Agency shall present to the control authorities under Article 399 the tax and social insurance information necessary for the purposes of control over observance of labour legislation and of legislation related to civil service.

(5) (Amended, SG No. 25/2001, renumbered from Paragraph (3), SG No. 48/2006, supplemented, SG No. 77/2010, renumbered from Paragraph 4, SG No. 27/2014) The control authorities under Articles 399, 400 and 401 shall exercise their rights in co-operation with the employers, the appointing authorities, the factory and office workers and their organisations, as well as with the civil servants.

## Control Authorities' Obligations

### Article 403

(1) The control authorities shall be obligated:

1. to respect the secrecy of the confidential and restricted information that has come to their knowledge in connection with the exercise of control, as well as not to use any such information in an economic activity of their own;

2. (supplemented, SG No. 77/2010) not to disclose the source of information which has alerted them of a violation of labour legislation or of legislation related to civil service.

(2) (Repealed, SG No. 25/2001).

(3) (Supplemented, SG No. 77/2010) Control over observance of labour legislation and of legislation, related to civil service may not be exercised by any person who has a direct or indirect interest in the activities of the entities controlled.

Obligations of the employer in connection with the control over the observance of labour legislation

### Article 403a

(New, SG No. 58/2010, effective 30.07.2010)

(1) (Supplemented, SG No. 7/2012) In the enterprise, the divisions, entities and work sites thereof, as well as at other places where wage work is performed, the employer shall be obliged to keep available at the disposal of control authorities copies of the internal work rules, a list of the factory and office workers commissioned by an enterprise providing temporary work, and documents related to the allocation of working time and the work organisation: orders for performing overtime work, for coming on duty, for stand-by time, for introduction of part-time work, and time-schedules containing names for work during the period for which a calculation of working time on the basis of a longer reference period has been established.

(2) The employer shall be obliged to designate in writing officials in the enterprise, the divisions, entities and work sites thereof, as well as at other places where wage work is performed, who will represent him before the control authorities of the labour inspectorate.

## Coercive Administrative Measures

### Article 404

(1) (Amended, SG No. 108/2008, supplemented, SG No. 77/2010) For prevention and cessation of violations of labour legislation, of legislation related to civil service, as well as for prevention and elimination of the harmful consequences of any such violations, the labour inspection control authorities, as well as the authorities under Articles 400 and 401, acting on their own initiative or on a motion by the trade union organisations, may apply the following coercive administrative measures:

1. (supplemented, SG No. 57/2006, SG No. 77/2010, SG No. 7/2012) to give mandatory prescriptions to employers, user undertakings, the appointing authorities and officials for elimination of the violations of labour legislation, of legislation related to civil service including of the obligations with respect to social and welfare services for factory and office workers and the obligations to inform and consult the factory and office workers under this Code and under the Act on Information and Consultation of Factory and Office Workers in Community-Scale Undertakings, Groups of Undertakings and European Companies, as well as for elimination of flaws in the provision of health and safety at work;

2. (amended, SG No. 108/2008) to suspend the commissioning of buildings, machinery and plant, production lines and entities, if the rules for health and safety at work and social and welfare services have not been observed;

3. to suspend the operation of enterprises, production lines and entities, including the construction and remodelling thereof, as well as machinery, facilities and work stations, where the violations of the rules for health and safety at work pose a hazard to human life and health;

4. (amended, SG No. 108/2008, supplemented, SG No. 77/2010) to stay the execution of unlawful decisions or orders of employers, appointing authorities and officials;

5. (supplemented, SG No. 108/2008) to suspend from work factory and office workers who are not familiarised with the rules

for health and safety at work and do not possess the required licensed competence, as well as factory and office workers who have not attained the age of 18 years, in respect of whom the permission for employment under Article 302 (2) and Article 303 (3) has been withdrawn;

6. (new, SG No. 25/2001) to give prescriptions for introduction of a special pattern of safe work if the working persons' life and health are exposed to a serious and immediate hazard, should it be impossible to apply Item 3;

7. (new, SG No. 25/2001) upon a repeated violation of Article 62 (1), to suspend operations on the work site or the operation of the enterprise until elimination of the violation.

8. (new, SG No. 108/2008, supplemented, SG No. 77/2010) to give mandatory prescriptions to employers, appointing authorities and officials for elimination of a violation related to the charging in payrolls of an amount understating the amount which the employer, the appointing authority respectively, has paid the factory or office worker for the work performed thereby; in case of a failure to fulfil any such prescription within the time limit stated therein or in case of a repeated violation, the labour inspection control authorities may suspend the operation of the enterprise until elimination of the violation.

9. (new, SG No. 7/2012) where the circumstances referred to in Article 138(4) exist, to give binding instructions to employers, appointing authorities and officials to transform employment contracts concluded for part-time work into employment contracts for normal working time;

10. (new, SG No. 27/2014) to give mandatory prescriptions to the employers, or officials, or to representatives, authorised by them for submitting notifications of concluded Employment Contracts, if found that the deadline under Article 62, paragraph 3 for sending them had not been met;

11. (new, SG No. 27/2014) to give mandatory prescriptions to the employers, or officials, or to representatives, authorised by them for submitting notifications of cancellation of previously submitted notifications under Article 62, paragraph 3 of concluded Employment Contracts, if no evidence of existing employment relationship would be found.

(2) (Supplemented, SG No. 77/2010) Where the mandatory prescription under Item 1 of the foregoing paragraph refers to elimination of violations of labour legislation, of legislation related to civil service, the said prescription may be given at the request of a factory or office worker until a legal action is brought before the court, whereafter the matter may be settled only by the court.

(3) Where in the cases under the foregoing paragraph a mandatory prescription has been given on one and the same matter and an effective judgment of court has already been rendered, the judgment of court shall be enforced.

(4) (New, SG No. 27/2014) The mandatory prescription under paragraph 1, item 11 shall be deemed served at the day of its issuance, when the employer, its official representative, or the person responsible for receiving the employer's correspondence cannot be found at the employer's registered address.

(5) (New, SG No. 108/2008, renumbered from Paragraph 4, SG No. 27/2014) Upon application of coercive administrative measures, the labour inspection control authorities shall not incur liability for any detriment inflicted.

## Appeal of Coercive Administrative Measures

### Article 405

(Amended, SG No. 30/2006)

The coercive administrative measures under Paragraph (1) of the foregoing article shall be appealable according to the procedure established by the Administrative Procedure Code . An appeal shall not stay the execution of the compulsory administrative measure.

## Declaring Existence of Employment Relationship

### Article 405a

(New, SG No. 2/1996, amended, SG No. 25/2001, SG No. 108/2008)

(1) Where it is ascertained that labour power is provided in violation of Article 1 (2), the existence of the employment relationship shall be declared by a decree issued by the labour inspection control authorities. In such case, the existence of the

employment relationship may be ascertained by all means of proof. The decree shall determine the commencement date of the formation of the employment relationship.

(2) A decree under Paragraph (1) shall furthermore be issued upon the death of a factory or office worker, which has occurred prior to the ascertainment of the violation of Article 1 (2).

(3) The relations between the parties prior to the issuance of the decree under Paragraph (1) shall be regulated as under an effective employment contract, if the factory or office worker has acted in good faith upon the beginning of work.

(4) On the basis of the decree under Paragraph (1), the labour inspection control authorities shall give the employer a prescription to offer the factory or office worker the conclusion of an employment contract. In the cases under sentence three of Paragraph (1), the employment contract shall be concluded as from the date of formation of the employment relationship as determined in the decree. If no such date has been determined, the employment contract shall be concluded as from the date of issuance of the decree.

(5) The employer shall not be given a prescription under Paragraph (4) in case of death of the factory or office worker.

(6) In the cases under Paragraph (4), where an employment contract is not concluded between the parties, the decree under Paragraph (1) shall replace the employment contract and the said contract shall be considered concluded for an indefinite duration for a five-day working week and an eight-hour working day.

(7) The employer may appeal the prescription under Paragraph (4) or, respectively, the decree under Paragraph (2), according to the procedure established by the Administrative Procedure Code before the administrative court exercising jurisdiction over the registered office or permanent address of the employer within 14 days after service of the said prescription or decree. An appeal shall not stay the enforcement of the act.

(8) If the court revokes the act appealed, the employer may terminate the employment contract unilaterally without notice.

Alerting Function of Trade Union Organisations

#### **Article 406**

(1) Trade union organisations shall have the power to alert the control authorities of any violations of labour legislation, as well as to demand administrative sanctions against the offenders.

(2) (New, SG No. 25/2001) In implementation of their functions under Paragraph (1), the trade union organisations' representatives shall have the right:

1. to visit at any time the enterprises and the other places where work is performed, as well as premises used by factory and office workers;

2. to require from the employer explanations and provision of the information and documents they need;

3. to obtain information directly from factory and office workers on all matters related to the observance of labour legislation;

(3) (New, SG No. 25/2001) In implementation of the alerting function thereof, the trade union organisations' representatives shall be obligated to comply with the requirements of Article 403 (1).

(4) (Renumbered from Paragraph (2), SG No. 25/2001) The control authorities shall be obligated to inform the trade union organisations of the measures taken within one month.

Alerting Function of Control Authorities

#### **Article 407**

Where the control authorities detect any violations of the law which give them reason to believe that a criminal offence or other wrongful acts have been committed, the said authorities shall be obligated to inform the prosecuting authorities.

#### **Article 408**

(Amended, SG No. 108/2008, repealed, SG No. 27/2014).

## **Article 409**

(Repealed, SG No. 100/1992).

## **Article 410**

(Amended, SG No. 94/1990, repealed, SG No. 100/1992).

## **Article 411**

(Repealed, SG No. 100/1992).

## **Article 412**

(Repealed, SG No. 100/1992).

## **Section II**

# **ADMINISTRATIVE PENALTY LIABILITY FOR VIOLATIONS OF LABOUR LEGISLATION**

### Types of Administrative Sanctions

#### **Article 412a**

(New, SG No. 108/2008)

The following types of administrative sanctions shall be imposed for violations of labour legislation:

1. fine: on the natural persons;
2. pecuniary penalty: on the legal persons and on the sole traders.

### Liability for Violation of Statutory Requirements for Health and Safety at Work

(Heading amended, SG No. 25/2001)

#### **Article 413**

(Amended, SG No. 100/1992, SG No. 2/1996, SG No. 25/2001)

(1) (Amended, SG No. 108/2008) Any person, who violates the rules for provision of health and safety at work, shall be liable to a fine of BGN 100 or exceeding this amount but not exceeding BGN 500, unless subject to a severer sanction.

(2) (Amended, SG No. 48/2006, SG No. 108/2008, SG No. 58/2010, effective 30.07.2010) Any employer, which or who fails to fulfil the obligations thereof for provision of health and safety at work, shall be liable to a pecuniary penalty or a fine of BGN 1,500 or exceeding this amount but not exceeding BGN 15,000, unless subject to a severer sanction, and any such blameworthy official shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000, unless subject to a severer sanction.

(3) The sanction for a repeated violation shall be:

1. (amended, SG No. 108/2008) under Paragraph (1): a fine of BGN 500 or exceeding this amount but not exceeding BGN 1,000;
2. (amended, SG No. 48/2006, SG No. 108/2008) under Paragraph (2): a pecuniary penalty of BGN 20,000 or exceeding this amount but not exceeding BGN 30,000 or, respectively, a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 20,000.

### Liability for Violation of Other Provisions of Labour Legislation

## **Article 414**

(Amended, SG No. 100/1992, SG No. 2/1996, SG No. 25/2001, SG No. 120/2002)

(1) (Amended, SG No. 48/2006, SG No. 108/2008, SG No. 58/2010, effective 30.07.2010) Any employer, which or who violates any provisions of labour legislation other than the rules for provision of health and safety at work, shall be liable to a pecuniary penalty or a fine of BGN 1,500 or exceeding this amount but not exceeding BGN 15,000, unless subject to a severer sanction, and any such blameworthy official shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000, unless subject to a severer sanction.

(2) (Amended, SG No. 48/2006, SG No. 108/2008) The sanction for a repeated violation under Paragraph (1) shall be a pecuniary penalty or a fine of BGN 20,000 or exceeding this amount but not exceeding BGN 30,000 or, respectively, a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 20,000.

(3) (Amended, SG No. 48/2006, SG No. 108/2008, SG No. 58/2010, supplemented, SG No. 7/2012) Any employer which or who violates the provisions of Article 61 (1), Article 62 (1) or (3) and Article 63 (1) or (2), shall be liable to a pecuniary penalty or a fine of BGN 1,500 or exceeding this amount but not exceeding 15,000, and any such blameworthy official shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding 10,000 for each particular violation.

(4) (New, SG No. 7/2012) In the cases referred to in Paragraph (3), the amount of social insurance contributions payable by the employer in respect of the employee shall be deducted from the pecuniary penalty or fine as imposed on and paid by the relevant employer or blameworthy official, and shall be paid into the relevant social insurance funds.

(5) (New, SG No. 48/2006, renumbered from paragraph 4, SG No. 7/2012) Any employer, which or who violates the provisions of Article 130a (1) and (2), Article 130b (1) and (2) and Article 130c (1) and (2), shall be liable to a pecuniary penalty or a fine of BGN 1,500 or exceeding this amount but not exceeding BGN 5,000, and any such blameworthy official shall be liable to a fine of BGN 250 or exceeding this amount but not exceeding BGN 1,000 for each particular violation.

Liability of Factory or Office Workers for Providing Labour Without an Employment Contract Concluded

## **Article 414a**

(New, SG No. 7/2012, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria, SG No. 49/2012)

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(1) Whoever provides labour without an employment contract concluded shall be liable to a fine amounting to thrice the insurance contributions payable by an employee for the purpose of mandatory social and health insurance, calculated based on the minimum contributory income fixed for the relevant kind of work performed, depending on the economic activity and profession.

(2) A fine paid under Paragraph (1) shall be transferred to the Public Social Insurance Funds and to the National Health Insurance Fund in accordance with a procedure prescribed by the Minister of Labour and Social Policy and the Minister of Finance.

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Liability for Failing to Act on Prescriptions and for Obstructing

Control Authorities

## **Article 415**

(Amended, SG No. 100/1992, SG No. 2/1996, SG No. 124/1997)

(1) (Amended, SG No. 25/2001, SG No. 108/2008, SG No. 58/2010, effective 30.07.2010) Any person, who fails to act on a mandatory prescription of an authority controlling observance of labour legislation, shall be liable to a pecuniary penalty or a

fine of BGN 1,500 or exceeding this amount but not exceeding BGN 10,000.

(2) (Amended, SG No. 25/2001, SG No. 48/2006, SG No. 108/2008) Any employer, who or which unlawfully obstructs an authority controlling observance of labour legislation in discharging the official duties thereof, shall be liable to a pecuniary penalty or a fine of BGN 20,000, unless subject to a severer sanction, and any such official shall be liable to a fine of BGN 10 000, unless subject to a severer sanction.

#### Obligation to Pay Pecuniary Penalties and Fines under Penalty Decrees

##### **Article 415a**

(New, SG No. 108/2008)

Any employer, official or factory or office worker shall be obligated to pay a pecuniary penalty or fine imposed thereon within one month after the entry into effect of the penalty decree.

#### Liability for Non-payment of Pecuniary Penalties and Fines under Penalty Decrees

##### **Article 415b**

(New, SG No. 108/2008)

Any employer, official or factory or office worker, who fails to pay a pecuniary penalty or fine imposed thereon within one month after the entry into effect of the penalty decree, shall be liable for interest at a rate equivalent to the base interest rate of the Bulgarian National Bank for the period plus 20 points.

#### Liability for Minor Violations

##### **Article 415c**

(New, SG No. 108/2008, amended, SG No. 58/2010, effective 30.07.2010, SG No. 7/2012)

(1) For any violation, which can be eliminated immediately after the ascertainment thereof according to the procedure established by this Code, and which has not adversely affected any factory and office workers, the employer shall be liable to a pecuniary penalty or a fine of BGN 100 or exceeding this amount but not exceeding BGN 300 and the blameworthy official - to a fine of BGN 50 or exceeding this amount but not exceeding BGN 100.

(2) Violations of Article 61(1), Article 62(1) and (3) and Article 63(1) and (2) may not be considered minor.

#### Settlement in Administrative Penalty Proceeding

##### **Article 415d**

(New, SG No. 108/2008)

(1) Until the issuance of the penalty decree but not later than 30 days after the drawing up of the written statement ascertaining an administrative violation, the administrative sanctioning authority and the offender may reach a settlement, except in the cases where the act constitutes a criminal offence.

(2) The settlement shall be reduced to writing and shall state the agreement of the administrative sanctioning authority and the offender on the following matters:

1. has the act been performed, has it been performed by the offender, and does it constitute an administrative violation;
2. what should be the type and amount of the sanction.

(3) A settlement may not determine:

1. a sanction of a type other than the type provided for in the law for the specific administrative violation;
2. an amount of the fine or of the pecuniary penalty lower than the minimum amount provided for the specific administrative violation.

- (4) The settlement shall be signed by the administrative sanctioning authority and by the offender or by an expressly authorised representative thereof.
- (5) Within 14 days after signature of the settlement, the Executive Director of the General Labour Inspectorate Executive Agency or an official empowered thereby shall issue a decision.
- (6) The settlement shall be approved if:
1. the requirements of the law have been complied with;
  2. the fine or pecuniary penalty determined thereby has been paid or secured on an account of the control authority.
- (7) The decision under Paragraph (5) shall be unappealable.
- (8) The settlement shall enter into effect as from the date of the approval thereof. The settlement shall have the consequences of an effective penalty decree.
- (9) In the cases where the settlement is not approved, the administrative sanctioning authority shall issue a penalty decree.

#### Rescheduling of Obligations

#### **Article 415e**

(New, SG No. 108/2008)

- (1) A rescheduling according to an approved repayment schedule of the payment of amounts due in respect of the receivables under effective penalty decrees issued by the Executive Director of the General Labour Inspectorate Executive Agency may be allowed at the request of the offender or an expressly authorised representative thereof.
- (2) Rescheduling shall be admitted where it is established that the cash at hand available to the offender is insufficient to cover the obligations thereof under effective penalty decrees, but it can be reasonably presumed that such difficulties are temporary and in case of rescheduling of the obligations, the debtor will be in a position to pay the said obligations.
- (3) For the period of rescheduling, the offender shall be liable for interest at a rate equivalent to the base interest rate of the Bulgarian National Bank for the period plus 20 points.
- (4) Rescheduling shall not be allowed in respect of any employer subject to a decision on dissolution through liquidation or where against bankruptcy proceedings have been instituted, as well as after determination of the method of sale under Article 238 of the Tax and Social-Insurance Procedure Code.
- (5) The request under Paragraph (1) shall enclose:
1. a declaration on the marital and property status and on the annual income of the debtor for 12 months preceding the request: applicable to a natural person;
  2. a declaration on all other public obligations, including the interest thereon, as well as on all obligations to private creditors and the interest thereon;
  3. a repayment schedule for rescheduling of the obligations;
  4. evidence of the financial and economic standing of the debtor and a long-term development programme: applicable to a sole trader, a legal person or an entity equivalent thereto;
  5. a profit and loss statement of the offender for the last preceding accounting financial year;
  6. a balance sheet for the last preceding accounting financial year and for the last preceding reporting period: applicable to a sole trader, a legal person or an entity equivalent thereto.
- (6) The decision on rescheduling shall be issued by:
1. The Director of the Labour Inspectorate Directorate: in respect of obligations on pecuniary penalties not exceeding BGN 5,000 - for a period not exceeding one year, and in respect of obligations on fines not exceeding BGN 5,000 - for a period not



exceeding two years;

2. the Executive Director of the General Labour Inspectorate Executive Agency: in respect of obligations exceeding BGN 5,000 - for a period not exceeding three years.

(7) The decision on rescheduling shall specify the deadline, the redemption payments and other conditions, including the consequences of a failure to comply with them.

(8) The prescription of receivables under the effective penalty decrees shall be tolled for the period of the rescheduling.

(9) A refusal of rescheduling shall be unappealable.

#### Applicability of Administrative Penal Liability to Violations of Labour Legislation

**Article 415f.** (New, SG No. 7/2012) The provisions of this Section shall accordingly apply to user undertakings.

#### Ascertainment of Violations, Issuing, Appeal and Execution of Penalty Decrees

#### **Article 416**

(Amended, SG No. 100/1992, SG No. 2/1996, SG No. 25/2001, SG No. 120/2002, supplemented, SG No. 48/2006, amended, SG No. 108/2008)

(1) Violations of labour legislation shall be ascertained by written statements drawn up by the state control authorities. The written statements duly drawn up under this Code shall have probative value until otherwise proven.

(2) (Repealed, SG No. 27/2014).

(3) The written statement ascertaining an administrative violation shall be served on the offender against signed acknowledgement of service, and should service on the offender be impossible, any such statement shall be sent by registered mail with advice of delivery. If the person is not found at the address of the place of management, at the permanent address or at the place of work, service shall be effected by means of positing a notice of the drawing up of the statement subject to service on the notice board and on the Internet site of the relevant authority under Articles 399, 400 and 401.

(4) (Amended, SG No. 27/2014) In the cases under sentence two of Paragraph (3), the statement ascertaining an administrative violation shall be considered served after the lapse of seven days from the date of posting of the notice.

(5) Penalty decrees shall be issued by the head of the relevant authority under Articles 399, 400 and 401 or by officials empowered thereby depending on the departmental affiliation of the written-statement drawers.

(6) The ascertainment of violations, the issuance, appeal and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act, save insofar as another procedure is established by this Code.

(7) (Repealed, SG No. 77/2012, effective 9.10.2012).

(8) A violation shall be "repeated" where committed within one year after the entry into effect of the penalty decree whereby the offender was penalised for a violation of the same type.

(9) (Repealed, SG No. 38/2012, effective 1.07.2012).

(10) (Repealed, SG No. 38/2012, effective 1.07.2012).

## **SUPPLEMENTARY PROVISIONS**

### **Definitions of Certain Words:**

**§ 1.** For the purposes of this Code:

1. (Amended, SG No. 100/1992, supplemented, SG No. 33/2011, SG No. 82/2011, SG No. 7/2012) "Employer" shall be

any natural person, legal person or a division thereof, as well as any other organisationally and economically self-contained entity (enterprise, institution, organisation, co-operative, farm, establishment, household, association and other such), who or which independently hires factory or office workers under an employment relationship, including for work at home and remote work, and for commissioning to work at a user undertaking;

2. (Amended, SG No. 100/1992) "Enterprise" shall be any place: an enterprise, an institution, an organisation, a co-operative, an establishment, a project and other such, where wage work is performed;

3. (Amended, SG No. 100/1992) "Enterprise management" shall be the manager of the enterprise, the deputies thereof and other persons entrusted with management of the work process, including at a division of the enterprise, as well as the elective collegial management bodies (business council, management board, executive board, operative bureau and other such);

4. (Repealed, renumbered from Item 7, amended and supplemented, SG No. 100/1992, supplemented, SG No. 33/2011, SG No. 82/2011, SG No. 7/2012) "Workplace" shall be premises, workshop, room, location of a machine, facility or other such territorially defined place in an enterprise, where a factory or office worker, acting on assignment from the employer, performs work in performance of the duties thereof under the employment relationship. In the case of work at home and remote work, the workplace shall be the employee's home or other premises of his/her choice outside the enterprise, or a place designated by a user undertaking;

5. (Repealed, renumbered from Item 8, supplemented, SG No. 100/1992) "Official" shall be a factory or office worker who has been assigned to exercise direction of the work process in an enterprise, in the divisions thereof and lower-level units, as well as a factory or office worker who performs work as a specialist in the functional and service units of the enterprise;

6. (Repealed, new, SG No. 100/1992) "Trade union leadership" shall be the chairperson and the secretary of the respective trade union organisation.

7. (New, SG No. 25/2001, repealed, SG No. 86/2003, effective 1.01.2004);

8. (New, SG No. 25/2001, amended, SG No. 48/2006) "Exception", within the meaning given by Article 68 (4), shall refer to specific economic, technological, financial, market and other objective reasons of such nature, existing at the time of conclusion of the employment contract, are specified therein, and justifying the conclusion thereof for a fixed term;

9. (New, SG No. 52/2004, amended, SG No. 48/2006) "Collective dismissals" shall be dismissals effected on the employer's initiative for one or more reasons not related to the individual factory or office worker concerned, where the number of dismissals is:

(a) at least 10 in enterprises normally employing more than 20 and less than 100 factory and office workers during the month preceding the collective dismissals and the dismissals are carried out over a period of 30 days;

(b) at least 10 per cent of the number of factory and office workers in enterprises normally employing at least 100 but less than 300 factory and office workers during the month preceding the collective dismissals and the dismissals are carried out over a period of 30 days;

(c) at least 30 in enterprises normally employing 300 factory and office workers or more during the month preceding the collective dismissals and the dismissals are carried out over a period of 30 days;

(d) (repealed, SG No. 15/2010).

If the employer has dismissed at least five factory and office workers within the periods under Litterae (a) to (c), each succeeding termination of an employment relationship which is effected on the employer's initiative for other reasons not related to the individual factory or office worker shall be assimilated to the total number of dismissals for the purpose of calculating the number of dismissals under Litterae (a) to (c).

10. (New, SG No. 52/2004) "Particulars of the parties" under Item 1 of Article 66 (1) shall include:

(a) (amended, SG No. 108/2008) applicable to an employer which is a legal persons or who is a sole trader: the business name, the registered office and the address of the place of management of the legal person or the sole trader, Unified Identification Code under the BULSTAT/UIC Register, the name (names) of the person (persons) who represent it, the Personal Identification Number (Foreigner Personal Number);

(b) applicable to an employer who is a natural person: the name of the person, the permanent address, the Standard Public Registry Personal Number (Foreigner Personal Number);

(c) applicable to a factory or office worker: the name of the person, the permanent address, the Standard Public Registry Personal Number (Foreigner Personal Number), the type and degree of educational attainment, as well as particulars of the academic degree held, if related to the work performed thereby;

11. (New, SG No. 48/2006) "Working time" shall be any period during which the factory or office worker is obligated to execute the work on which the said worker has agreed.

12. (New, SG No. 48/2006) "Principal employment relationship" shall be any employment relationship which, irrespective of the grounds on which it was formed, pre-existed the conclusion of the employment contract for additional work.

13. (New, SG No. 103/2009, effective 29.12.2009) "Female factory and office workers in an advanced stage of in vitro treatment" shall be female factory and office workers who are in a stage of treatment through the methods of assisted reproduction including the period from egg retrieval to the embryo transfer but no more than 20 days.

14. (New, SG No. 58/2010, effective 30.07.2010) "Discontinuing of operations" shall mean the actual discontinuation of the production and/or business operations of the enterprise for more than 15 days, without idling or stopping of work for technological reasons or because of production necessity having been announced.

15. (New, SG No. 61/2011) "Seafarer" shall mean any individual who occupies a position under an employment relationship as a crew member of a ship registered with the vessel register of a Member State of the European Union, whether on land or on board, holds a certificate of competence and a certificate of additional and/or special training obtained in accordance with the procedure provided for by the ordinance referred to in Article 87 (1) of the Merchant Shipping Code.

16. (New, SG No. 82/2011) "Secondment within the meaning of Article 121 (3)" shall mean an amendment of the employment relationship by mutual consent of the parties due to assignment to the same or another job in another Member State of the European Union, in another state which is a party to the Agreement on the European Economic Area or in the Swiss Confederation subject to working conditions comparable to the host country's standard but not less favourable than the minimum conditions established in such country.

17. (New, SG No. 7/2012) An "enterprise providing temporary work" shall mean any natural or legal person pursuing business activities which concludes an employment contract with a factory or office worker with a view to commissioning him/her to temporarily work at a user undertaking and be supervised and controlled by such user undertaking, after registration with the Employment Agency.

18. (New, SG No. 7/2012) A "user undertaking" shall mean any natural or legal person pursuing business activities which supervises and controls the performance of work assigned by such undertaking to a factory or office worker commissioned by an enterprise providing temporary work.

19. (New, SG No. 7/2012) "Enterprises involved in national security and defence" shall be the enterprises determined by an Act of the Council of Ministers.

20. (New, SG No. 7/2012) "Basic working and employment conditions" shall mean working and employment conditions established by legislative acts, acts of secondary legislation, administrative acts, collective agreements and/or other regulations effective at the user undertaking and applicable to working time, overtime work, rest periods within and between working days, weekly rest periods, night-time work, basic and additional periods of leave, weekends and public holidays, protection for minors and women, as well as payment.

Applicability to Industrial Relations of Producers' Co-operative Members

§ 2. (Amended, SG No. 100/1992) The provisions of this Code shall apply, *mutatis mutandis*, to the industrial relations of members of producers' co-operatives, save insofar as otherwise provided for by a law or in a statute.

## **TRANSITIONAL PROVISIONS**

§ 3. (1) (Repealed, SG No. 100/1992).

(2) Cases pending before conciliation commissions shall be presented for examination by the labour disputes commissions according to the procedure provided for in this Code.

**§ 3a.** (New, SG No. 105/2006) (1) Female factory and office workers, whose pregnancy and child-birth leave in the amount of 135 calendar days has not expired at the 1st day of January 2007, shall be entitled, after that date, to a leave under Article 163 (1) for the balance to 315 days.

(2) Female factory and office workers, whose pregnancy and child-birth leave in the amount of 135 calendar days has expired prior to the 1st day of January 2007, shall be entitled, after that date, to a leave under Article 163 (1) in the amount of the difference between 315 calendar days and the sum total of the pregnancy and child-birth leave which was used and the child-care leave which was used or to which the said workers are entitled for the period until the 31st day of December 2006.

(3) In the cases referred to in Paragraphs (1) and (2), the leave shall be granted on the basis of an application in writing by the female factory or office worker to the enterprise.

(4) During the leave referred to in Paragraphs (1) and (2), the female factory or officer worker shall be paid a cash benefit under Article 49 of the Social Insurance Code.

(5) The leave of the female factory or office worker under Article 164 shall be terminated as from the day of grant of the leave referred to in Paragraph (2).

**§ 3b.** (1) (New, SG No. 109/2008, effective 1.01.2009, amended, SG No. 103/2009, SG No. 58/2010, effective 30.07.2010) From 1 January 2010 to 31 December 2010, upon advance co-ordination with the trade union organisations' representatives and with the factory and office workers' representatives under Article 7(2), the period of part-time work referred to in Article 138a(1) may be extended by another three months, provided that the employer applies employment protection measures funded from the executive budget and/or Operational Programme "Human Resources Development".

(2) In the cases referred to in Paragraph 1, if during the month following the period of part-time work the employment relationship of the factory or office worker is terminated, the compensations referred to in Articles 220, 221 (1), 222 and 224 shall be determined on the basis of the basic and supplementary labour remunerations of a permanent nature, agreed in the employment contract.

**§ 3c.** (New, SG No. 109/2008, effective 2.01.2009) (1) Factory and office workers whose maternity leave of 315 calendar days had not expired as at 2 January 2009 are entitled to a leave under Article 163(1) after this date, for the remaining period until the exhaustion of 410 calendar days.

(2) Factory and office workers whose maternity leave of 315 calendar days had expired prior to 2 January 2009 are entitled to a leave under Article 163(1) after this date, for a period equaling the difference between 410 calendar days and the sum of the maternity leave and the child-care leave, which the mother used, or is entitled to, until 1 January 2009.

(3) In cases as per paragraphs 1 and 2, the leave shall be permitted based on a written request by the factory or office worker to the relevant company.

(4) During the leave period under paragraphs 1 and 2, the factory or office worker shall be paid cash benefits as per Article 49 of the Social Insurance Code.

(5) As of the date when the factory or office worker is granted the leave under paragraph 2, her leave under Article 164 shall be terminated.

**§ 3d.** (New, SG No. 58/2010, effective 30.07.2010) (1) Until 31 December 2011 the period for which the employer may assign to the factory or office worker to temporarily perform another work in the same or in another enterprise, but in the same nucleated settlement, as specified in Article 120 (1), can be extended by another 45 calendar days within one calendar year.

(2) In the cases set out in Paragraph 1, the consent of the factory or office worker shall be required for the period after the

45-th day under Article 120 (1).

**§ 3e.** (New, SG No. 58/2010, effective 30.07.2010) (1) By 31 December 2010, in the event of reduction in the volume of work, the employer can grant the factory or office worker without the consent thereof an unpaid leave of up to 60 working days during one calendar year, provided that during the time of the unpaid leave employment protection measures are applied, funded from the executive budget and/or Operational Programme "Human Resources Development", and that before it part-time work has been introduced under Article 138a(1) and § 3b(1) and during the corresponding period employment protection measures have been applied, funded from the executive budget and/or Operational Programme "Human Resources Development".

(2) In the cases referred to in Paragraph 1 the unpaid leave shall be assimilated to the length of employment service.

(3) If during the use of the leave or during the month, following the period for which the unpaid leave has been granted in accordance with Paragraph 1, the employment relationship of the factory or office worker is terminated, the compensations referred to in Articles 220, 221(1), 222 and 224 shall be determined on the basis of the basic and supplementary labour remunerations of a permanent nature, agreed in the employment contract.

**§ 3f.** (New, SG No. 58/2010, effective 30.07.2010, declared unconstitutional by Constitutional Court of the Republic of Bulgaria - SG No. 91/2010)

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The paid annual leave for prior years, which has not been used before 1 January 2010, can be used only until 31 December 2011.

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**§ 3g.** (New, SG No. 18/2011, effective 1.03.2011) Any unused annual leave or any part thereof for the year 2010, including such postponed under the procedure of Article 176(1), may be used until 31 December 2012.

**§ 3h.** (New, SG No. 18/2011, effective 1.03.2011) The time-schedule for using the paid annual leave for the year 2011 shall be approved under the procedure of Article 173(1) by 31 March 2011.

**§ 3i.** (New, SG No. 1/2014, effective 1.01.2014) The person, who has adopted a child at the age of 2 to 5 years prior to 1 January 2014 shall be entitled to take a leave under the conditions of Article 164b for the remainder to 365 days, as of the day of the child's delivery for adoption.

## **FINAL PROVISIONS**

**§ 4.** This Code shall repeal:

1. (Amended, SG No. 100/1992) Articles 1 to 144 and Articles 171 to 185 of the Labour Code (promulgated in Transactions of the Presidium of the National Assembly No. 91 of 1951; corrected in No. 93 of 1951, amended in No. 92 of 1957; State Gazette Nos. 24, 36 and 92 of 1963, Nos. 1, 61, 90 and 99 of 1965, Nos. 15 and 33 of 1968, No. 68 of 1970, Nos. 53 and 81 of 1973, No. 27 of 1975, No. 63 of 1976, No. 32 of 1977, No. 57 of 1981 and No. 44 of 1984);

2. Act Delegating the Control over Occupational Safety to the Bulgarian Trade Unions (State Gazette No. 53 of 1973);

3. Articles 23, 29 and 30 of the Act on a Closer Link between Education and Life and Further Development of Public Education in the People's Republic of Bulgaria (promulgated in Transactions of the Presidium of the National Assembly No. 54 of 1959; amended and supplemented in the State Gazette No. 99 of 1963 and No. 36 of 1979);

4. the Decree on Application of Certain Provisions of the Labour Code in Respect of the Administrative, Engineering and

Technical Personnel and Machinery Operators in Co-operative Farms (Transactions of the Presidium of the National Assembly No. 65 of 1961);

5. the Decree on Application of the Provisions of the Labour Code concerning Technical Safety and Occupational Hygiene with Respect to Members of Co-operative Farms (Transactions of the Presidium of the National Assembly No. 100 of 1962);

6. the Decree on the Introduction of a Five-Day Working Week (State Gazette No. 1 of 1968);

7. Articles 5, 10, 12, 15 (2), 19 and 20 of the Decree on Mutual Insurance of Members of Producer Co-operatives (promulgated in Transactions of the Presidium of the National Assembly No. 63 of 1953; corrected in No. 82 of 1953; amended and supplemented in No. 17 of 1955, No. 69 of 1956, No. 62 of 1958, corrected in No. 82 of 1958, amended in No. 68 of 1960, No. 38 of 1962; State Gazette No. 50 of 1963, No. 21 of 1964 and No. 32 of 1968).

**§ 5.** Titles III and IV of the Labour Code of 1951 shall be amended as follows:

1. In Article 155a, the words "according to the procedure established by Article 118 and 118a" shall be replaced by "according to the procedure established by Article 309 of the Labour Code of 1986".

2. In Article 156:

(a) in sentence one of Paragraph (1), the words "within the periods under Article 60 (1), (2) and (3) of this Code" shall be replaced by "within the periods under Article 163 (1) to (6) of the Labour Code of 1986";

(b) in Paragraph (3), the words "under Article 60 (4) or (5)" shall be replaced by "under Article 164 (1) or (2) of the Labour Code of 1986";

(c) in sentence one of Paragraph (4), the words "under Article 60 (4) or (5)" shall be replaced by "under Article 164 (1) or (2) of the Labour Code of 1986", and in sentence two the words "under Article 60 (6)" shall be replaced by "under Article 164 (3) of the Labour Code of 1986";

(d) in Paragraph (6), the words "under Article 119 (2)" shall be replaced by "under Article 313 (3) of the Labour Code of 1986".

3. In Article 162 (1), the words "by reason of death (Littera (f) of Article 29)" shall be replaced by the words "by reason of death of the worker (Item 11 of Article 325 of the Labour Code of 1986)".

4. (Repealed, SG No. 100/1992).

**§ 6.** In Article 27 of the Mines and Quarries Act (promulgated in Transactions of the Presidium of the National Assembly No. 92 of 1957, corrected in No. 17 of 1957, amended and supplemented in No. 68 of 1959, No. 104 of 1960; State Gazette No. 84 of 1963, No. 27 of 1973, No. 36 of 1979), the words "for violation of the technical occupational safety rules" shall be deleted.

**§ 7.** In Article 99 (1) of the People's Health Act (promulgated in the State Gazette No. 88 of 1973, corrected in No. 92 of 1973, amended in No. 63 of 1976, No. 28 of 1983 and No. 66 of 1985), the following text: "with the exception of those related to occupational hygiene" shall be inserted after the figure 9, and the following text: "with the exception of those related to noise intensity within the limits of hygiene standards in the enterprise" shall be inserted after the figure 9.

**§ 8.** The Financial Control Act (promulgated in Transactions of the Presidium of the National Assembly No. 91 of 1960; amended in the State Gazette No. 32 of 1977 and No. 57 of 1978) shall be amended as follows:

1. In Article 15, Paragraph (1) shall be amended to read as follows:

"(1) For breaches of financial discipline, established by the financial control authorities of the Ministry of Finance, for failure to carry out mandatory instructions issued by the Minister of Finance, or for refusing to provide information or testify before the control authorities, the Minister of Finance shall impose on offenders disciplinary sanctions under Article 188 (1) of the Labour Code. Any transfer to a lower paid job, or demotion in qualification degree or dismissal shall be cleared with the competent government minister, head of another central-government department or chairman of the Executive Committee of a People's Council. For violations committed by holders of elective office, the sanctions shall be imposed by the competent authority on a motion by the Minister of Finance. Disciplinary sanctions shall be imposed within three months after detection of the breach, but

not later than three years after the date on which the said breach was committed."

2. In Article 17 , Paragraph (3) shall be repealed.

3. In Article 18 , the words "under Paragraph (3) of the foregoing article" shall be replaced by "under Article 207 (2) of the Labour Code".

4. Article 19 shall be repealed.

5. In Littera (d) of Article 20 (1) and in Article 20 (2), the words "under Article 17 (3)" shall be replaced by "under Article 207 (2) of the Labour Code".

6. Article 22 shall be repealed.

7. In Article 32 , the words "Article 82 of the Labour Code" shall be replaced by "Article 271 (1) of the Labour Code".

8. Article 24 shall be repealed.

9. Article 29 shall be amended as follows:

(a) Paragraph (1) shall be amended to read as follows:

"(1) Where the detriment inflicted on institutions, enterprises or organisations does not fall under the cases listed in Article 17 (2) and Article 18 of this Act, or in Article 206 and 209 of the Labour Code, limited financial liability shall apply under Item 1 of Article 207 (1) of the Labour Code";

(b) Paragraph (2) shall be repealed;

(c) Paragraph (3) shall be renumbered to become Paragraph (2) and shall be amended to read as follows:

"(2) The limited financial liability under the foregoing paragraph shall be enforced without prejudice to the persons' liability under Article 207 (2) of the Labour Code, and shall not be taken into account when determining the liability of persons who have derived a benefit."

10. Article 37 shall be amended as follows:

(a) the following sentence shall be added at the end of Paragraph (1): "These deductions shall be made in the amounts established by the Code of Civil Procedure.";

(b) Paragraph (2) shall be repealed.

**§ 9.** The State and People's Control Act (promulgated in the State Gazette No. 54 of 1974, amended in No. 64 of 1976, No. 32 of 1977, No. 57 of 1978 and No. 49 of 1981) shall be amended as follows:

1. In Article 1 (2), the words "and the State Council of the People's Republic of Bulgaria" shall be replaced by "the State Council and the Council of Ministers of the People's Republic of Bulgaria".

2. Article 8 shall be amended as follows:

(a) sentence two of Paragraph (1) shall be amended to read as follows:

"It shall work under the immediate direction of the Council of Ministers and shall report thereto";

(b) Paragraph (2) shall be repealed.

3. In Article 9 , sentence two of Paragraph (2) shall be amended to read as follows:

"The Deputy Chairmen of the Committee shall be appointed by the State Council, and the members of the committee shall be endorsed by the Council of Ministers on a motion by the Chairman of the Committee for State and Public Control."

4. Article 17 shall be amended as follows:

(a) in Item 6, the words "State Council" shall be replaced by "Council of Ministers";

(b) in Item 7, the words "the National Assembly and the standing committees thereof, the State Council and" shall be deleted.

5. In Article 20 , Item 6 shall be amended to read as follows:

"6. Impose the disciplinary sanctions under Article 188 (1) of the Labour Code on the blameworthy persons".

6. In Article 23 (2), the words "or transfer to a lower paid job" shall be deleted.

7. Article 24 shall be amended as follows:

(a) in Paragraph (1), the words "three years" shall be replaced by "two years";

(b) Paragraph (3) shall be amended to read as follows:

"(3) The striking of the sanction of dismissal shall not entail an obligation to reinstate the person to the previous work thereof."

8. Article 25 shall be amended as follows:

(a) Paragraph (1) shall be amended to read as follows:

"(1) Whenever a committee for state and people's control has established a detriment which might give grounds for enforcement of limited financial liability under Article 206 (1) of the Labour Code, the said committee shall order a cash deficit recovery; or should there be reason to believe that full financial liability is enforceable, the committee shall draw up a deficit deed of shall demand that the financial control authorities perform an audit.";

(b) Paragraphs (2) and (3) shall be repealed;

(c) Paragraph (4) shall be renumbered to become Paragraph (2).

9. In Article 26 (2), the words "reassignment or transfer to a lower paid job" shall be replaced by "transfer to a lower paid job or demotion in qualification degree".

10. Article 28 shall be amended to read as follows:

"Article 28. The Labour Code shall apply insofar as this Act does not lay down special rules for the disciplinary sanctions under Article 20 (6) and for the limited or full financial liability under Article 25; and the Financial Control Act shall apply to the drawing up of deficit deeds."

**§ 10.** In Article 20 (2) of the Code of Civil Procedure , the words "Article 5 (2) of the Labour Code" shall be replaced by "Article 45 of the Labour Code".

**§ 11.** A new Article 23a shall be inserted in the Prosecution Office Act (State Gazette No. 87 of 1980) to read as follows:

"Removal of Prosecutors from Office

Article 23a. (1) In addition to the grounds provided for in the Labour Code, prosecutors may furthermore be removed from office by reason of unsuitability, with regard to the terms established by Item 6 of Article 21.

(2) The orders of removal from office and of imposition of disciplinary sanctions on prosecutors shall be unappealable before the labour dispute commissions and before the courts."

**§ 12.** In Article 136 (2) of the Implementation of Penal Sanctions Act (promulgated in the State Gazette No. 30 of 1968; amended in No. 34 of 1974, No. 84 of 1977, No. 36 of 1979 and No. 28 of 1982), the words "under Article 58 (1)" shall be replaced by "under Article 160".

**§ 13.** In Article 81 (3) of the Courts Organisation Act (promulgated in the State Gazette No. 23 of 1976; amended in No. 36 of 1979 and No. 91 of 1982), the words "under Article 91 (1) and (2) of the Labour Code, provided they have the uninterrupted length of employment service required by these provisions" shall be replaced by "under Article 222 of the Labour Code, provided they have the length of employment service required by this provision".

**§ 14.** In sentence one of Article 12 (1) of the Comrades' Courts Act (promulgated in Transactions of the Presidium of the National Assembly No. 50 of 1961; amended in the State Gazette No. 101 of 1966, No. 27 of 1975 and No. 36 of 1979),



the words "under Articles 95 and 96" shall be replaced by "Article 206".

§ 15. In Article 53 (2) of the People's Deputies and People's Councillors Act (promulgated in the State Gazette No. 32 of 1977; amended in No. 72 of 1981), the words "under Article 30 (1)" shall be replaced by "under Article 326 (2)".

§ 16. (Repealed, SG No. 100/1992).

§ 17. This Code shall enter into force as from the 1st day of January 1987. Items 1 to 4 of § 9 shall enter into force as from the date of promulgation in the State Gazette.

§ 18. (Amended, SG No. 100/1992) The implementation of this Code shall be entrusted to the Chairman of the Council of Ministers.

Act to Amend the Labour Code

(SG No. 21/1990)

TRANSITIONAL PROVISION

§ 16. The employment relationships in material production with a head of a work team, of an enterprise division or of an entire enterprise, which have been formed on the basis of choice before the entry of this Act into force, shall be transformed into employment relationships of an indefinite duration, unless the parties agree on a specific term, which may not exceed three years. The provisions of Section I of Chapter Sixteen of the Labour Code shall also apply to termination of such employment relationships

Act to Amend and Supplement the Labour Code

(SG No. 100/1992)

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SUPPLEMENTARY PROVISIONS

§ 243. In Article 10 and 11 of the Labour Code, the words "People's Republic of Bulgaria" shall be replaced by "Republic of Bulgaria".

§ 244. In Articles 75 (1), 118 (1) and (2), 141 (6), 152, 153 (1), 158 (1) and (2), 162 (1), 199 (2) and (3), 203 (1), 205 (1), 215, 271 (1) and in Articles 342-354, including Article 355 (2) passim, after the words "the factory worker" there shall be added "or office worker".

§ 245. In Articles 118 (2), 120 (1), 151 (1) and (3), 153 (1), 158 (3), 162 (3), 189 (1), 203 (3), 212, in the title of Article 219, 226 and 355 (5) passim, after the words "the factory worker" there shall be added "or office worker".

§ 246. In Articles 68 (3), 141 (6), 199 (1), 219 (1) and (2), 314, 320 (1) and (2) and in Item 7 of Article 354 passim, after the words "factory worker" there shall be added "or office worker".

§ 247. In Articles 140 (3), 141 (4), 169 (5) passim, after the words "factory workers" there shall be added "or office workers".

§ 248. In Articles 163 (1) and (7), 164 (1), 165 (1) and 166 (1) and (2) passim, after the words "female factory worker" there shall be added "or female office worker".

§ 249. In Articles 163 (6), 166 (1) and in Item 4 of Article 354 passim, after the words "female factory worker" there shall be inserted "or female office worker".

§ 250. In Articles 166 (4), 203 (1), 212, 222 (2), in the title of Article 226 and in Item 4 of Article 354 passim, the word "enterprise" shall be replaced by "employer".

§ 251. In Articles 118 (1), 151 (1) and (3) and in Article 226 (1) and (2) passim, the word "enterprise" shall be replaced by

"employer".

§ 252. In Articles 162 (3), 163 (7), 164 (4), 290 and 320 (2) passim, the words "the Social Assistance Act" shall be replaced by "a separate Act".

§ 253. In Article 199 (1), the words "the enterprise manager" shall be replaced by "the employer".

§ 254. In Article 10 (1) and (2) and 340, the words "by decree" and in Article 11 the word "decree" shall be deleted.

§ 255. In Article 218 (4), the words "the people's council" shall be replaced by "the municipal council", and in Article 299 (1) the words "the people's councils" shall be replaced by "the municipal councils".

## TRANSITIONAL PROVISIONS

§ 256. (1) Any labour disputes pending before labour dispute commissions and before superior administrative bodies shall be referred without delay for examination by the competent court, of which the parties thereto shall be notified in writing.

(2) Any labour disputes in the second instance, pending before regional courts, shall be completed according to the hitherto effective procedure.

§ 257. (1) The existing trade unions may retain their capacity as legal persons by submitting an application for registration under Article 49 within six months after the entry of this Act into force.

(2) Provided that the deadline under the foregoing paragraph has been met, the trade unions shall retain their capacity as legal persons until the entry into effect of the court judgment on registration.

§ 258. Any leaves and compensations for which only lower limits have been established according to the amendments of the Labour Code by this Act, until their regulation by an act of the Council of Ministers, by a collective agreement or by an employment contract, shall be used or paid, as the case may be, in the hitherto effective amounts, fixed for each particular case.

## FINAL PROVISIONS

§ 259. The Labour Code of 1951 (promulgated in Transactions of the Presidium of the National Assembly No. 91 of 1951; corrected in No. 93 of 1951, amended and supplemented in Nos. 91 and 92 of 1957; State Gazette Nos. 24, 36 and 92 of 1963, Nos. 1, 61, 90 and 99 of 1965, No. 15 of 1968, corrected in No. 33 of 1968; amended and supplemented in No. 68 of 1970, Nos. 53 and 81 of 1973, No. 27 of 1975, No. 63 of 1976, No. 32 of 1977, No. 57 of 1981, No. 44 of 1984, No. 27 of 1986, No. 46 of 1989 and No. 52 of 1992) shall be amended as follows:

1. In Article 150 (1), the words "the uninterrupted length of employment service" shall be replaced by "the length of employment service", and in Paragraph (3) the word "uninterrupted" shall be deleted.

2. In Article 151, the word "uninterrupted" shall be deleted.

3. In Paragraph (2) of Article 152, the words "with the exception of dismissals indicated in Article 177 (2)" shall be deleted.

4. In Paragraph (6) of Article 156, the words "Article 313 (3)" shall be replaced by "Article 333".

§ 260. In the second sentence of Article 15 (1) of the Financial Control Act (promulgated in the State Gazette No. 91 of 1960, amended in No. 32 of 1977 and No. 57 of 1978, amended and supplemented in No. 27 of 1986), the words "Transfer to a lower paid job or demotion in qualification degree and dismissal shall be effected in co-ordination" shall be replaced by "Dismissal shall be co-ordinated".

§ 261. In Article 23a (2) of the Prosecution Office Act (promulgated in the State Gazette No. 87 of 1980; amended and supplemented in No. 27 of 1986, No. 91 of 1988 and No. 46 of 1991), the words "before the labour dispute commissions and" shall be deleted.

§ 262. Article 81(3) of the Courts Organisation Act (promulgated in the State Gazette No. 23 of 1976; amended and supplemented in No. 36 of 1979, No. 91 of 1982, Nos. 27 and 29 of 1986, No. 91 of 1988, No. 31 of 1990 and No. 46 of 1991) shall be amended to read as follows:

"(3) Judges of the regional and district courts and of the Supreme Court, whose employment relationships have been

terminated, shall enjoy the rights under Articles 220 to 222 of the Labour Code under the terms and according to the procedure provided for therein."

§ 263. Article 9 (2) of Decree No. 9 concerning the Work of Managerial and Operating Personnel in Rail Transport (State Gazette No. 3 of 1981) shall be amended to read as follows:

"(2) The disciplinary sanctions shall be:

1. reprimand;
2. warning of dismissal;
3. demotion to a lower rank;
4. dismissal."

§ 264. The Higher Education Act (promulgated in Transactions of the Presidium of the National Assembly No. 12 of 1958; amended and supplemented in the State Gazette No. 99 of 1963, Nos. 36 and 65 of 1972; corrected in No. 81 of 1972; amended and supplemented in No. 58 of 1978, No. 68 of 1988, No. 82 of 1989 and No. 10 of 1990) shall be amended as follows:

1. Article 18 shall be amended to read as follows:

"18. The disciplinary sanctions shall be:

- (a) reprimand;
- (b) warning of dismissal;
- (c) dismissal."

2. Article 20 (1) shall be amended to read as follows:

"(1) The disciplinary sanctions of reprimand and warning of dismissal shall be imposed by the rector."

3. Article 23 shall be repealed.

§ 265. Decree No. 2227 on the Discipline of Civil Aviation Personnel (State Gazette No. 55 of 1985) shall be amended as follows:

1. In Article 3, the words "disciplinary statute, adopted by the Council of Ministers" shall be replaced by "the Labour Code".

2. Article 4 shall be amended to read as follows:

"Article 4. Disciplinary sanctions, with the exception of dismissal, shall be appealable only before the superior authority. Dismissal for breach of discipline shall be appealable before the court according to the standard procedure."

3. In Article 6, the figure "131" shall be replaced by "194".

4. Articles 7 and 8 shall be repealed.

5. The Final Provisions shall be amended as follows:

(a) a new § 1 to read as follows shall be inserted:

"§ 1. The specific issues of the discipline of civil aviation personnel shall be regulated by a disciplinary statute adopted by the Council of Ministers.";

(b) the existing Paragraphs (1) and (2) shall be renumbered to become Paragraphs (2) and (3), respectively.

§ 266. This Act shall enter into force on the 1st day of January 1993.

§ 267. The implementation of this Act shall be entrusted to the Council of Ministers.

# Act to Amend and Supplement the Judicial System Act

(SG No. 133/1998)

## TRANSITIONAL AND FINAL PROVISIONS

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§ 80. The provisions of the Labour Code shall apply to any matters related to employment relationships which are not regulated in this Act, and the provisions of the Republic of Bulgaria Defence and Armed Forces Act shall apply with regard to military judges, military prosecutors and military investigators, with the years of service within the system of the Ministry of Interior counting as voluntary military service.

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# Act to Amend and Supplement the Labour Code

(SG No. 25/2001, effective 31.03.2001)

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§ 107. Throughout the Code, the words:

1. "open-ended working time" shall be replaced by "open-ended working hours";
2. "Minister of Labour and Social Welfare" and "the Minister of Labour and Social Welfare" shall be replaced, respectively, by "Minister of Labour and Social Policy" and "the Minister of Labour and Social Policy";
3. "Ministry of Labour and Social Welfare" shall be replaced by "Ministry of Labour and Social Policy".
4. "candidate of sciences", "post-graduate study" "post-graduate student" and "post-graduate students" shall be replaced, respectively, by "doctor", "doctoral degree course", "doctoral candidate" and "doctoral candidates";
5. "working ability", "the working ability" and "working inability" shall be replaced, respectively, by "working capacity", "the working capacity" and "working incapacity";
6. "safety and health" shall be replaced by "health and safety";
7. "General Labour Inspectorate" and "the General Labour Inspectorate" shall be replaced, respectively, by "General Labour Inspectorate Executive Agency" and "the General Labour Inspectorate Executive Agency".
8. "occupational illness" shall be replaced by "occupational disease".

## TRANSITIONAL AND FINAL PROVISIONS

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§ 116. (1) Factory and office workers who prior to the entry of this Act into force enjoyed rights related to work performed at open-ended working hours, shall continue to enjoy such rights until the employer designates the positions under Article 139 (4) of the Labour Code.

(2) Employers shall be obligated to designate, within three months after the entry of this Act into force, the positions and the work to be performed under the conditions of open-ended working hours.

§ 117. Students who pursue their studies at the time of entry of this Act into force may use leave under Article 169 (1) and Article 171 (1) of the Labour Code, provided the employer grants consent to the pursuit of the studies.

§ 118. Until the 31st day of March 2002, by mutual consent of the parties to the employment relationship, the paid annual leaves or parts thereof not used until the 1st day of January 2001 may be compensated by an amount in cash determined under Article 177 of the Labour Code, even though the employment relationship is not terminated.

§ 119. Any legal actions under labour disputes brought by factory and office workers whose employment relationships have

been terminated before the entry of this Act into force, may be brought within the time limit under Item 2 of Article 358 (1) of the Labour Code prior to the amendment of the said Act.

§ 120. Any persons who at the time of entry of this Act into force have commenced the use of leave under Paragraph (2) of Article 164 of the Labour Code as hereby repealed, shall use the leave in the amount effective prior to the repeal of the paragraph.

§ 121. Statutory instruments on the application of the Labour Code shall be issued by the Council of Ministers, save insofar as otherwise provided in the said Code.

§ 122. This Act shall enter into force as from the 31st day of March 2001, with the exception of § 109, § 110 and § 112, which shall come into force as from 1st day of September 2000.

Act to Amend and Supplement the Labour Code

(SG No. 120/2002)

## TRANSITIONAL AND FINAL PROVISIONS

§ 11. Employers shall be obligated to dispatch, not later than the 30th day of April 2003, written notifications to the territorial divisions of the National Social Security Institute regarding any concluded employment contracts existing at the date of entry of this Act into force.

§ 12. Employers, who have hired factory or office workers under the terms of Paragraph (2) of Article 62 of the Labour Code as hereby repealed, shall be obliged to conclude, not later than the 30th day of April 2003, written employment contracts and dispatch notifications thereof to the respective territorial divisions of the National Social Security Institute.

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Act to Amend and Supplement the Labour Code

(SG No. 52/2004, effective 1.08.2004)

## TRANSITIONAL AND FINAL PROVISIONS

§ 37. Where the child-care leave until the child's attainment of the age of three years for the time after the child attains two years of age in accordance with the hitherto effective version of Article 165 (1) of the Labour Code has not been used, the leave under Article 167a of the Labour Code may be used until the child's attainment of the age of eight years. Where only a portion of the leave has been used after the child's attainment of the age of two years, the leave under Article 167a of the Labour Code may be used in the amount of its unused portion until the child's attainment of the age of eight years.

§ 38. Where the child-care leave until the child's attainment of the age of three years under the hitherto effective version of Article 165 (1) of the Labour Code has been used entirely, the provision of Article 167a of the Labour Code shall not apply.

§ 39. Until the 31st day of December 2006, with the consent of one of the parents the leave under Article 167a (1) of the Labour Code may be used entirely by the other parent.

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Act to Amend and Supplement the Labour Code

(SG No. 83/2005)

## TRANSITIONAL AND FINAL PROVISIONS

§ 7. The factory and office workers who enjoyed rights under Item 1 of Article 137 (1) and Article 285 of the Labour Code in the version effective prior to the entry of this Act into force, shall continue to enjoy the said rights until the issuance of the statutory instruments of secondary legislation under Article 137 (2), Article 156 (2) and Article 285 (2) of the Labour Code.

§ 8. Within six months after the entry of this Act into force, the Council of Ministers shall adopt the statutory instruments of secondary legislation under Article 137 (2) and Article 156 (2) of the Labour Code, and the Minister of Labour and Social

Policy and the Minister of Health shall issue the ordinance under Article 285 (2) of the Labour Code.

Act to Amend and Supplement the Labour Code

(SG No. 48/2006, effective 1.07.2006)

TRANSITIONAL AND FINAL PROVISIONS

§ 42. The factory and office workers' representatives under Article 7 (2) of the Labour Code, elected until the entry into force of this Act, shall retain the status and functions thereof until election of new representatives, but no longer than one year after the date of entry into force of this Act.

§ 43. The provision of Article 7a of the Labour Code shall apply until the 23rd day of March 2008 in enterprises employing at least 100 factory and office workers, as well as in organisationally and economically self-contained divisions of enterprises employing at least 50 factory and office workers.

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Act to Amend the Labour Code

(SG No. 40/2007, amended, SG No. 64/2007)

TRANSITIONAL PROVISIONS

§ 5. (1) The Chairman of the National Council for Tripartite Co-operation shall announce in State Gazette the start of a procedure for recognition of representativity within 7 days of entry into force of this act.

(2) (Amended, SG No. 64/2007) Organisations of factory and office workers and of employers, wishing to be recognised as representative at the national level, shall submit their applications by 28 September 2007 at the latest.

(3) (Amended, SG No. 64/2007) The Council of Ministers shall issue decisions on the applications submitted by 28 December 2007 at the latest.

§ 6. Organisations of factory and office workers and of employers, recognised as representative at the national level by decision of the Council of Ministers prior to the date of effectiveness of this act, which had submitted applications for recognition of representativity under § 5 (2), shall retain their representativity pending completion of the procedure.

FINAL PROVISIONS

to the Act to Amend and Supplement the Civil Servants Act

(SG No. 43/2008)

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§ 26. The provision of Article 81c, Paragraph 6 of the Act and Article 120a, Paragraph 5 of the Labour Code shall be issued within three months after the entry of this Act into force.

Act to Amend and Supplement the Civil Servants Act

(SG No. 108/2008)

FINAL PROVISION

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§ 37. The provision of § 12 herein regarding Article 163 of the Labour Code shall enter into force as from the 1st day of January 2009.

TRANSITIONAL AND FINAL PROVISIONS

to the 2009 Public Social Insurance Budget Act

(SG No. 109/2008, effective 1.01.2009)

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§ 6. In the Transitional Provisions of the Labour Code (promulgated, SG No. 26 and 27/1986; supplemented, SG No. 6/1988; amended and supplemented, SG No. 21/1990; amended, SG No. 30 and 94/1990, SG No. 27/1991; supplemented, SG No. 32/1991; amended, SG No. 104/1991; supplemented, SG No. 23/1992; amended and supplemented, SG No. 26/1992; supplemented, SG No. 88/1992; amended and supplemented, SG No. 100/1992; supplemented, SG No. 87/1995; amended and supplemented, SG No. 2/1996; amended, SG No. 12/1996; amended and supplemented, SG No. 28/1996; amended, SG No. 124/1997; supplemented, SG No. 22/1998; supplemented, SG No. 56, 83 and 108/1998; amended and supplemented, SG No. 133/1998, SG No. 51/1999; supplemented, SG No. 67/1999; amended, SG No. 110/1999; amended and supplemented, SG No. 25/2001; amended, SG No. 1 and 105/2002; amended and supplemented, SG No. 120/2002, SG No. 18/2003; amended, SG No. 86/2003; amended and supplemented, SG No. 95/2003, SG No. 52/2004, SG No. 19/2005; amended, SG No. 27/2005; supplemented, SG No. 46/2005; amended, SG No. 76/2005; amended and supplemented, SG No. 83/2005; amended, SG No. 105/2005; amended and supplemented, SG No. 24/2006; amended, SG No. 30/2006; amended and supplemented, SG No. 48, 57 and 68/2006; amended, SG No. 75/2006; amended and supplemented, SG No. 102/2006; supplemented, SG No. 105/2006; amended, SG No. 40, 46, 59 and 64/2007; supplemented, SG No. 104/2007; amended and supplemented, SG No. 43 and 94/2008), § 3b shall be created:

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§ 8. The Act shall enter into force on 1 January 2009, with the exception of § 4, Items 30 and 39, which shall enter into force on 1 April 2009, and § 4, Item 40, which shall enter into force on 1 July 2009.

FINAL PROVISION to the

Act for Amendment and Supplementment the Labour Code

(SG No. 109/2008, effective 2.01.2009)

§ 3. The Act shall enter into force on 2 January 2009.

TRANSITIONAL AND FINAL PROVISIONS

to the Act for Amend and Supplement the Health Act

(SG No. 41/2009, effective 2.06.2009)

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§ 96. The Act shall enter into force in the day of it's promulgation in the State Gazette, with exception of:

.....

2. Paragraphs 26, 36, 38, 39, 40, 41, 42, 43, 44, 65, 66, 69, 70, 73, 77, 78, 79, 80, 81, 82, 83, 88, 89 and 90, which shall enter into force on 1 July 2009.

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Act to Amend and Supplement the Labour Code

(SG No. 15/2010)

FINAL PROVISIONS

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§ 18. Paragraphs 6, 11, 12, 13 and 14 shall enter into force 6 months upon the entry into force of this Act.

Act to Amend and Supplement the Labour Code

(SG No. 58/2010, effective 30.07.2010, amended, SG No. 18/2011, effective 01.03.2011)

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§ 25. This Act shall enter into force on the day of its promulgation in the State Gazette, except for:

1. Paragraph 21, Item 1, which shall enter into force on 1 January 2011;
2. (Repealed, SG No. 18/2011, effective 1.03.2011).

Act to Amend and Supplement the Labour Code

(SG No. 61/2011)

#### TRANSITIONAL PROVISION

§ 4. The factory and office workers' and the employers' organisations recognised as being representative on a national scale by the Council of Ministers' decisions of 14 December 2007 shall retain their representative capacity up until and including 13 June 2012.

Act to Amend and Supplement the Labour Code

(SG No. 7/2012)

#### ADDITIONAL PROVISION

§ 25. This Act transposes the requirements of Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ, L 327/9 of 5 December 2008) and Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC (OJ, L 68/13 of 18 March 2010).

#### TRANSITIONAL AND FINAL PROVISIONS

§ 26. By 5 December 2011 the Minister of Labour and Social Policy, after holding consultations with the organisations of employers and of factory and office workers recognised as being representative at a national level shall review the restrictions or prohibitions on work by factory and office workers commissioned by an enterprise providing temporary work, in order to verify whether such restrictions or prohibitions are justified in terms of general interest or of the proper functioning of the labour market and the prevention of abuses. Information on the review results shall be sent to the European Commission.

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§ 31. § 5 and Items 1, 6-10, 12 and 14 of § 30 shall take effect as of 5 December 2011.

Act to Amend and Supplement the Civil Servants Act

(SG No. 38/2012, effective 1.07.2012)

#### TRANSITIONAL AND FINAL PROVISIONS

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§ 84. (Effective 18.05.2012 - SG No. 38/2012) Within one month after the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Positions in the Administration into conformity with this Act;
2. the competent authorities shall bring the organic acts of the respective administration into conformity with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act , the Independent Financial Audit Act , the Electronic Communications Act , the Financial Supervision Commission Act , the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act , the Criminal Assets Forfeiture Act , the Conflict of Interest Prevention and Ascertainment Act , the Social Insurance Code , the Health Insurance Act , the Agricultural Producers Support Act and the Roads Act shall be settled under the terms established by § 36 of the Transitional and Final Provisions of the Act to Amend and Supplement the Civil Servants Act (State Gazette No. 24 of 2006).



(2) The act on appointment of the civil servant shall:

- 1. award the lowest rank designated in the Classifier of Positions in the Administration for occupation of the position, unless the servant holds a higher rank;
- 2. fix an individual monthly basic salary.

(3) The additional resources required for social and health insurance contributions of the persons referred to in Paragraph (2) shall be provided within the limits of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the spending units concerned.

(4) The Council of Ministers shall effect the requisite modifications under the off-budget account of State Fund Agriculture arising from this Act.

(5) The governing bodies of the National Social Security Institute and of the National Health Insurance Fund shall effect the requisite modifications under the respective budgets arising from this Act.

(6) Any unused leaves under the employment relationships shall be retained and shall not be compensated by cash compensations.

§ 86. (1) Within one month after the entry into force of this Act, the individual monthly basic salary of the servant shall be fixed in such a way that the said salary, net of the tax due and the compulsory social and health insurance contributions for the account of the insured person, if they were due, would not be lower than the gross monthly salary received theretofore, net of the compulsory social and health insurance contributions for the account of the insured person, if they were due, and the tax due.

(2) The gross salary referred to in Paragraph (1) shall include:

- 1. the monthly basic salary or the monthly basic remuneration;
- 2. supplementary remunerations which are paid constantly together with the monthly basic salary or monthly basic remuneration due and which are contingent solely on the time worked.

§ 87. This Act shall enter into force as from the 1st day of July 2012 with the exception of § 84 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.

Final Act to amend the Administration Act

(SG No. 82/2012)

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§ 16. Ministers and Ministers bring adopted respectively of their own regulations in accordance with this Act within one month of its entry into force.