LABOUR CODE

*Prom. SG. 26/1 Apr 1986, prom. SG. 27/4 Apr 1986, amend. SG. 6/22 Jan 1988, amend. SG. 21/13 Mar 1990, amend. SG. 30/13 Apr 1990, amend. SG. 94/23 Nov 1990, amend. SG. 27/5 Apr 1991, amend. SG. 32/23 Apr 1991, amend. SG. 104/17 Dec 1991, amend. SG. 23/19 Mar 1992, amend. SG. 26/31 Mar 1992, amend. SG. 88/30 Oct 1992, amend. SG. 100/10 Dec 1992, amend. SG. 69/4 Aug 1995, suppl. SG. 87/29 Sep 1995, suppl. SG. 2/5 Jan 1996, suppl. SG. 12/9 Feb 1996, suppl. SG. 28/2 Apr 1996, amend. SG. 124/23 Dec 1997, suppl. SG. 22/24 Feb 1998, amend. SG. 52/8 May 1998, amend. SG. 56/19 May 1998, amend. SG. 83/21 Jul 1998, suppl. SG. 108/15 Sep 1998, amend. SG. 133/11 Nov 1998, amend. SG. 51/4 Jun 1999, suppl. SG. 67/27 Jul 1999, amend. SG. 110/17 Dec 1999, amend. SG. 25/16 Mar 2001, amend. SG. 1/4 Jan 2002, amend. SG. 105/8 Nov 2002, amend. SG. 120/29 Dec 2002, amend. SG. 18/25 Feb 2003, amend. SG. 86/30 Sep 2003, amend. SG. 95/28 Oct 2003, amend. SG. 52/18 Jun 2004, amend. SG. 19/1 Mar 2005, amend. SG. 27/29 Mar 2005, amend. SG. 46/3 Jun 2005, amend. SG. 76/20 Sep 2005, amend. SG. 83/18 Oct 2005, amend. SG. 105/29 Dec 2005, amend. SG. 24/21 Mar 2006, amend. SG. 30/11 Apr 2006, amend. SG. 48/13 Jun 2006, amend. SG. 57/14 Jul 2006, amend. SG. 68/22 Aug 2006, amend. SG. 75/12 Sep 2006, amend. SG. 102/19 Dec 2006, amend. SG. 105/22 Dec 2006, amend. SG. 40/18 May 2007, amend. SG. 46/12 Jun 2007, amend. SG. 59/20 Jul 2007, amend. SG. 64/7 Aug 2007, amend. SG. 104/11 Dec 2007, amend. SG. 43/29 Apr 2008, amend. SG. 94/31 Oct 2008, amend. SG. 108/19 Dec 2008, amend. SG. 109/23 Dec 2008, amend. SG. 35/12 May 2009, amend. SG. 41/2 Jun 2009, amend. SG. 103/29 Dec 2009, amend. SG. 15/23 Feb 2010, amend. SG. 46/18 Jun 2010, amend. SG. 58/30 Jul 2010, amend. SG. 77/1 Oct 2010, amend. SG. 91/19 Nov 2010, amend. SG. 100/21 Dec 2010, amend. SG. 101/28 Dec 2010, amend. SG. 18/1 Mar 2011, amend. SG. 33/26 Apr 2011, amend. SG. 61/9 Aug 2011, amend. SG. 82/21 Oct 2011, amend. SG. 7/24 Jan 2012, amend. SG. 15/21 Feb 2012, amend. SG. 20/9 Mar 2012, amend. SG. 38/18 May 2012, amend. SG. 49/29 Jun 2012, amend. SG. 77/9 Oct 2012, suppl. SG. 82/26 Oct 2012, amend. SG. 15/15 Feb 2013, suppl. SG. 104/3 Dec 2013, amend. SG. 1/3 Jan 2014, amend. SG. 27/25 Mar 2014, amend. SG. 61/25 Jul 2014, amend. and suppl. SG. 54/17 Jul 2015, amend. SG. 61/11 Aug 2015, amend. and suppl. SG. 79/13 Oct 2015, amend. and suppl. SG. 98/15 Dec 2015, amend. SG. 8/29 Jan 2016, amend. SG. 59/29 Jul 2016, amend. and suppl. SG. 98/9 Dec 2016, amend. and suppl. SG. 105/30 Dec 2016, amend. SG. 85/24 Oct 2017, amend. SG. 86/27 Oct 2017, amend. SG. 96/1 Dec 2017, amend. and suppl. SG. 102/22 Dec 2017, amend. and suppl. SG. 7/19 Jan 2018, amend. SG. 15/16 Feb 2018, amend. and suppl. SG. 30/3 Apr 2018, amend. and suppl. SG. 42/22 May 2018, amend. and suppl. SG. 59/17 Jul 2018, amend. SG. 77/18 Sep 2018, amend. SG. 91/2 Nov 2018, **amend. and suppl. SG. 92/6 Nov 2018***

Chapter one.
GENERAL PROVISIONS

Subject and Purpose

Art. 1. (1) (Amend. SG, 100/1992) This Code shall regulate the labour relationships between the employee and the employer, as well as other relationships immediately related to them.

(2) (New - SG, No. 2/1996) Relationships related to providing labour force shall be arranged as employment relations only.

(3) (Previous para 2, SG, No 2/1996; amend. - SG 25/2001) This Code shall aim to ensure the freedom and protection of labour, fair and befitting labour conditions, as well as carrying out social dialogue between the state, the workers, employees, employers and their organisations for settlement of the labour relations and the relations directly related to them.

Social dialogue

Art. 2. (new, SG 25/2001) The state shall regulate the labour and the directly related relations, the insurance relations and the issues of the living standard upon consultations and dialogue with the workers, employees, employers and their organisations in the spirit of cooperation, mutual concessions and respect of the interests of each of the parties.

Tripartite partnership

Art. 3. (amend. - No 100/1992; amend., SG 25/2001) (1) (Suppl. SG 120/02) The State shall carry out the regulation of labour and the directly related relations, the insurance relations, as well as the living standard issues, in cooperation and after consultations with the employees' and the employers' representative organisations. The scope of the issues of the living standard, subject to consultations, shall be determined with act of the Council of Ministers upon proposal of the National council for tripartite partnership.

(2) (Amend. SG 120/02) The partnership and the consultations shall obligatory be done during the approval of normative acts about the relations and issues pointed out in Para 1.

(3) (new – SG, 54/2015, in force from 17.7.2015) On issues in the scope of Para. 1, agreements may be signed between the representative organizations of the workers and the employees and employers for adoption of normative acts, where:

1. the agreement has been signed upon their request after consideration of the state;

2. the state has proposed signing of the agreement.

(4) (new – SG, 54/2015, in force from 17.7.2015) The fulfilment of the agreements under Para. 3 shall be performed by the state.

National Council for tripartite partnership

Art. 3a. (new, SG 25/2001) (1) The partnership and the consultations under Art. 3 on national level shall be carried out by the National Council for tripartite partnership.

(2) The National Council for tripartite partnership shall consist of two representatives each of the Council of Ministers, of the representative organisations of the workers and employees and of the employers. The Council of Ministers shall appoint its representatives, and the representatives of the representative organisations of the workers and employees and of the employers shall be appointed by their management bodies according to their statutes.

(3) The National Council for tripartite partnership shall be headed by a deputy prime minister.

(4) (new – SG 120/02) The National Council for tripartite partnership shall elect among the persons, representing under law the organisations of the workers and the employees and of the employers, applying the principle of rotation, one deputy chairperson of the Council for a term of one year.

(5) At absence of the chairperson of the National Council for tripartite partnership, the sessions shall be chaired by a deputy chairperson, pointed out by him

Sector, branch, district and municipal councils for tripartite partnership

Art. 3b. (new, SG 25/2001; amend. – SG 15/10) (1) The cooperation and the consultations under Art. 3 in sectors, branches, districts and municipalities shall be carried out by sector, branch, district and municipal councils for tripartite partnership.

(2) The sector, branch, district and municipal councils for tripartite partnership shall consist of two representatives each of the respective ministry, other administrative body or municipal administration, of the representative organisations of the workers and employees and of the employers.

(3) The representatives of the ministries, of the other administrative bodies and of the district

and municipal administrations shall be appointed by the respective minister, head of another administrative body or mayor of municipality, and those of the representative organisations of the workers and employees and of the employers - by their management bodies according to their statutes.

(4) The chairmen of the sector, branch, district and municipal councils for tripartite partnership shall be appointed by the respective Minister, Head of another administrative body, district Governor or mayor of municipality upon consultation with the representative organisations of the workers and employees and of the employers in the respective councils for tripartite partnership.

Functions of the councils for tripartite partnership

Art. 3c. (new, SG 25/2001) (1) The National Council for tripartite partnership shall consider and give opinion on draft laws, draft acts of secondary legislation and decisions of the Council of Ministers under Art. 3.

(2) Statement by the National Council for tripartite partnership under Para. 1 can be requested by:

1. the President of the Republic;

2. the Chairperson of the National Assembly and the chairmen of standing commissions of the National Assembly;

3. the Prime minister;

(3) (amend. – SG 15/10) The sector, branch, district and municipal councils for tripartite cooperation shall consider and give opinion for the settlement of the specific issues under art. 3 for the respective sector, branch, district or municipality.

(4) (amend. – SG 15/10) Opinion under Para. 3 shall be given upon request of the state body which settles the respective issues, or at the initiative of the sector, branch, district and municipal councils for tripartite partnership.

Meetings of the councils for tripartite partnership

Art. 3d. (new, SG 25/2001) (1) The councils for tripartite partnership shall be convened for a meeting by their chairmen who are to determine the agenda of the meeting.

(2) The councils for tripartite partnership shall also be convened for a meeting upon request of the representatives of each of the organisations of the workers and employees or of the employers, who shall also propose the agenda of the meeting.

Organising the activity and adopting decisions of the councils for tripartite partnership

Art. 3e. (new, SG 25/2001) (1) The chairmen of the councils for tripartite partnership shall chair their meetings, shall organise and direct their activity in the spirit of cooperation, mutual concessions and respect for the interest of each of the parties.

(2) (amend. SG 120/02) The meetings of the councils shall be deemed validly held, when representatives of the three participating parties are present.

(3) (new – SG 120/02) The sessions shall also be deemed regular when authorised representatives of some of the participants on behalf of the representative organisations of the workers and the employees and of the employers are absent in case they have been notified.

(3) (prev. para 3 – SG 120/02) The councils shall adopt their decisions by a general consent.

(5) (prev. para 4 – SG 120/02) The decisions adopted by the councils for tripartite partnership shall be submitted to the respective bodies as follows:

1. the decisions of the National Council for tripartite partnership - to the Prime minister or to the respective Minister or Head of other administrative body;

2. the decisions of the sector and branch councils for tripartite partnership - to the respective Minister or Head of other administrative body;

3. (amend. – SG 15/10) the decisions of the municipal, district council for tripartite partnership - to the District Governor and the mayor of the municipality, or to the chairman of the municipal council, according to the competence for adopting a final act on the discussed issues.

(6) (prev. para 5 – SG 120/02 ; amend. – SG 15/10) The state, district and municipal bodies, to whom opinion of a council for tripartite partnership has been given, shall be obliged to discuss them while adopting decisions within the scope of their competence.

Settlement and financing of the activity of the councils for tripartite partnership

Art. 3f. (new, SG 25/2001) (1) The organisation and the activity of the councils for tripartite partnership shall be settled by regulations adopted by the National Council for tripartite partnership.

(2) The expenses related to the activity of the councils for tripartite partnership shall be at the expense of the respective state and municipal bodies participating in them.

Association of Workers and Employees

Art. 4. (amend. - No 100/1992) (1) Workers and employees 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 employees' interests before government agencies and employers as regards the issues of labour and social security relations and living standards through collective bargaining, participation in the tripartite cooperation, organisation of strikes and other actions, pursuant to the law.

Association of Employers

Art. 5. (amend. - 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, showing consideration for their statutes only.

(2) (amend., SG 25/2001) The employers' organisations under the preceding paragraph shall represent and protect their interests through collective bargaining, participation in the tripartite cooperation, and through other actions, pursuant to the law.

General Meeting of the workers and employees

Art. 6. (amend. - No 100/1992; amend., SG 25/2001) (1) The general meeting shall consist of all workers and employees of the enterprise.

(2) When the labour organisation or other reasons do not allow the functioning of a general meeting established, at the initiative of workers and employees, can be meeting of the proxies. It shall consist of representatives of the workers and employees elected for a period determined by the general meetings of the structural units of the enterprise. The norm of representation shall be determined by the workers and employees and shall be equal for the whole enterprise.

(3) The rules with respect to the general meeting of workers and employees shall apply for the convening of proxies, their activity and rights of association.

Order of work of the General Meeting (amend,. SG 25/2001)

Art. 6a. (New - SG, No. 2/1996) (1) (new, SG 25/2001) The general meeting of the workers and employees shall determine on its own the order of its work.

(2) (prev. para 1 - SG 25/2001) The general meeting (the meeting of proxies) at the enterprise shall be convened by the employer, by the management of a trade union organisation, as well as upon the initiative of one-tenth of the number of employees (proxies) in the enterprise.

(3) (prev. para 2 - SG 25/2001) The general meeting (the meeting of proxies) may conduct business provided it is attended by more than half of the workers and employees (proxies).

(4) (prev. para 3 - amend., SG 25/2001) The general meeting shall take decisions by a simple majority of the attending employees, unless otherwise provided by this Code, by another law or statutes.

Workers' and Employees' Participation in the Management of the Enterprise

Art. 7. (amend. - SG, No 100/1992) (1) (prev. art 7. - SG 25/2001; amend. - SG 48/06, in force from 01.07.2006) The workers and employees shall participate, through representatives elected by the general meeting of the workers and employees, in the discussion of, and resolving on enterprise management issues only when provided by law.

(2) (new, SG 25/2001) The workers and employees can elect at a general meeting their representatives who will represent their common interests on the issues of the working and insurance relations before their employer and before the state bodies. The representatives shall be elected by a majority of more than two thirds of the members of the general meeting.

(3) (revoked - SG 48/06, in force from 01.07.2006).

Information and Consultation Representatives of Workers and Employees

Art. 7a. (*) (new - SG 48/06, in force from 01.07.2006) (1) (suppl. – SG 7/12) In enterprises, including temporary work agencies, with 50 and more workers and employees, as well as in organizationally and economically separated units of enterprises with 20 and more workers and employees, the general meeting shall elect among its members representatives of the workers and employees for performing the informing and consulting under Art. 130c and 130d.

(2) The general meeting may assign the functions under Para. 1 to representatives, determined by the governing bodies of the trade union organisations, or to the representatives of the workers and employees under Art. 7, Para. 2.

(3) (suppl. – SG 7/12) The number of the staff under Para. 1 shall be determined from the average number of the monthly list of the workers and employees for the precedent 12 months. In it shall be included all workers and employees who are or have been in legal terms of employment with the employer, regardless of its term and the duration of their work time, including the workers and employees, sent by an undertaking that provides temporary work.

(4) The number of the representatives of the workers and employees shall be determined in advance by the general meeting, as follows:

1. regarding enterprises with 50 to 250 workers and employees – from 3 to 5;

2. regarding enterprises with more than 250 workers and employees – from 5 to 9;

3. regarding organizationally and economically separated units - from 1 to 3.

(5) Candidatures for selection for representatives of the workers and employees under Para. 1 may be proposed by individual employees, groups of employees, as well as by trade union organisations

(6) The general meeting shall determine the order for conducting the selection under Para. 5, including the way of voting.

(7) The general meeting shall adopt its decisions under Para. 1, 2 and 4 by simple majority of the present members.

Mandate of the Representatives of the Workers and Employees

Art. 7b. (new – SG 48/06, in force from 01.07.2006) (1) The representatives of the workers and employees under Art. 7, Para. 2 and Art. 7a shall be elected for a period from one to three years. They shall be dismissed ahead of due term:

1. in case they are convicted of deliberate crime of general nature;
2. upon systematic non-fulfilment of their functions;
3. upon objective incapability to perform their functions for more than 6 months;
4. upon their request.

(2) (suppl. – SG 108/08) In the cases under Art. 123, Para. 1, if the enterprise, the activity or part of the enterprise or the activity, preserves its independence, the representatives of the workers and employees under Art. 7, Para. 2 and Art. 7a shall maintain their status and functions after the change under the same conditions, form and size, which they have had before the change, till the selection of new representatives, for not more than a year from the date of the change. If, after the change of the enterprise, the activity or part of the enterprise or the activity does not preserve its independence, the mandate of the elected representatives of workers and employees shall be terminated, provided that the workers and employees, transferred to the new employer, be represented by the representatives of the workers and employees in the enterprise where they have been transferred to work.

Rights and Obligations of the Representatives of the Workers and Employees

Art. 7c. (new – SG 48/06, in force from 01.07.2006) (1) The representatives of the workers and employees shall be entitled:

1. to be informed by the employer in a way, allowing them to evaluate the possible influence of the measures, provided for by the competent bodies;
2. to require from the employer to provide them with the necessary information, in case this has not been done within the fixed terms;
3. to participate in procedures of consulting with the employer and to express their opinion on the measures, provided for by the competent bodies, which shall be considered when taking a decision;
4. to require meetings with the employer in the cases when it is necessary to inform him/her of the questions, raised by the workers and the employees;
5. to access to all working places at the enterprise or the unit;
6. to participate in training related to the fulfillment of their functions.

(2) The representatives of the workers and employees shall be obliged:

1. to inform the workers and the employees of the information received under Para. 1, item 1 and 2, and of the results from the consultations and meetings conducted under Para. 1, item 3 and 4;
2. not to disclose and use at their own expense or at the expense of third persons the information under Para. 1, item 1 and 2, which is provided to them, requiring confidentiality, till they are representatives of the workers and employees, as well as after termination of their functions.

(3) The representatives of the workers and employees shall establish the order for their work. They may appoint one or several persons from their members to conclude an agreement with the employer in the cases, stipulated by the law.

(4) By a collective employment contract or an individual agreement with the employer may be settled that, where necessary with respect to their obligations, the representatives of the workers and employees can use reduced duration of the working hours, additional leave and others.

Responsibility at Disclosure of Confidential Information

Art. 7d. (new – SG 48/06, in force from 01.07.2006) The persons, who were provided with

information requiring confidentiality, shall be liable for the damages caused to the employer from non-fulfillment of the duty of secrecy.

Exercise of Labour Rights and Duties

Art. 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) (amend. - SG, No 100/1992; amend., SG 25/2001; amend., SG 52/04, In force from 1st of August 2004) In exercising labour rights and duties, no direct or indirect discrimination shall be allowed on grounds of nationality, origin, sex, sexual orientation, race, skin colour, age, political and religious convictions, affiliation to trade union and other public organisations and movements, family and material status, presence of mental or physical disabilities, as well as differences in the term of the contract and the duration of the working time.

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

Art. 9. (Revoked SG, No 100/1992)

Law Applicable to Employment Relationships

Art. 10. (amend. - SG, No 100/1992; amend. – SG 48/06, in force from 01.07.2006; amend. – SG 108/08) (1) This Code shall apply to employment relationships of Bulgarian citizens, nationals of Member States of the European Union, of states – 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, insofar as not provided otherwise in a law or a treaty in force for the Republic of Bulgaria.

(2) This Code shall apply also to employment relationships of Bulgarian citizens, of nationals of Member States of the European Union, of states – parties to the Agreement on the European Economic Area or of the Swiss Confederation, sent by Bulgarian employers to work in a foreign state in a foreign or mixed enterprise, and also of foreign nationals working in Bulgaria, insofar as not provided otherwise in a law or in an international treaty in force for the Republic of Bulgaria.

(3) The provisions of Para. 1 and 2 shall not apply to employment relationships with an international component, if the parties have chosen the legislation of another country to regulate their employment relationship.

(4) The application of Para. 1, 2 and 3 shall not deprive the employee of the protection granted by the imperative norms of the legislation of a Member State of the European Union, of a state – party to the Agreement on the European Economic Area or of the Swiss Confederation, on the territory of which the labour is provided, if they are more favourable for the employee.

Recognition of Labour Rights Acquired Abroad

Art. 11. (amend. - 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

Art. 12-32. (revoked, SG, No 100/1992)

Chapter three.
TRADE UNION ORGANISATIONS AND EMPLOYERS' ORGANISATIONS (Title amend. - SG 100/1992)

Autonomy

Art. 33. (amend. - SG No 100/1992) (1) Trade union organisations and employers' organisations are entitled, within the bounds 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 the workers and employees

Art. 34. (new, SG 25/2001; amend. – SG 40/07; amend. – SG 7/12) As a representative organisation of the workers and employees on national level shall be recognised an organisation meeting the following requirements:

1. (amend. - SG 08/16, in force from 29.01.2016) to have at least 50 thousand members;

2. to have workers 'and employees' organizations in more than a quarter of the activities defined by a code till the second digit of the Classification of Economic Activities, approved by the National Statistical Institute, provided that at least 5 % of the employed persons in each of the economic activities are members, or at least 50 organisations with no less than 5 members in each of the economic activities;

3. to have local bodies in more than a quarter of the municipalities in the country and a national leadership body;

4. to have the capacity of a legal person acquired by the order of Art. 49, Para 1, at least three years prior to submitting the request for recognition of representativeness.

Representative organisations of the employers

Art. 35. (new, SG 25/2001; amend. – SG 40/07; amend. – SG 7/12) As a representative organisation of the employers on national level shall be recognised an organisation meeting the following requirements:

1. (declared unconstitutional by a decision of the Constitutional Court No 7 of 2012 - SG 49/12; amend. - SG 08/16, in force from 29.01.2016) to include at least:

a) 1500 members and a total of at least 50 000 workers and employees in all members of the employers’ organisation, or

b) 100 000 workers and employees hired under an employment contract in all members of the employers’ organisation;

2. to have organisations of the employers in more than a quarter of the activities defined by a code up to the second digit from the Classification of Economic Activities approved by the National Statistical Institute, with no less than 5 % of the insured persons under employment contract in each of the economic activities or 10 members in each economic activity;

3. to have local bodies in more than a quarter of the municipalities in the country and a national leadership body;

4. to have the capacity of a legal person acquired by the order of Art. 49, Para. 1, at least three years prior to submitting the request for recognition of representativeness;

5. (declared unconstitutional by a decision of the Constitutional Court No 7 of 2012 - SG 49/12) not to carry out activities explicitly assigned solely to the organization by an Act or a statutory instrument.

(2) In those cases where an employer, directly or through a branch or sectoral organization, is a member in two or more national organizations of employers, when deciding whether representation criteria under Para.1, item 1 are available with respect to the membership, the employer shall have the following options:

1. to authorize by an explicit Power of attorney one of the national organizations, in which is a member;

2. to authorize by an explicit Power of attorney the branch or sectoral organization, in which is a member;

(3) In those cases where one branch or sectoral organisation of employers is a member of one or more national organisations of employers, at ascertaining the members as per Para. 1, item 2, with respect to the presence of the representativeness conditions, it shall be included in the list of the organisation, which has been explicitly authorised to represent it.

Recognition of representative organisations

Art. 36. (new, SG 25/2001; amend. – SG 40/07) (1) The organisations of the workers and employees shall be recognised as representative on national level, upon their request, by the Council of Ministers for a period of 4 years.

(2) Once in every four years the Council of Ministers shall conduct a procedure for recognition of the workers' and employees' organizations and those of the employers as representative on a national level.

(3) The chairman of the National Council for Tripartite Partnership shall announce in the State Gazette the initiation of the procedure for recognition of representativeness 6 months prior to the expiry of the term under Para. 1.

(4) (amend. – SG 61/11) The organisations of the workers and employees and of the employers, wishing to be recognised as representative, shall submit their requests within four months from the date of promulgation of the announcement under Para. 3.

(5) The Council of Ministers shall determine the procedure for ascertaining the presence of the representativeness conditions referred to in art. 34 and 35, observing the following principles:

1. equality at assessment of the representativeness conditions and of the presence of a social mandate;

2. transparency of the procedure for ascertaining of the presence of the representativeness conditions referred to in art. 34 and 35;

3. ensuring the authenticity of the primary information;

4. mutual control at ascertaining the presence of representativeness conditions.

(6) (amend. – SG 61/11) The Council of Ministers shall take decision within two months from the regular filing of the request of the interested organisation.

(7) (amend. - SG 77/18, in force from 01.01.2019) The refusal of the Council of Ministers to recognise a representative organisation of the workers and employees or of the employers shall be motivated and announced to the interested organisation within 7 days from its adoption. The interested organisation can contest the refusal before the relevant administrative court in accordance with the Administrative Procedure Code.

(8) Recognised as representative shall be all divisions of organisations recognised as representative on national level.

Inspection of the requirements for representation

Art. 36a. (new, SG 25/2001; amend. – SG 40/07) (1) On its own initiative the Council of Ministers may carry out inspection with respect to the presence of the representativeness conditions referred to in Art. 34 or Art. 35 of each of the organisations of the workers and employees and of the employers.

(2) Depending on the results of the inspection, the Council of Ministers shall take a decision, with which it may:

1. deprive the representative organisation of the workers and employees and of the employers on national level of its capacity as such;

2. confirm its representativeness as per Art. 36, para 5 and 6.

(3) The decision under para 2, item 1 shall be subject to appeal following the procedure of art. 36, para 7.

Participation in the Preparation of Internal Regulations of the Enterprise

Art. 37. (amend. - SG, No 100/1992) Trade union organisation organs in the enterprise shall be entitled to participate in drafting all internal rules and regulations which pertain to labour relations, the employer being bound to invite them to do so.

Art. 38 - 41. (Revoked, SG, No 100/1992)

Participation in the Discussion of Labour and Security Issues

Art. 42. (amend. - SG, No 100/1992) The national leaderships of trade union organisations and employers' organisations, or organs or persons they have authorised, are entitled to participate in the discussion of issues referring to the labour and security relations of employees of ministries, other institutions, enterprises and local government bodies.

Art. 43. (Revoked, SG, No 100/1992)

Art. 44. (Revoked, SG, No 100/1992)

Representation before the Court

Art. 45. (amend. - SG No 100/1992, former text of Art. 45 – SG, 105/16, in force from 30.12.2016) (1) Trade union organizations and their divisions are entitled, upon the request of employees, to represent them as attorney before the Court. They shall not be entitled to conclude agreements, to recognize claims, to renounce, withdraw, or reduce the claims of employees, and to collect amounts on behalf of the represented persons unless they have been expressly authorized to do so.

(2) (New – SG, 105/16, in force from 30.12.2016) Para. 1 shall also apply in relation to workers and employees under Art. 121a.

Cooperation to Further the Activities of Trade Union Organisations and of the

Representatives of the Workers and the Employees (Title amend. - SG 48/06, in force from 01.07.2006)

Art. 46. (1) (amend. - SG, No 100/1992; prev. text of art. 46 - SG 48/06, in force from 01.07.2006; suppl. – SG 58/10, in force from 30.07.2010) State agencies, local authorities and employers shall provide conditions for, and cooperate with, trade union organisations to further their activities. The former shall make available to the latter, for gratuitous use, real estate and chattel, buildings, premises, and other facilities required for the performance of their functions.

(2) (new – SG 48/06, in force from 01.07.2006) The employer shall be obliged to cooperate with the representatives of the workers and the employees on fulfilment of their functions and to create conditions for implementation of their activity.

Art. 47. (Revoked SG, No 100/1992)

Art. 48. (Revoked SG, No 100/1992)

Legal Entity

Art. 49. (1) (Amended - SG, No 100/1992, No. 2/1996, amend. – SG 59/18) Trade union organizations and employers' organizations shall acquire the status of legal entity upon registration in a register of trade union and employers' organizations with the respective District Court at their headquarters.

(2) (Amend. – SG 59/18) Any division of an organisation which has been registered under the preceding paragraph shall acquire the status of a legal entity, pursuant to its statute.

(3) (New – SG 59/18) Entries shall be made under the conditions and procedure of Chapter fifty-five of the Civil Procedure Code.

(4) (New – SG 59/18) The following circumstances shall be recorded in the register of trade unions and employers' organizations:

1. the type and the name of the organization;
2. the seat and the address;
3. the Statutes of the organization;
4. the bodies, the names of the members of the management body, the names and positions of the persons representing the organization;
5. the termination of the organization;
6. the transformation;
7. the names, respectively the name and the address of the liquidators;
8. the deletion of the organization.

(5) (New – SG 59/18) Also entered shall be the changes in the circumstances under Para. 4.

(6) (New – SG 59/18) The circumstances and the acts under Para. 4 shall be filed for registration, respectively for announcement in the register of trade union and employers' organizations at the respective District Court, within one month from the day of their occurrence, respectively of their change.

(7) (Previous Para. 3 - SG 59/18) Property relations between the members of a trade union organization which has been wound up, as well as of an employers' organizations which has been wound up, shall be settled in accordance with the provisions set forth in their respective Statutes.

Chapter four.
COLLECTIVE EMPLOYMENT CONTRACT

Subject

Art. 50. (amend. - SG, No 100/1992) (1) The collective employment contract shall regulate issues of the labour and social security relations of employees which are not regulated by mandatory provisions of the law.

(2) (amend. - SG, No 100/1992, No 2/1996; suppl., SG 25/2001) The collective employment contract shall not contain clauses which are less favorable to workers and employees than those provided for by law or in a collective employment contract, with which the employer has been bound.

Levels of collective bargaining

Art. 51. (Amended - SG, No. 2/1996; amend., SG 25/2001) (1) Collective employment contracts shall be concluded by enterprises, industries, branches and municipalities.

(2) Only one collective employment contract can be concluded on a level of enterprise, industry and branch.

Collective employment contract in enterprises

Art. 51a. (new, SG 25/2001) (1) Collective employment contract in the enterprise shall be concluded between the employer and the trade union organisation.

(2) The draft collective employment contract shall be worked out and presented by the trade union organisation. When there is more than one trade union organisation in the enterprise, they shall present a joint draft.

(3) When trade union organisations cannot present a joint draft, the employer shall conclude a collective employment contract with the trade union organisation whose draft has been adopted by the general meeting of the workers and employees (meeting of the proxies) by a majority of more than half of its members.

Collective employment contract on an industrial and branch level

Art. 51b. (new, SG 25/2001) (1) (amend. – SG 108/08) Collective employment contract in industries and branches shall be concluded between the respective representative organisations of workers and employees and of the employers.

(2) (new – SG 120/02; amend. – SG 58/10, in force from 30.07.2010) The collective employment negotiating at sector or branch level for an agreement between the parties may cover one or several activities from the Classification of Economic Activities.

(3) (prev. (2) – SG 120/02) The representative organisations of the workers and employees shall work out and present to the representative organisations of the employers a joint draft.

(4) (prev. (2) – SG 120/02) When the collective employment contract on an industrial or branch level is concluded between all representative organisations of the workers and employees and of the employers of the industry or branch, upon their joint request the Minister of Labour and Social Policy can spread the implementation of the contract, or its individual clauses, on all enterprises of the industry or branch.

Collective employment contracts in municipalities

Art. 51c. (new, SG 25/2001) (1) Collective employment contracts in municipalities for activities financed by the municipal budget shall be concluded between the representative organisations of the workers, employees and of the employers.

(2) The local divisions of the representative organisations of the workers and employees shall

present joint drafts of collective employment contracts to the local divisions of the representative organisations of the employers.

Obligations to Negotiate and to Provide Information (amend,. SG 25/2001)

Art. 52. (amend. - SG, No 100/1992) (1) The individual employer, the group of employers, and their organisations shall be obliged to:

1. negotiate with the employees' representatives to conclude a collective contract;

2. make available to the employees' representatives:

a) the collective contracts concluded which bind the parties on the basis of sectoral, regional or organisational affiliation;

b) (amend., SG 25/2001) timely, reliable and comprehensive information for the economic and financial position which is significant for the conclusion of the collective contract; submitting information whose spreading could harm the employer, can be refused or made with a request for confidentiality.

(2) In case of failure to perform the obligation under the preceding paragraph, the employers in default shall owe indemnity for damages inflicted.

(3) The employer shall be deemed to be in delay, if he does not fulfil his obligation under para 1, item 1 within one month, and under para 1, item 2 within 15 days after the notice.

(4) (new, SG 25/2001) Upon request of the employer, at the start of the bargaining for conclusion of collective employment contract, the trade union organisations in the enterprise shall submit information for the actual number of their members.

Conclusion and Registration

Art. 53. (amend. - SG, No 100/1992) (1) The collective contract shall be concluded in writing in three copies - one for each of the parties, and one for the respective labour inspection, and shall be signed by the representatives of the parties.

(2) The written form is a requisite for the validity of the collective contract.

(3) The collective employment contract shall be registered in a special register with the labour inspection in the area where the employers' seat is located. In case the employers have seats in various areas, the registration shall be registered with one of the inspections. Collective contracts of a sectional or national significance shall be registered with the General Labour Inspection. Disputes as to the competent inspection shall be settled by the Minister of Labour and Social Policy.

(4) (amend. – SG 108/08) The registration shall be entered on the grounds of an application in writing of each of the parties within one month after the labour inspection has received the application. 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 108/08) Copies of the registered employment contracts shall be provided ex officio, under order determined by the Minister of Labour and Social Policy, to the National Institute for Conciliation and Arbitration, which shall create and maintain an information system for the collective employment contracts.

(6) (prev. text of Para 05 – SG 108/08) Should a dispute as to the text of the contract arise, the registered text shall be deemed authentic.

Entry into Force and Duration

Art. 54. (amend. - SG, No 100/1992) (1) The collective contract shall come into force as from the date of its conclusion, insofar as it does not provide otherwise.

(2) (amend. - SG 25/2001) The collective contract shall be deemed concluded for a term of one year, insofar as it does not provide otherwise, but for no longer than two years. The parties can agree upon a shorter term of validity of its individual clauses.

(3) (new, SG 25/2001) The negotiations for conclusion of a new collective employment contract shall start not later than three months before the expiration of the term of the current collective employment contract.

Extension of the Effect of the Collective contract

Art. 55. (amend. - SG, No 100/1992) (1) (prev. art. 55 - SG 25/2001) The effect of the collective contract concluded between an employers' organisation and trade union organisations shall not be terminated with regard to an employer who terminates his membership in it after the contract has been concluded.

(2) (new, SG 25/2001; suppl. – SG 108/08) In the cases under Art. 123 and 123a, the collective employment contract already in place shall remain in effect until the conclusion of a new collective employment contract, but for no longer than one year from the date of the change of the employer.

Amendment

Art. 56. (amend. - SG, No 100/1992) (1) The collective contract may be amended at any time with the parties' mutual consent, under the terms and procedures under which it has been concluded.

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

Effect with Regard to Persons

Art. 57. (amend. - SG, No 100/1992) (1) The collective contract shall have effect for the workers and employees who are members of the trade union organisation signatory to the agreement.

(2) (Suppl. - SG, No. 2/1996; amend., SG 25/2001) The workers and employees who are not members of a trade union organisation, party to the contract, may accede to the collective contract concluded by their employer by applications in writing submitted to him or to the leadership of the trade union organisation which has concluded the agreement, under conditions and by an order determined by the parties to the contract, so that they do not contradict the law or evade it, or harm the good morals.

Obligation for Information

Art. 58. (amend. - SG, No 100/1992; amend. – SG 48/06, in force from 01.07.2006) The employer shall be obliged to inform all workers and employees of the collective contracts, with which he/she is bound, concluded at the enterprise, by sectors, branches or municipalities and to keep the texts of the collective contract at the disposal of the workers and employees.

Actions in Case of Default

Art. 59. (amend. - No 100/1992; amend., SG 25/2001) For failure to fulfil the obligations under the collective employment contract, claims can be lodged before the court by the parties to it, as well as by every worker or employee regarding whom the collective employment contract applies.

Claim for declaring invalidity

Art. 60. (new, SG 25/2001) Each of the parties to the collective employment contract, as well as

each worker or employee regarding whom the collective employment contract is applied, shall have the right to lay claim before the court for declaring invalidity of the collective employment contract or of individual clauses thereof, if they contradict the law or evade it.

Chapter five.
FORMATION AND AMENDMENT OF EMPLOYMENT CONTRACT RELATIONSHIPS

Section I.
EMPLOYMENT CONTRACT

Conclusion

Art. 61. (amend. - SG, No 100/1992) (1) (suppl. SG 120/02) The employment contract shall be concluded between the worker or employee and the employer before the start of the 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 contract relationship shall be established with the enterprise where the relevant position is.

(3) An employment contract may also be concluded with a group of persons, either directly or through a representative they have authorised. In this case, the same rights and duties for the employer and for each person from the group shall arise as would have, had the contract been concluded with each one of them individually.

Form

Art. 62. (amend. - SG, No 100/1992) (1) (Amended - SG, No. 2/1996) The employment contract shall be concluded in writing.

(2) (New - SG, No. 2/1996, revoked – SG 120/02)

(3) (New – SG 120/02; amend. - SG 105/05, in force from 01.01.2006; suppl. – SG 108/08) Within three days of concluding or amending the employment contract, and within seven days of its termination, the employer, or the person empowered by him, shall be obliged to send notification about this to the respective territorial directorate of the National Revenue Agency. The National Revenue Agency shall grant persons authorised by Directorates "Labour Inspection" real-time electronic access to the register of employment contracts and, if requested, shall send a copy of the specified certified notification within three working days.

(4) (new – SG 100/10, in force from 01.01.2011) After the term of Para 3, notification of a concluded labour contract shall be sent only after an obligatory prescription of the control bodies of the labour inspection has become effective.

(5) (New – SG 120/02; amend. - SG 105/05, in force from 01.01.2006; previous Para 4 – SG 100/10, in force from 01.01.2011) The data contained in the notification and the order for its sending shall be determined with an ordinance of the Minister of Labour and Social Policy, co-ordinated with the Executive Director of the National Revenue Agency and the chairman of the National statistics institute.

(6) (New - SG, No. 2/1996, prev. (3) – SG 120/02; previous Para 5 – SG 100/10, in force from 01.01.2011) Upon conclusion of the employment contract, the employer shall introduce the worker or employee to the labour obligations ensuing from the position occupied or the nature of the work performed.

(7) (Previous - SG, No 2/1996, prev. (4) – SG 120/02; previous Para 6 – SG 100/10, in force from 01.01.2011) The documents required for the conclusion of the employment contract shall be specified by the Minister of Labour and Social Policy.

Beginning of Performance

Art. 63. (1) (new – SG 120/02; amend. - SG 105/05, in force from 01.01.2006) The employer shall be obliged to give to the worker or the employee before the start of the work a copy of the concluded employment contract, signed by both parties, and a copy of the notification of Art. 62, Para. 3, certified by the territorial directorate of the National Revenue Agency.

(2) (new – SG 120/02) The employer shall not have the right to admit to work the worker or the employee before providing to him the documents of Para. 1.

(3) (Revoked previous para 2, amend., SG, No 100/1992, previous para 1, amend. SG 120/02) The worker or employee shall begin work within one week after the receiving of the documents of para 1, unless the parties have negotiated another deadline. In case the employee does not begin work within this period, the employment contract relationship shall be deemed as never formed, unless the failure is due to reasons beyond the employee's control, of which he has notified the employer before the expiry of the deadline.

(4) (Previous para 2, amend., SG, No 100/1992, previous para 2 – SG 120/02) The fulfillment of the obligations under the employment contract shall start with the worker or employee beginning work, which is to be certified in writing.

Art. 64. (Amend. SG, No 21/1990; revoked, No 100/1992)

Art. 65. (Revoked SG, No 21/1990)

Content

Art. 66. (amend. - SG, No 100/1992) (1) (amend., SG 52/04, In force from 1st of August 2004) The employment contract shall contain data for the parties and shall determine:

1. the place of work;
2. the name of the position and the nature of the work;
3. the date of its conclusion and the beginning of its fulfilment;
4. the duration of the employment contract;
5. the size of the basic and extended paid annual leave and of the additional paid annual leaves;
6. equal term of notice for both parties on termination of the employment contract;
7. the basic and the extra remuneration of permanent nature, as well as the periodicity of their payment;
8. duration of the working day or week.

(2) Other terms and conditions may also be negotiated in the employment contract pertaining to the provision of labour which are not regulated by mandatory provisions of the law, as well as terms and conditions which are more favourable for the employee than those established by the collective contract.

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

(4) (new – SG 58/10, in force from 30.07.2010) The names of the positions shall be given according to the National classification of the professions and positions, adopted by the Minister of Labour and Social Policy following an agreement with the chairperson of the National Statistical Institute.

(5) (new – SG 48/06, in force from 01.07.2006; prev. text of para 4 – SG 58/10, in force from 30.07.2010) Upon each amendment to the employment contract relationship, at the earliest possibility or

at latest within one month after the entry into force of the change, the employer shall be obliged to provide the worker or employee with the necessary information in writing, containing data on the implemented amendments.

Duration

Art. 67. (1) (amend. - SG, No 100/1992) The employment contract may be concluded:

1. for an indefinite period of time;

2. as an employment contract for a fixed term.

(2) The employment contract shall be considered concluded for an indefinite period, unless expressly agreed otherwise.

(3) (new, SG 25/2001) The employment contract for indefinite term cannot be transformed into a contract for a definite term, except at the explicit wish of the worker or employee, expressed in writing.

Employment Contract for a Fixed Term

Art. 68. (1) (amend. - SG 100/1992; prev. art. 68 - SG 25/2001) An employment contract for a fixed term shall be concluded:

1. (amend. - SG 100/1992) for a definite period which cannot be longer than 3 years, insofar as a law or an act of the Council of Ministers do not provide otherwise;

2. (amend. - SG 100/1992) until completion of some specified work;

3. (amend. - SG 100/1992) for substitution of an employee who is absent from work;

4. (Deleted previous item 5, amend. - SG 100/1992) for working at a position which is to be taken through a competitive examination - for the time until it is taken on the basis of the competitive examination.

5. (new, SG 25/2001) for a definite mandate when such is stipulated for the respective body.

(2) (new – SG 48/06, in force from 01.07.2006) Workers and employees on fixed-term employment contract under para. 1 shall have the same rights and obligations as have the workers and employees on employment contract for indefinite period. They shall not be put in less favourable position only because of the fixed-term nature of their employment relationship compared to the workers and employees on employment contract for indefinite period, who perform the same or similar work at the enterprise, unless the law stipulates the use of some rights as depending on the qualification or the skills acquired. In case there are no workers or employees employed at the same or similar work, the workers and the employees on fixed-term employment contract may not be put in less favourable position than the rest of the workers and the employees, working under employment contract for indefinite period.

(3) (new, SG 25/2001; prev. text of par. 2 - SG 48/06, in force from 01.07.2006) Employment contract for a fixed term under Para. 1, item 1 shall be concluded for fulfilment of temporary, seasonal or short-term works and activities, as well as with newly employed workers and employees in enterprises declared bankrupt or in liquidation.

(4) (new, SG 25/2001; prev. text of par. 3 - SG 48/06, in force from 01.07.2006) As an exception, an employment contract for a fixed term under Para.1, item 1, for a period of no less than one year, can be concluded for work and activities which have no temporary, seasonal or short-term nature. Such an employment contract can also be concluded for a shorter term upon written request of the worker or employee. In these cases the employment contract for a fixed term according to para 1, item 1 with the same worker or employee, for the same job, can be concluded again only once for a period of at least one year.

(5) (new, SG 25/2001; prev. text of par. 4, amend. - SG 48/06, in force from 01.07.2006)

Employment contract under Para. 1, item 1, concluded in violation of Para. 3 and 4 shall be considered concluded for an indefinite term.

(6) (new – SG 7/12) A temporary employment contract for the period of the long-term business trip may be concluded for a position designated for long-term business trip at a foreign representation of the Republic of Bulgaria abroad pursuant to the Diplomatic Service Act.

(7) (new – SG 48/06, in force from 01.07.2006; prev. text of para 6 – SG 7/12) The employer shall provide the workers and employees on fixed-term employment contract with timely information in writing about the vacant working places and positions, which may be occupied under employment contract for non-determined period, at a suitable place in the enterprise, in order an opportunity for a permanent job to be provided. Such information he/she shall also provide to the representatives of the trade union organizations, as well as to the representatives of the workers and employees under Art. 7, Para. 2.

(8) (new – SG 48/06, in force from 01.07.2006; prev. text of para 7 – SG 7/12) Where possible, the employer shall undertake measures for facilitating the access of the workers and employees on fixed-term employment contract to professional training for the purpose of improving their skills and opportunities for career progress, and for their moving to a different position.

Converting an Employment Contract for a Fixed Term into a Contract for an Indefinite Period

Art. 69. (amend. - SG, No 100/1992) (1) The employment contract concluded for a fixed term shall be transformed into a contract for an indefinite period if the employee continues working for 5 or more working days after the expiry of the agreed period, without the written objection of the employer, provided the job is vacant.

(2) (Suppl., SG, No 100/ 1992) The preceding paragraph also applies to employment contracts for a fixed term to substitute for an absent employee, in case the employment contract with the person substituted for is terminated during this period of absence.

Employment Contract for a Trial Period

Art. 70. (1) (amend. - SG, No 100/1992) In the event that the work requires the ability of the employee who will perform it to be tried, his final appointment may be preceded by a contract providing for a trial period of up to 6 months. Such a contract may also be concluded in case the worker or employee wants to make sure the job is suitable for him.

(2) (new, SG 25/2001) The contract under Para. 1 shall indicate in whose favour the trial period has been agreed upon. If this is not stipulated in the contract, it shall be accepted that the trial period has been agreed upon in favour of both parties.

(3) (prev., para 2 - SG 25/2001) During the trial period, the parties shall have all rights and duties they would have had under a final employment contract.

(4) (amend. - SG, No 100/1992 - prev. para 3 - SG 25/2001) The trial period shall not include the time during which the employee has been on a statutory leave, or has not done the contracted job for other valid reasons.

(5) (new, SG 25/2001) For one and the same job can be concluded employment contract for a trial period only once with the same worker or employee in one and the same enterprise.

Termination of the Contract with a Trial period

Art. 71. (1) Prior to the expiration of the trial period, the party in whose favour it has been agreed upon may terminate the contract without notice.

(2) The employment contract shall be regarded as finalised in case it has not been terminated under the preceding paragraph prior to the expiration of the trial period.

(3) (Revoked, No 21/1990)

Art. 72. (revoked, SG 25/2001)

Art. 73. (Revoked, SG, No 100/1992)

Nullity

Art. 74. (1) (amend. - SG, No 100/1992) Any employment contract which contravenes the law, or a collective contract, or circumvents them, shall be invalid.

(2) (amend. - SG, No 100/1992) The employment contract shall be declared invalid by the court pursuant to Chapter Eighteen. In case the employment contract is invalid due to the appointment of an employee or wroker who has not reached the age required under this Code, the nullity shall be declared by the labour inspection.

(3) (amend. - SG, No 100/1992) In case any control body or other competent body considers that the employment contract is invalid based on one of the grounds mentioned in Para. 1, it shall immediately refer it the Court to rule on the validity of the employment contract.

(4) Individual provisions of the employment contract may be declared invalid pursuant to Para. 2, sentence 1. The relevant mandatory provisions of the law or of the collective contract shall apply instead.

(5) The parties shall not invoke nullity of the employment contract or of individual provisions thereof prior to its declaration and the receipt of such by the parties.

(6) (amend. - SG, No 100/1992) The nullity shall not be declared in case the deficiency in the employment contract disappears or is removed. The employer shall not invoke a deficiency in the employment contract which can be removed.

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

Relationship between the Parties in Case of an Invalid Employment Contract

Art. 75. (amend. - SG, No 100/1999) (1) In the event that the employment contract is declared invalid and the worker or employee has acted in good faith when concluding it, the relationship between the parties to the contract prior to the moment of declaration of its nullity shall be regulated in the same manner as with a valid employment contract.

(2) The preceding paragraph shall also apply in case individual provisions of the employment contract are declared invalid.

Applicability of the Provisions on Nullity of an Employment Contract

Art. 76. The rules on nullity of an employment contract shall apply mutatis mutandis to the other grounds for creation of an employment relationship as well.

Art. 77 - 82. (Revoked SG, No 100/1992)

Section III.
ELECTION

Appointment to Work on the Basis of an Election

Art. 83. (amend. - SG, No 21/1990, No 100/1992) (1) The offices which are held on the basis of an election shall be specified by a law, an act of the Council of Ministers or in Articles.

(2) An election shall be held for an office which is vacant or is about to be vacated, as well as in case of a prolonged absence of the person holding it. The term for which the person is elected shall not be longer than 5 years.

Nomination of Candidates for Elective Office

Art. 84. (Revoked SG, No 21/1990; New SG, No 100/1992) (1) The candidates for elective office shall be nominated by bodies and persons specified by a law, an act of the Council of Ministers or statutes. The candidate for an elective office may also nominate himself.

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

(3) The election shall be held after the candidate has given his consent in writing.

(4) An election shall also be held in the event where there is only one candidate.

Holding an Election

Art. 85. amend. - SG, No 21/1990) (1) (amend. - SG, No 100/1992) The election shall be held by an electoral body established by a law, a statute or an act of the Council of Ministers.

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

(3) (amend. - No 21/1990) The vote shall be open, 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 establishing the number of those present under Para.2, and shall not vote.

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

(6) (amend. - SG, No 21/1990; No 100/1992) The candidate who has won the greatest number of votes, but not less than half the number of those who have voted, shall be considered elected.

Creation of the Employment Relationship

Art. 86. (1) The employment relationship shall be created from the moment of announcement of the elected candidate.

(2) (amend. - SG, No 100/1992) The person elected shall start work within 2 weeks after receiving the notification of the election result. In the presence of cogent reasons, this term may be up to 3 months.

(3) The performance of the obligations under the employment relationship shall begin with the assuming of duties by the elected person.

(4) The employment relationship created pursuant to an election shall remain in force after the expiration of the specified term until another person is elected.

(5) In case the new election leads to the electing of the same person, the employment relationship with him shall be extended for a new term.

(6) (Amend. SG, No 100/1992) In case the election has ended without electing any of the candidates, the employment relationship with the person holding the office for which the election is held

shall continue until the successful outcome of the next election.

(7) The employment relationship with the elected person who has not started work within the period under Para. 2 shall be considered to not have arisen.

Disputes as to the Legality of the Election

Art. 87. (1) (amend. - SG, No 100/1992) The disputes as to the legality of the election shall be heard by the district court upon the request of any candidate or of the employer, within 2 weeks after receipt of the result.

(2) In case the Court finds the election to be legal, it shall sustain it, and the employment relationship is to be created pursuant to the election, and in case the court finds the election to be illegal, it shall overrule it and a new election shall be held.

Application of Other Provisions to the Election

Art. 88. (1) (amend. - SG, No 100/1992) The issues not regulated in this Section shall be regulated by the relevant act or instrument of the Council of Ministers, or the Statutes which provides that certain offices be held on the basis of an election.

(2) (amend. - SG, No 100/1992) The provisions of this Section shall apply, insofar as a law, an act of the Council of Ministers or statutes do not provide otherwise.

Section IV.
COMPETITIVE EXAMINATION

Holding Jobs on the Basis of a Competitive Examination

Art. 89. (amend. - SG, No 100/1992) A competitive examination may be held for any job with the exception of a job which shall be held on the basis of an election.

Specifying the Jobs Requiring Competitive Examination

Art. 90. (1) (amend. - SG, No 100/1992) The jobs requiring a competitive examination shall be specified by a law, an act of the Council of Ministers, a Minister or the Head of another institution, or by the employer.

(2) (Previous para 3 - SG, No 21/1990, amend., No 100/1992; amend., SG 25/2001) A competition shall be announced for a vacancy announced by a law to be held following a competition, or when the position is vacant or is about to be vacated, as well as in the event of a prolonged absence of the person holding it for the time up to his return.

(3) (Previous para 4 - SG, No 21/1990, amend., No 100/1992) The jobs specified to require a competitive examination shall be held only on the basis of a competitive examination. Prior to the competitive examination, the job may be held on an employment contract for a fixed term for the period until a person is appointed to it on the basis of a competitive examination.

Announcement of a Competitive Examination

Art. 91. (1) (amend. - SG, No 100/1992) The competitive examination shall be announced by the employer through the national or the local press. If necessary, the competitive examination may be announced in another appropriate way.

(2) The announcement for the competition shall contain:

1. the name of the enterprise, the place and nature of work, and the requirements for the job;

2. (amend. - SG, No 100/1992) the manner of holding the competitive examination;

3. (amend. - SG, No 100/1992) the required documents, the place and deadline for submitting them, which cannot be shorter than 1 month.

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

Participation in a Competitive Examination

Art. 92. (1) (amend. - SG, No 100/1992) The consent of the employer, for whom the candidate works, shall not be required for his participation in a competitive examination.

(2) (Para 2 - revoked previous para 3, amend. - SG, No 100/92 г.) The candidate shall be entitled to an unpaid leave for the days when the competitive examination is held, and up to 2 days for travel, in case the competitive examination is held in another locality. This leave shall be recognised as length of service.

Admittance to a Competitive Examination

Art. 93. (1) (amend. - SG, No 100/1992) Candidates shall be admitted to a competitive examination by a commission appointed by the employer.

(2) (amend. - SG, No 100/1992) The candidates who have not been admitted shall be informed in writing of the grounds for the rejection. Within 7 days after receiving the notification, they may place their objections with the employer who has announced the competitive examination. Within 3 days of receiving the objection, the employer shall settle the issue conclusively.

(3) (amend. - SG, No 100/1992) The candidates who have been admitted shall be notified in writing of the date, hour, and venue of holding the competitive examination.

Commission to Conduct the Competitive Examination

Art. 94. (amend. - 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.

Conducting a Competitive Examination

Art. 95. (amend. - 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 holding the job, and shall rank only those who have successfully passed the competitive examination. A protocol shall be drawn up for the competitive examination conducted.

(2) (amend. - SG, No 100/1992) The result of the competitive examination shall be announced to the persons who have participated in it within 3 days after it has been held.

Creation of the Employment Relationship

Art. 96. (1) (amend. - SG, No 100/1992) The employment relationship shall be created with the person who has been ranked first, as of the day he has received the notification of the result.

(2) (amend. - SG, No 100/1992) The person with whom an employment relationship has been created shall start work within 2 weeks after receiving the notification under the preceding paragraph. In the presence of cogent reasons, this period shall be up to 3 months.

(3) (amend. - SG, No 100/1992) The performance of the obligations under the employment relationship shall begin from the moment of assuming of the duties by the person.

(4) (amend. - SG, No 100/1992) In case the person does not assume his duties within the period under Para. 2, the employment relationship shall be considered to not have arisen. In this case, the employment relationship shall be created with the participant in the competitive examination who comes next in the ranking, of which he is to be notified in writing.

(5) (Revoked SG, No 100/1992)

Inapplicability to Competitive Examinations for Academic Titles

Art. 97. (amend. – SG 101/10) This Section shall not apply to competitive examinations for holding academic positions.

Art. 98-102. (Revoked SG, No 100/1992)

Art. 103 and 104. (Revoked SG, No 100/1992)

Art. 105 and 106. (Revoked SG, No 100/1992)

Section VIII.
ADDITIONAL PROVISIONS ON SOME EMPLOYMENT RELATIONSHIPS

Stipulating Additional Conditions in the Creation of an Employment Relationship

Art. 107. (amend. - SG, No 100/1992) Where the employment relationship is created on the basis of an election or a competitive examination, before beginning work, the worker or employee and the employer shall negotiate the amount of the labour remuneration. They may also negotiate other terms of the employment relationship.

Additional conditions for the persons working with employment relationship in the state administration

Art. 107a. (new – SG 95/03) (1) Employment contract for work in the state administration cannot be concluded with any person who:

1. (suppl. – SG 94/08, in force from 01.01.2009) would turn out to be in hierarchic connection of management and control with husband or wife, with a person with whom he/she is in legal cohabitation, with relatives in direct line without limitation, in lateral line up to forth degree inclusive or in marriage line up to forth degree inclusive;

2. (amend. – SG 94/08, in force from 01.01.2009) is a sole trader, unlimited liable partner in a commercial company, manager, commercial proxy, commercial representative, procurator, trade broker, liquidator or receiver, is a member of a managing or control body of a trade company or cooperation;

3. is a member of parliament;

4. is a councillor in municipal council – only for the respective municipal administration;

5. (amend. - SG 24/06) holds a managerial or control position at national level in a political party; this prohibition does not refer to the members of political offices, the advisers and experts thereto.

(2) (new– SG 94/08, in force from 01.01.2009; suppl. – SG 82/2012) The employee may take

part in the managing and control bodies of trade companies with state or municipal capital participation, or of legal entities established by a law, as well as in boards, committees, commissions, working or expert groups, bodies of management or control over funds, accounts etc, which are not legal persons, as a representative of the state or the municipality, provided that he/she is not entitled to remuneration.

(3) (new– SG 94/08, in force from 01.01.2009) Upon conclusion of an employment contract, persons shall sign a declaration concerning the circumstances under Para. 1.

(4) (new– SG 94/08, in force from 01.01.2009; amend. - SG 15/12) Upon conclusion of an employment contract, the employee shall be obliged to declare his property status before the person under Para. 6.

(5) (new - SG 15/12; amend. – SG 38/12, in force from 01.07.2012, amend. – SG 7/18) Upon taking up the employment, and every year by May 15, the employee shall be obliged to submit to the entity under Para. 6 a declaration for property and interests under Art. 35 of the Act On Counteracting Corruption And On Seizure Of Illegally Acquired Property. This obligation shall not apply to employees who occupy technical positions. Any employee who is a senior public officer shall submit a declaration of property and interests only under the provisions of the Act On Counteracting Corruption And On Seizure Of Illegally Acquired Property.

(6) (Amend. – SG 24/06; prev. para 2 - SG 94/08, in force from 01.01.2009; prev. Para. 5, suppl. - SG 15/12) The employment contract with the employee shall be concluded by the body of the state power or by a deputy authorized by him, or by the Chief Secretary, or by the Permanent Secretary of Defence or by the Permanent Secretary of the Ministry of Interior.

(7) (new - SG 24/06; prev. text of para 3 – SG 94/08, in force from 01.01.2009; prev. text of para 6 - SG 15/12) To the Heads of territorial units or territorial divisions, established by a normative act, powers in connection with the conclusion, amendment and termination of the employment relations with the employees in the units or divisions may be assigned.

(8) (Prev. par. 3 - SG 24/06; prev. text of para 4 – SG 94/08, in force from 01.01.2009; prev. text of para 7 - SG 15/12; amend. – SG 38/12, in force from 01.07.2012; amend. – SG 15/13, in force from 01.01.2014) Costs for basic salaries of employees under legal employment relation at the public administration and of civil servants under the Civil Servants Act, as well as the insurance installments due for them at the account of the insurer shall amount to no less than 70 % of the costs for salaries, remuneration and insurance installments under the budgets of the accounting officer.

(9) (New - SG 57/16) Employees working under employment contracts in the state administration, with their consent and against additional remuneration, may be ordered by the employer to be assigned additional obligations in connection with the execution and / or managing of:

1. projects co-financed with funds from the European structural and investment funds, under which the respective administration is a beneficiary, under the conditions of Art. 49, Para. 3 of the Act on Management of Funding from the European Structural and Investment Funds;

2. projects and programs funded by other international financial institutions and donors to which the respective administration is a beneficiary.

(10) (Prev. par. 4 - SG 24/06; prev. text of para 5 – SG 94/08, in force from 01.01.2009; prev. text of para 8 - SG 15/12; amend. – SG 38/12, in force from 01.07.2012) The minimum and maximum amount of basic salaries by levels and degrees, the amount of additional labour remuneration of employees under Para. 14, items 1-5 working on employment relationship in the public administration, and the order of reveiving them, shall be determined with an Ordinance of the Council of Ministers.

(11) (new – SG 38/12, in force from 01.07.2012) The individual amount of the basic salary of an employee shall be determined with regards to the level of the position held, the qualification and professional experience.

(12) (new – SG 38/12, in force from 01.07.2012) The individual basic salary of the employee may be increased:

1. on the grounds of the annual job performance assessment;

2. upon return from pregnancy and childbirth leave or leave for raising a child;

3. after expiration of a probationary period;

4. upon return from leave or business trip lasting more than a year, or in the event of reinstating a dosmissed employee;

5. upon reassignment on another position at a higher level of basic salary.

(13) (new – SG 38/12, in force from 01.07.2012) Determination and increase of the individual amount of the basic salary of an employee shall be carried out according to the procedure laid down in the Ordinance under Para. 10.

(14) (new – SG 38/12, in force from 01.07.2012) Additional remuneration for employees working on employment relationship in the public administration shall be the following:

1. additional remuneration for night shift work;

2. additional remuneration for overtime;

3. additional remuneration for work during official holidays;

4. additional remuneration for the time spent on call;

5. additional remuneration for results achieved;

6. (new - SG 57/16) additional remuneration for the implementation and / or management of projects or programs under Para. 9.

(15) (new – SG 38/12, in force from 01.07.2012) The additional remuneration under Para.14, item 5 shall be determined for precise and timely performance of the assigned tasks and shall be paid up four times a year – in April, July and October during the current year and in January – for the preceding year, on the grounds of assessment made in the course of a procedure set out by the Ordinance under Para. 10. The amount of the additional remuneration under Para. 14, item 5, which may be received by the employee, shall not exceed 80 percent of the basic salaries calculated accrued to them during the respective year.

(16) (new – SG 38/12, in force from 01.07.2012; amend. – SG 15/13, in force from 01.01.2014) The costs for additional remunerations under Para. 14, items 1-5 shall amount to not more than 30 percent of the costs for salaries, remunerations and obligatory insurance installments under the budgets of accounting officers.

(17) (New - SG 57/16) The amount of the additional remuneration under Para. 14, item 6, as well as the terms and procedure for its receipt, shall be determined by a normative act of the Council of Ministers.

(18) (new – SG 38/12, in force from 01.07.2012, previous Para. 16 - SG 57/16) Employees on employment relation at the public administration may not be granted additional remunerations on grounds other than the ones specified in this Code. Additional remunerations for the said employees may not be defined in other acts.

(19) (new – SG 38/12, in force from 01.07.2012, previous Para. 17 - SG 57/16) The remuneration for paid annual leave and the compensations under this Code payable to employees on employment relation at the public administration shall be calculated on the basis of the individual basic monthly salary by the initial date of the leave or by the date of occurrence of the ground for the respective compensation.

(20) (Prev. para. 5 - SG 24/06; prev. Para. 6 – SG 94/08, in force from 01.01.2009; prev. Para. 9 - SG 15/12; prev. Para 10, amend. – SG 38/12, in force from 01.07.2012, previous Para. 18 - SG 57/16) The employees, working on employment relation in the public administration, shall be subject to job assessment annually under terms and following a procedure, determined by the Council of Ministers.

(21) (prev. Para. 6 – SG 24/06; prev. Para. 7 - SG 94/08, in force from 01.01.2009; prev. Para. 10 - SG 15/12; prev. Para. 11 – SG 38/12, in force from 01.07.2012, previous Para. 19 - SG 57/16) When performing their employment duties, employees must follow the rules laid down in the Code Of Conduct Of The Employees In The State Administration.

Section VIII.
"A" Additional conditions for home workers and employees (new - SG 33/11)

Outwork

Art. 107b. (new - SG 33/11) (1) In an employment contract may be provided that the employment obligations in relation to manufacturing a product and/or providing a service shall be carried out at the home of the worker or employee or in other premises chosen by them outside the working place of the employer against remuneration by means of equipment, materials and other aid provided either by the employer or the worker/employee.

(2) Workers and employees under Para. 1 shall be regarded as home workers and employees.

(3) Employers shall keep records of each home worker or employee performing such work.

(4) Employers shall provide the General Labour Inspectorate Executive Agency with the information under Para. 3 upon request thereof.

Outwork employment contract

Art. 107c. (new - SG 33/11) (1) An outwork employment contract shall be concluded under the terms and following the procedure set out in Section I "Employment Contract" of the present Chapter.

(2) By the outwork employment contract under Para. 1 shall also be provided the following:

1. the location of the workplace;
2. the remuneration pursuant to the applied payment systems;
3. the procedures for awarding and reporting the outwork;
4. the manner of material supply and delivery of finished products;
5. the consumables for the workplace and the payment thereof;
6. other terms related to the specific requirements for outwork.

Employer's Obligations in Relation to Providing Outwork Conditions

Art. 107d. (new - SG 33/11) Employers shall provide the following to home workers or employees:

1. conditions to perform the outwork as specified upon occurrence of the employment legal relation;
2. payment and equal treatment same as the one for the workers and employees working in the;
3. healthy and safe occupational conditions;
4. qualification, re-qualification and training;
5. social and health insurance under terms and following a procedure provided for in a law;
6. opportunity for union association, participation in the general meeting of workers and employees at the undertaking, informing, consulting and joining a collective agreement at the undertaking;
7. accommodation and catering, cultural services.

Home Workers' Obligations

Art. 107e. (new - SG 33/11) When performing the outwork as agreed upon in the outwork contract, the worker or employee shall be obliged:

1. to observe the rules for occupational health and safety;
2. to provide access to the employer and the control bodies to the premises serving as workplace for inspection;
3. not to carry out actions or activities which would disturb the other owners and occupants to a

greater extend, than the usual one according to the Condominium Ownership Management Act in those cases where the workplace is at a residential building or near such building.

Working Hours and Rest

Art. 107f. (new - SG 33/11) (1) Home workers and employees shall decide for themselves when to start and finfish their working hours, how to distribute the working time within the time limits set out by the law.

(2) Home workers and employees shall also decide for themselves when to rest during workdays as well as their daily and weekly rest.

(3) Open-ended working hours and overtime work shall not be allowed for home workers and employees.

(4) Home workers and employees shall notify in writing the employer of any of the circumstances mentioned in Para. 1 and 2 within 7 days from the conclusion of the employment contract.

Implementation of Other Provisions Regarding Outwork

Art. 107g. (new - SG 33/11) For any unsettled issues in the this Section shall be applied the general provisions of this Code.

Section VIII.
"b" Additional Conditions for Remote Work (New – SG 82/11)

Nature and Terms of Remote Work

Art. 107h. (New – SG 82/11) (1) Remote work is a form of organization of work away from the employer's premises on employment relationship by using information technologies, provided that the said work was or could be performed at the employer's premises.

(2) Remote work shall be of voluntary nature.

(3) The terms and procedures for remote work shall be agreed upon in a collective or individual employment contract. In the individual employment contract shall be defined in detail all terms, rights and obligations of the parties thereto in relation to remote work and the performance thereof.

(4) Employers may offer workers or employees annexes to their individual employment contracts in order to switch from work carried out at the employer's premises to remote work. If the worker or employee does not agree thereto, his/her decision shall not lead to unfavourable consequences for him/her.

(5) The worker or employee may offer the employer to switch from work carried out at employer's premises to remote work.

(6) By way of collective or individual employment contract can be agreed the following:

1. mixed work modes and the terms and procedures for the application thereof;

2. opportunities and terms for switching from remote work to work at the employer's premises.

(7) The specific nature of the remote work, the terms and procedures for performance thereof shall be set out in the individual employment contract.

(8) By the individual and/or collective employment contract, or by internal regulations of the employer, may be adopted rules setting forth:

1. the manner of assigning and reporting the remote work;

2. the contents, volume, results achieved and other features of the remote work which are of importance for accounting what has been done.

Workplace. Technical equipment and workplace maintenance

Art. 107i. (New – SG 82/11) (1) The worker or employee working remotely shall designate a specific area at their home or in another premises outside the undertaking to serve as a workplace.

(2) Issues related to technical and other equipment of the workplace, obligations and costs related to the maintenance thereof, other conditions for supply, replacement and maintenance of equipment, as well as provisions for acquisition of separate equipment items by the worker or employee working remotely, shall be agreed upon in the individual employment agreement.

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

1. the equipment needed for the remote work, as well as supplies for the operation thereof;

2. programme (software) provision;

3. technical support and maintenance;

4. communication devices (employer – worker/employee communication), including internet connection;

5. data protection;

6. information and requirements for operation with the equipment and its maintenance, as well as information about the legal requirements and provisions, including internal regulations of the undertaking in the sphere of protection of data which is to be used in the course of remote work;

7. monitoring system, if necessary for the workplace, and consent has been obtained from the worker or employee in writing thereto; in such cases, their right of privacy shall always be respected;

8. other technical or documentary supplies according to the individual and/or collective employment contract.

(4) Workers or employees working remotely shall be liable for the proper storage and use of the equipment they are provided with. In case the equipment is damaged or the information and/or communication systems used collapse, they shall be obliged to inform the employer immediately in the manner agreed upon in advance.

(5) In the individual employment contract may be agreed upon that the worker or employee is to use his/her own equipment, together with all rights and obligations ensuing therefrom.

(6) In the individual and/or collective employment contract provisions shall be agreed upon for prevention of misuse of the equipment, internet and communication means provided to the worker or employee working remotely. Outside their immediate duties, workers or employees shall be allowed to use the abovementioned items in a reasonable manner and in good faith.

(7) The employer shall provide in advance the worker or employee with written information regarding the liability and the sanctions in case the latter fails to observe the established rules and requirements, including protection of business information, which is an integral part of the individual employment contract.

Organization of Remote Work and Health and Safety Conditions

Art. 107j. (New – SG 82/11) (1) Workers or employees working remotely shall enjoy the same rights as the ones working at employer's premises in respect to organization of work and health and safety conditions provided in the Bulgarian legislation and in the collective employment contracts in effect at the undertaking.

(2) The employer shall, by the date of occurrence or amendment of the employment legal relation, ensure that remote workplaces meet the minimum health and safety requirements as defined in the Healthy and Safe Working Conditions Act and in the regulations implementing the said Act.

(3) The employer shall be responsible for the health and safety working conditions at remote workplaces and has to remote notify remote workers and employees of the organization of work

requirements and of the health and safety measures at work as determined in the statutory instruments, the collective employment contracts applicable, the internal regulations of the undertaking, the policy on health and safety at work of the undertaking and of all requirements and rules in respect to organization of work and work with display screen equipment.

(4) Workers or employees carrying out remote work shall be liable for compliance with the company's policy on organization of work and health and safety at work, as well as for observing the regulations and rules related to health and safety working conditions.

(5) The monitoring of the proper implementation and compliance with the requirements and standards for health and safety at work shall be carried out in the following manner:

1. workers and employees working remotely shall be entitled to request themselves a visit at their workplace by filing an application at the respective Labour Inspection Directorate;

2. the employer and/or their authorized representative, representatives of trade union organizations, representatives of the workers and employees under Art. 7, Para. 2 and the supervisory bodies of the Labour Inspection shall have access to the remote workplace as agreed upon in the individual and/or collective employment contract, advance notification to the worker or employee working remotely and the consent of the latter being required.

(6) Workers or employees working remotely may not refuse access to their workplace without a valid ground thereof within the fixed working hours and/or according to the provisions agreed upon in the individual and/or collective employment agreement.

Working Time. Holidays and leave. Reporting working hours

Art. 107k. (New – SG 82/11) (1) The working time of workers and employees working remotely shall:

1. be established in the individual employment contract in compliance with this Code, the collective employment contract and the of internal employment rules at the enterprise;

2. be defined in compliance with the inter-week and weekly rest set forth in this Code;

3. correspond in terms of duration to the working hours of workers and employees working at employers' premises.

(2) The individual employment contract may explicitly exclude the option for:

1. overtime;

2. night work;

3. working on national holidays.

(3) Under the terms of para 1 and para 2 workers and employees working remotely shall be free to arrange the organisation of their working time so as to be at disposal and to work when the employer and its business partners are communicating.

(4) Workload standards as regards to workers or employees working remotely shall be the same as the ones for workers and employees working at employers' premises.

(5) The actual time served shall be monthly reported in a form approved by the employer. The worker or employee working remotely shall be liable for the data accuracy.

(6) Workers and employees working remotely shall:

1. be free to determine breaks in their working hours in compliance with the provisions of this Code, the Healthy and Safe Working Conditions Act and the acts of secondary legislation related to the implementation thereof, and with the arrangements in the individual and/or collective employment contract;

2. use leave by types, procedures and in extent in compliance with the provisions of the Labour Code, the acts of secondary legislation and the arrangements in the individual and/or collective employment contract.

Remuneration

Art. 107l. (New – SG 82/11) (1) The amount of the remuneration shall be defined in the individual employment agreement pursuant to the provisions of the employment legislation and in compliance with the collective employment agreement and the internal regulations of the enterprise in respect of remuneration.

(2) Workers and employees working remotely shall be entitled to all extra remuneration provided in the legislation in force, in the internal regulations of the enterprise in respect of remuneration, and in the individual and/or collective employment agreement.

(3) Workers and employees working remotely shall use the social program of the enterprise on a common ground.

Collective rights of workers and employees working remotely. Integration with workers and employees working at the employers' premises

Art. 107m. (New – SG 82/11) (1) A worker or employee working remotely shall enjoy equal employment and trade union rights as workers and employees working at the employer's premises.

(2) Workers and employees working remotel, may form a separate group to elect an individual information and consultation representative under Art. 7a, provided that their total number exceeds 20 workers.

(3) Workers and employees working remotely shall be entitled to take part in the organization and social life of the trade union organization at the enterprise in which they are members.

(4) The employer shall provide opportunities for:

1. prevention of isolation of workers and employees working remotely from the rest of the workers and employees working at the employer's premises, by:

a) creating opportunities for holding periodical workshops or social meetings at premises/offices of the employer;

b) creating a company virtual space – a chat, forum or other means providing opportunity for free communication for workers and employees working remotely and workers and employees working at the employer's premises

2. access to company and professional information of the enterprise in relation to remote work;

3. participation of workers and employees working remotely in the organization and social life of the trade union organization at the enterprise in which they are members.

(5) The conditions under which are provided the opportunities referred to in Para. 1 through 4 shall be agreed upon in the individual and/or collective employment contract or shall be set forth in the internal employment rules at the enterprise.

Qualification, re-training, training

Art. 107n. (New – SG 82/11) (1) Workers or employees working remotely shall have the same possibilities for training and career development as the ones for workers and employees working at employers' premises, and are to be subject to the same evaluation policy.

(2) Workers or employees working remotely shall be entitled to appropriate training consistent with the technical equipment they have been provided with and with the features of the form of work organization.

(3) Where necessary, the manager of the workers and employees working remotely and other officials shall be entitled to training for this form of work and the management thereof.

Implementation of other provisions regarding remote work

Art. 107o. (New – SG 82/11) Outstanding issues in this Section shall be regulated by the general provisions of this Code.

Section VIII.
"c" Additional terms for working through a temporary work agency (new – SG 7/12, in force from 05.12.2011)

Employment contract with a temporary work agency

Art. 107p. (new – SG 7/12, in force from 05.12.2011) (1) In the employment contract with a temporary work company shall be agreed that a worker or employee is to be sent to perform temporary work at a user enterprise under its guidance and control.

(2) The total number of workers and employees sent by a temporary work agency to a user enterprise may not exceed 30 % of the total number of workers and employees who work there.

(3) Employment contract under Para.1 for sending to work may not be concluded:

1. under the terms of first and second category of labour;

2. at enterprises related to national security and the defence of the country;

3. at enterprises where strike is conducted.

(4) Employment contracts under Para. 1 shall be concluded under the terms and following the procedure set out in Section I of the present Chapter, as follows:

1. till completing a specific job;

2. to replace an employee or worker who is absent from work.

(5) An employment contract under Para. 1 may not contain clauses prohibiting or leading to failure of occurrence of employment relationship between a user enterprise and a worker or employee during or after the expiry of time for which he/she was sent to work in a user enterprise.

(6) Temporary work agencies shall not be entitled to require payment of any fee from workers or employees for the provided assistance to start work at a user enterprise, as well as upon concluding an employment contract or upon creating an employment relationship with a user enterprise prior to, after or in the course of performance of the work with regards to which they have been sent there.

(7) Temporary work agencies shall carry out their activity following a registration at the National Employment Agency under terms and following a procedure set out in the Employment Promotion Act.

Obligations of temporary work agencies

Art. 107q. (new – SG 7/12, in force from 05.12.2011) (1) Temporary work agencies shall send notifications to the respective territorial directorate of the National Revenue Agency pursuant to Art. 62, Para. 3.

(2) The sending referred to in Art. 107p, Para. 1 shall be carried out by a written statement of the temporary work agency, after the worker or employee or worker has been provided with a copy of the employment contract and a copy of the notification under Art. 62, Para. 3, verified by the territorial directorate of the National Revenue Agency. In the statement shall be indicated the date of appearance at the user enterprise, exact address of the user enterprise, place of work, workplace, name of the position, and the nature of the work at the user enterprise, as well as the official of the user enterprise before whom the worker or employee has to appear, the type of the initial training to be held at the user enterprise. The statement shall be delivered to the worker or employee against signature not later than one working day prior to the date fixed for starting work at the user enterprise, provided that the delivery date is indicated therein.

(3) The worker or employee shall be entitled to refuse in writing to work in a user enterprise, if the job offered does not correspond to their professional qualification and health status, or is located in another settlement, provided that he/she notifies the temporary work agency thereof by the time the statement referred to in Para. 2 is delivered. In this case, it shall be deemed that the employment relationship has never occurred.

(4) A temporary work agency shall not be entitled to send a worker or employee to a user enterprise where strike is being conducted, regardless of the concluded agreements under Art. 107p and 107s.

(5) A temporary work agency shall be obliged:

1. to enter and calculate the remuneration of workers or employees in a payroll;

2. to pay workers or employees their remuneration due;

3. to issue an extract from the documents for paid or unpaid remuneration and compensation upon written request by the worker or employee;

4. to insure the workers and employees under terms and following a procedure set out in the Code of Social Insurance and in the Health Insurance Act;.

5. upon written request by the worker or employee, to issue and provide workers and employees with the required papers certifying facts related to the occurrence, implementation and termination of the employment relationship within 14 days from submission of the request;

6. upon termination of the employment relationship, to issue an order for dismissal or another document certifying termination of the employment relationship;

(6) A temporary work agency shall notify in writing the user enterprise of the names of workers and employees to be sent there, not later than one working day prior to commencement of work.

Obligations of the user enterprise

Art. 107r. (new – SG 7/12, in force from 05.12.2011) (1) During performance of the work, for which the worker or employee is sent, the user enterprise shall:

1. specify the workplace where the work is to be performed:

2. deliver the job description to the worker or employee against signature and must specify the date of delivery therein;

3. instruct workers or employees on safe and healthy work performance;

4. calculate the time spent working and shall inform the temporary work agency and the worker or employee, against signature, thereof;

5. to determine the amount of the primary and supplementary remuneration due, including remuneration for overtime and night work and shall inform the temporary work agency and the worker or employee, against signature, thereof;

6. upon written request by the worker or employee, issue and provide workers and employees with the required papers certifying facts related to the occurrence, implementation and termination of the employment relationship within 14 days from submission of the request;

7. inform the temporary work agency of the terms under which the rest of workers and employees operate on the same or similar position, as well as upon any change in the said terms;

8. provide workers or employees with information on the requirements under the Healthy and Safe Working Conditions Act and the statutory instruments related to its implementation;

9. insure workers or employees at its own expense under the terms and following the procedure of Art. 52 of the Healthy and Safe Working Conditions Act;

10. provide in a timely manner and in a suitable place at the enterprise a written announcement on job vacancies and positions in order to facilitate the access of workers and employees to permanent jobs;

11. undertake measures to facilitate the access of workers and employees or training in order to

ease their opportunities for career growth and professional mobility;

12. conduct initial and continuous training of workers and employees in accordance with the position held and the nature of work at the user enterprise.

(2) Upon performance of the job, for which a worker or employee has been sent at a user enterprise, the latter shall provide the same basic conditions of work and employment and equal treatment as to the rest of workers and employees employed there who hold the same or similar position, including health and safety working conditions.

(3) The user enterprise shall not have the right to change the position and the nature of work for which the worker or employee has been sent there.

(4) Where a worker or employee sent at a user enterprise commits disciplinary offence, the user enterprise shall immediately inform the temporary work agency thereof and shall record the time, place and the relevant circumstances whereunder it has been committed.

(5) The user enterprise may make a reasoned proposal to the temporary work agency for imposing disciplinary sanction to the worker or employee sent there, as well as for sending another one in his/her place.

Relations between enterprises

Art. 107s. (new – SG 7/12, in force from 05.12.2011) (1) The relations between the temporary work agency and the user enterprise shall be settled by a written contract.

(2) The contract under Para. 1 shall define:

1. job titles and nature of work, for which the workers or employees are sent;

2. the time period during which workers or employees will be sent to the user enterprise;

3. the obligations of workers and employees towards the temporary work agency;

4. procedures for use of leaves;

5. the obligations of workers and employees to the user enterprise;

6. the information exchange procedure between the temporary work agency and the user enterprise regarding the structure and the organization of salaries, the various types of supplementary remunerations and the amounts thereof at the enterprise, as well as regarding the concluded collective agreement, if any;

7. the procedure and time limits within which the user enterprise shall notify the temporary work agency of the working hours recorded and the fixed amount of the primary and supplementary remunerations due, including the ones for overtime and night work performed by the worker or employee;

8. type of initial training required for the performance of temporary work;

9. liability for failure to perform;

10. other terms related to temporary work.

(3) The temporary work agency and the user enterprise shall be jointly responsible for their obligations to workers or employees that have occurred during, on occasion of or in relation to performance of the work assigned to them.

(4) The application of Para. 1 through 3 does not deprive workers or employees of the protection provided by the employment contract they concluded with the temporary work agency.

(5) User enterprise that has carried out mass dismissal may conclude a contract under Para, 1 not earlier than 6 months following the dismissal.

Obligations of workers or employees

Art. 107t. (new – SG 7/12, in force from 05.12.2011) (1) Workers or employees shall perform the duties ensuing from the employment contract under Art. 107p to the temporary work agency, which

are not related to the immediate fulfillment of their assignment at the user enterprise.

(2) Workers or employees shall perform the duties ensuing from the fulfillment of their assignment to the user enterprise.

Rights of workers or employees

Art. 107u. (new – SG 7/12, in force from 05.12.2011) A worker or employee sent to work at a user enterprise shall, for the time of the assignment, be entitled to the following:

1. labour remuneration;
2. leaves laid down in this Code;
3. trade union associations;
4. participation in the general meetings of workers and employees at the enterprise;
5. information on all issues related to the assignment;
6. join a collective employment agreement;
7. settlement of collective labour disputes;
8. social and personal as well as cultural services;
9. healthy and safe working conditions;
10. initial and continuous training in accordance with the position and the nature of work in the user enterprise;
11. compensations under the terms and following the procedures in the Code of Social Insurance;
12. other rights directly related to performance of the assignment.

(2) Workers and employees referred to in Para. 1 may not be put in a less favourable position than the rest of the workers and employees holding the same or similar position at the user enterprise only due to the temporary nature of their work, unless the law stipulates that some rights depend on the qualifications or skills acquired. In the event that there are no workers or employees holding the same or similar position, the workers and employees sent to perform temporary work at a user enterprise shall not be put in a less favourable position than the rest of the workers and employees employed there.

Start and termination of the assignment

Art. 107v. (new – SG 7/12, in force from 05.12.2011) (1) Workers or employees shall start to fulfil their duties to the user enterprise upon recruitment.

(2)) Workers or employees shall discontinue to fulfil their duties at the user enterprise:

1. upon completion of the assignment;
2. if the person who has been replaced gets back to work;
3. upon termination of the employment contract between the worker or employee and the temporary work agency pursuant to this Code;
4. upon termination of the registration of the temporary work agency.

Application of other provisions concerning assignment via a temporary work agency

Art. 107w. (new – SG 7/12, in force from 05.12.2011) The general provisions of this Code shall apply to all outstanding issues in this Section.

Section IX.
ADDITIONAL WORK UNDER AN EMPLOYMENT CONTRACT

Art. 108. (Revoked SG, No 100/1992)

Art. 109. (Revoked SG, No 100/1992)

Additional Work for the Same Employer

Art. 110. (amend. - SG, No 100/1992) The employee or worker may conclude an employment contract with the employer, for whom he is already working, for the performance of work beyond the scope of his job description, outside his specified working hours.

Additional Work for Another Employer

Art. 111. (amend. - SG, No 100/1992; amend., SG 25/2001, in force from 31.03.2001) The worker or employee may also conclude employment contracts with other employers for a job outside his working hours under his primary employment relationship (outside additional work), unless otherwise stipulated by his individual employment contract under his primary employment relationship.

Prohibition on Additional Work

Art. 112. (amend. - SG, No 100/1992; amend. - SG 48/06, in force from 01.07.2006) Additional work shall be prohibited to employees or workers who:

1. work in specific conditions and hazards for their life and health may not be removed or reduced, regardless of the measures undertaken – for work under the same or other specific conditions;

2. are specified by a law or an act of the Council of Ministers.

Working Hours Under an Employment Contract for Additional Work

Art. 113. (amend. – SG 52/04, in force from 1st of August 2004; amend. - SG 48/06, in force from 01.07.2006) (1) The maximum duration of the working hours under an employment contract for additional work, together with the duration of the working hours under the primary employment relationship at five days calculation, may not be more than:

1. 40 hours per week - regarding the workers and employees not having reached 18 years of age;

2. 48 hours per week - regarding the other workers and employees.

(2) Upon their explicit consent in writing, the workers and employees under Para. 1, item 2 may work for more than 48 hours.

(3) The worker or employee under Art. 110 and 111 shall give his written consent to work for more than 48 hours per week to the employer, with whom he works. In case the worker or employee does not give consent, he may not be obliged to work for more than 48 hours per week, whereby his refusal cannot lead to occurrence of harmful consequences for him.

(4) The written consent of the worker or employee under Art. 111 to work for more than 48 hours per week shall be handed over to the employer – party to the employment contract for additional work.

(5) In the cases under Para. 3 and 4, the duration of the working hours shall be calculated for a period not longer than 4 months.

(6) In all cases of additional work, the total duration of the working hours may not breach the uninterrupted minimum inter-day and inter-week rest, established by this code.

(7) The employers shall keep documentation for every worker or employee who works more

than 48 hours per week. The documentation shall be kept at disposal for the Executive Agency "Chief labour inspectorate", which may, for reasons, connected to the safety and/or the health of the workers and employees, prohibit or restrict the possibility of excess of the weekly duration of the working hours.

(8) Upon request, the employers shall provide the Executive Agency "Chief labour inspectorate" with information about the cases, in which the workers and employees have given their consent to work for more than 48 hours per week.

Employment contract for fixed number of workdays per month (title amend. – SG 15/10)

Art. 114. (new, SG 25/2001; amend. – SG 108/08, amend. and suppl. - SG 15/10) An employment contract can also be concluded for fixed number of workdays per month, provided that these days are to be considered as length of service.

Employment Contract for Short-term Seasonal Agricultural Work

Art. 114a (new – SG, 54/2015, in force from 17.7.2015) (1) Employment contract for short term seasonal farm work may be signed between a worker and a registered farmer for work for 1 day, which time is not be recognized as length of service.

(2) With one worker may be signed employment contracts in total for not more than 90 days in one calendar year.

(3) The employment contract under Para. 1 may be signed for professions, not requesting special qualification in basic economic activity “plant growing” – only for processing of plants and collecting the harvest of fruits, vegetables, roses and lavender.

(4) (amend. SG 42/18) The employment contract under Para. 1 shall contain data for the parties, place of work, name of the position, amount of employment remuneration, date of fulfillment of the work, working time, start and end of the working day. The normal working time is 8 hours, and the parties to the employment contract can negotiate work for half of it.

(5) The employment remuneration shall be paid personally to the worker against a receipt at the end of the working day.

(6) With signing and termination of the employment contract under Para. 1, Art. 62, Para. 3 and 4, Art. 127, Para. 1, item 4 and Art. 128a, Para. 3 shall not apply.

(7) The terms and procedure for provision, registration and accounting of employment contracts before the labour inspection shall be defined by an ordinance of the Minister of Labour and Social Policy, in coordination with the manager of the National Social Security Institute and with the executive director of the National Revenue Agency. The ordinance shall also confirm a standard employment contract under Para. 1.

(8) The workers who work under Para. 1 shall be insured under conditions and procedure, established by the Code of Social Insurance and by the Health Insurance Act.

Content

Art. 115. (amend. - SG, No 100/1992) In addition to the provisions of Art. 66, Para. 1, the employment contracts under this Section shall also specify the duration and allocation of the working hours, and they may specify the periodicity of paying the labour remuneration as well.

Art. 116. (Revoked SG, No 100/1992)

Social Security

Art. 117. (amend. - SG, No 100/1992) Employees and workers who perform additional work shall be entitled to social security under terms and procedures established by a separate law.

Section X.
CHANGES IN THE EMPLOYMENT RELATIONSHIP

Prohibition on Unilateral Changing of the Employment Relationship

Art. 118. (1) (amend. - SG, No 100/1992) Neither the employer nor the employee or worker may change unilaterally the content of the employment relationship, with the exception of the cases and under the procedure established by law.

(2) (amend. - SG, No 100/1992) The moving of the employee or worker to another work place in the same enterprise without changing the specified place of work, the job, and the amount of the wage or salary of the employee, shall not be considered a change of the employment relationship.

(3) (new, SG 25/2001) The employer can unilaterally increase the labour remuneration of the worker or employee.

Changing the Employment Relationship by Mutual Consent

Art. 119. The employment relationship may be changed by written agreement between the parties for a definite or an indefinite period.

Changing the Place and the Nature of Work by the Employer

Art. 120. (1) (amend. - SG, No 100/1992) The employer may, in case of production necessity or idle time, assign to the employee, without his consent, to temporarily perform different work in the same, or in another enterprise, but in the same community or locality, for a period of up to 45 calendar days in one calendar year, and in the event of idle time - as long as such idle time continues.

(2) (amend. - SG, No 100/1992) The change under the preceding paragraph shall be done in accordance with the qualifications and the health condition of the employee.

(3) (amend. - SG, No 100/1992) The employer may assign to the employee or worker a job of different nature, even though it does not correspond to his qualifications, in case it is necessitated by insurmountable reasons.

Holding position in a European Union institution

Art. 120a. (New - SG 43/08) (1) Workers and employees can be sent to hold positions in a European Union institution for a period of 4 years.

(2) (amend. – SG 15/10) While holding positions at a European Union institution, workers or employees shall retain their employment relationship and shall go on receiving their basic remuneration.

(3) When fulfilling their obligations, workers or employees shall only be guided by the interests of the institution they have been sent to, and shall not act on behalf of the employer.

(4) After the term for holding a position in a European Union institution expires and in the cases of early termination, workers or employees shall resume their previous positions within 15 days, and if it has been cut down – another equivalent position.

(5) The terms and procedure for sending workers and employees to hold positions in European Union institutions shall be set out by an ordinance of the Council of Ministers.

Sending Employees on Business Trips

Art. 121. (1) (amend. - SG, No 100/1992) In case the needs of the enterprise require it, the employer may send the employee on a business trip to perform his employment obligations outside his permanent place of work, but for not more than 30 calendar days at a stretch.

(2) (amend. - SG, No 100/1992) A business trip for a period longer than 30 calendar days shall require the employee's consent in writing.

(3) (new – SG 15/10, repealed – SG, 105/16, in force from 30.12.2016).

(4) (new – SG 7/12, repealed – SG, 105/16, in force from 30.12.2016).

(5) (new – SG 82/11; prev. text of para 4, suppl. – SG 7/12, repealed – SG, 105/16, in force from 30.12.2016).

Sending to business trips workers and employees in the frame of provision of services

Art. 121a. (New – SG, 105/16, in force from 30.12.2016) (1) Sending workers or employees to business trips in the framework of the provision of services shall occur when:

1. a Bulgarian employer sends to business trip a worker or employee on the territory of another EU Member State, state – party to the EEA Agreement or Confederation Switzerland:

a) at his expense and under his management nased on a contract, signed between the employer and the user of the services;

b) to an undertaking in the same group of undertakings;

2. an employer, registered under the legislation of another EU Member State, state – party to the EEA Agreement, of Confederation Switzerland or of third country sends a worker or employee on a business trip on the territory of the Republic of Bulgaria:

a) at his expense and his management on the basis of a contract, signed between the employer and the user of services;

b) undertaking of the same group undertakings.

(2) Sending workers or employees in the framework of provision of services shall be present, where:

1. an undertaking registered under the Bulgarian legislation, which provides temporary work, sends a worker or employee to an undertaking – user on the territory of another EU Member State, state – party to the EEA Agreement or Confederation Switzerland;

2. an undertaking, which provides temporary work, registered under the legislation of another EU Member State, state – party to the EEA Agreement or Confederation Switzerland, or of a third country, sends a worker or employee to work in an undertaking – user on the territory of the Republic of Bulgaria.

(3) A worker or employee may be seconded or sent on a business trip under the conditions of Para. 1 and 2, where for the whole period of the business trip there is a labour legal relation between him and the sending employer.

(4) In the cases under Para. 1, p. 1 and Para. 2, p. 1 for the term of the business trip, the worker or employee shall be provided with at least the same minimal conditions of work, as for the workers and employees, fulfilling the same or similar work in the hosting state.

(5) In the cases under Para. 1, p. 2 and Para. 2, p. 2, for the term of the business trip of the worker or employee shall be provided at least the same minimal conditions of work, as those, established for the workers and employees, fulfilling the same of similar work in the Republic of Bulgaria.

(6) Where, in compliance with the requirements of Para. 5, the employer under Para. 1, p. 2 and the undertaking which provides temporary work under Para. 2, p. 2, fails to provide basic labour remuneration in the amount of at least the minimal work salary established for the country, and/or at

least the minimal amount of the additional labour remunerations for additional and night labour, the worker or employee shall have the right to:

1. the non-paid labour remunerations, which are due while observing the conditions of Para. 5;

2. compensations or other receivables, related to the labour legal relation, due under the law;

3. recovery of unlawfully withheld taxes from the labour remuneration and/or security contributions;

4. recovery of extensively high costs to the labour remuneration or the quality of accommodation, withheld from the labour remuneration of the worker of employee for accommodation, provided by the employer.

(7) A worker or employee, who has claimed because of non-observance of the minimal conditions of work under Para. 4 or 5, shall not be treated unfavourably by the employer on this ground.

(8) The conditions and procedure for sending on a business trip under Para. 1 and 2 shall be provided by an Ordinance of the Council of Ministers.

Art. 122. (Revoked, SG, No 100/1992)

Retention of the Employment Relationship in Case of Change of Employer

Art. 123. (1) (amend. - SG, No 100/1992; amend,. SG 25/2001; amend. - SG 48/06, in force from 01.07.2006) (1) The employment relationship with the worker or employee shall not be terminated in case of changing the employer as a result of:

1. merging enterprises;

2. incorporation of one enterprise by another;

3. distribution of the activity of one enterprise among two or more enterprises;

4. passing of a separate unit of one enterprise to another;

5. change of the legal-organizational form of the enterprise;

6. change of the owner of the enterprise or of a separate part thereof;

7. remission or transfer of activity from one the enterprise to another, including transfer of material assets.

(2) In the cases under Para.1, the rights and the obligations of the employer transferor before the change, which ensue from the employment relationships by the date of the change, shall be transferred to the new employer transferee.

(3) The rights, ensuing from the additional voluntary pension insurance of the workers and employees with the employer transferor, who have been in employment relationships with him by the date of the change under Para. 1, as well as the rights of the persons who, by the date of the change, were no longer workers and employees, shall be regulated by a separate law.

(4) Responsible for the obligations towards the worker or employee, having occurred before the change under Para. 1, shall be:

1. in case of merger or incorporation of enterprises, and change of legal and organizational form - the new employer;

2. in the remaining cases - the employer transferor and the employer transferee jointly.

(5) (new – SG 104/07) Paras 1 through 4 shall apply in case of establishment of a European company and European cooperative company by way of merger, as well as in case of merger or consolidation pursuant to section V of Chapter sixteen of the Commerce Act.

Retention of the Employment Relationship in case of Renting Out the Enterprise, or a Separate Part Thereof, Leasing or Granting Concession (Title amend. – SG 96/17, in force from

02.01.2018)

Art. 123a. (new - SG 48/06, in force from 01.07.2006) (1) (Amend. – SG 96/17, in force from 02.01.2018) The employment relationship with the worker or employee shall not be terminated at change of the employer in case of renting out, leasing or granting concession of the enterprise, or a separate part thereof. The employment relationship with the worker or the employee shall also not be terminated when granting concession, whose subject includes activities related to the nature of the work - the subject of the employment contract, or the site, where the work premises are located, is included in the site of the concession.

(2) In the cases under Para. 1, the rights and the obligations of the previous employer, ensuing from employment relationships, existing by the date of the change, shall be transferred to the new employer.

(3) Responsible for the obligations to the worker or employee, having occurred before the change under Para. 1, shall be the two employers jointly.

(4) (Amend. – SG 96/17, in force from 02.01.2018) After the expiration of the term of the contract for renting, leasing or of the concession contract, the employment relationships with the workers and employees shall not be terminated, they shall be transferred to their previous employer.

Chapter six.
MAJOR OBLIGATIONS OF THE PARTIES TO THE EMPLOYMENT RELATIONSHIP
(amend. - SG, No 100/1992)

Section I.
Major obligations at the provision of labour force (new - SG 48/06, in force from 01.07.2006)

Content of the Employment Relationship

Art. 124. (amend. - SG, No 100/1992) Under the employment relationship, the employee shall perform the work he has agreed to do and shall observe the established labour discipline, and the employer shall provide conditions to the employee so that he can perform his work, and shall pay him remuneration for the work done.

Obligation of Conscientiousness

Art. 125. (amend. - SG, No 100/1992) The employee shall perform his duties accurately and conscientiously.

Obligations in the Performance of the Work Assigned

Art. 126. (amend. - SG, No 100/1992) In doing the work he has agreed to perform, the employee shall:

1. come to work on time, and be at his working place up until the end of the working hours;
2. come to work in a condition enabling him to perform the tasks assigned to him, and shall not consume alcohol or other intoxicating substances during working hours;
3. utilise the entire working hours for the performance of the work assigned;
4. do his job in the required quantity and quality;
5. observe the technical and technological rules;
6. observe the rules for healthy and safe working conditions;
7. carry out the lawful instructions of the employer;
8. take attentive care of the property which is entrusted to him or with which he comes in touch

in the course of performing the work assigned, as well as economise in the prime and raw materials, energy, cash funds, and other means provided to him to perform of his duties;

9. (amend., SG 25/2001) be loyal to the employer by not betraying the employer's trust, as well as not divulge confidential data on the employer, as well as keep the good name of the enterprise;

10. observe the internal rules existing in the enterprise, and not obstruct the other employees in the performance of their duties;

11. coordinate his work with the other employees, and render them assistance in conformity with the employer's instructions;

12. (new – SG 95/03) notify the employer about existing incompatibility with the performed work when, during its implementation, any of the grounds for inadmissibility under Art. 107a, Para. 1 has occured;

13. (prev. 12 – SG 95/03) performe any other duties deriving from a normative act, a collective contract, the employment contract, and the nature of the work.

Obligations of the Employer to Provide Working Conditions

Art. 127. (amend. - SG, No 100/1992) (1) (prev. art. 127 - SG 25/2001) The employer shall provide to the employee or worker normal conditions to perform the job under the employment relationship he has agreed upon, providing namely:

1. the work specified upon creation of the employment relationship;

2. working place and conditions in accordance with the nature of work;

3. healthy and safe working conditions;

4. (new, SG 25/2001; amend., SG 52/04, In force from 1st of August 2004; suppl. – SG 108/08) job description, copy of which shall be handed to the worker or employee at the time of conclusion of the employment contract against signature, noting the date of delivery;

5. (prev. item 4 - amend., SG 25/2001) instructions on the order and the way of fulfilment of the labour obligations and exercising of the labour rights, including introduction to the rules for the internal work order and to the rules on healthy and safe working conditions.

(2) (new, SG 25/2001) The employer shall be obliged to observe the dignity of the worker or employee during the fulfilment of the job under the legal terms of employment.

(3) (new - SG 48/06, in force from 01.07.2006; revoked – SG 108/08)

(4) (new - SG 48/06, in force from 01.07.2006, amend. – SG, 105/16, in force from 30.12.2016) In case the employer sends a worker or employee abroad on a business trip for more than a month, prior to the departure the employer shall be obliged to inform him in writing of:

1. the duration of the work;

2. the currency, in which the remuneration is to be paid;

3. (amend. – SG 105/16, in force from 30.12.2016) the additional labour remunerations, which shall be paid in kind or money, connected to the sending to business trip abroad, if such are provided for;

4. the terms for returning in the country.

(5) (new – SG 7/12) In those cases where a worker or employee is sent to work abroad by a temporary work agency, the latter shall inform him/her in writing of:

1. the duration of work;

2. the currency in which remuneration will be paid;

3. supplementary remunerations to be paid in cash or in kind in relation to a sending abroad, if such have been envisaged;

4. the conditions for return to the country.

Obligation of the Employer to Charge and Pay the Labour Remuneration (amend., SG 52/04)

Art. 128. (amend. - SG, No 100/1992; amend., SG 52/04, In force from 1st of August 2004) The employer shall be obliged, within the specified periods:

1. to charge in payrolls for salaries the labour remuneration of the workers and employees for the work done by them;

2. to pay the specified labour remuneration for the work done;

3. to issue upon request by the worker or employee an abstract from the pay-rolls for salaries for the paid and unpaid labour remuneration and indemnification.

Employer's duty to issue documents

Art. 128a. (new – SG 108/08) In case of a request in writing by the employee, the employer shall be obliged to issue and provide the necessary documents, certifying facts related to the employment relationship, within 14 days of the request.

(2) In case of a request in writing by the employee, the employer shall be obliged, within the term referred to in Para 1, to provide an unbiased and fair characteristic regarding his professional qualities and the results of his labour activity, or an unbiased and fair recommendation, where applying for job before another employer.

(3) In case of termination of the employment relationship, the employer shall be obliged to issue an order for discharge or another document to certify its termination.

Obligation of the Employer to Keep Employment File of the Worker or Employee

Art. 128b. (new – SG, 54/2015, in force from 17.7.2015) (1) The employer shall be obliged to keep employment file of every worker or employee.

(2) The employment file of the worker or employee shall be established after assuming the position and in it are to be kept the documents related to occurrence, existence, amendment and termination of the employment legal relation.

(3) (New – SG, 105/16, in force from 01.01.2017) Part of the documents under Para. 2 may be drawn up and stored as electronic documents. The type and requirements for their drawing up and storing shall be provided by a Council of Ministers act.

(4) (former Para. 3 – SG, 105/16, in force from 01.01.2017) The worker or employee shall have the right to receive certified copies of the kept documents under Art. 128a.

Obligation of the Employer to Make Social Security Contributions for the Employee

Art. 129. (amend. - SG 100/1992; amend. – SG 82/11) The employer shall pay social security contributions for the employee or worker under the terms and procedures specified in the Code of Social Insurance and the Health Insurance Act.

Section II.
General rules for informing and consulting (new - SG 48/06, in force from 01.07.2006)

Obligation of the Employer for Informing and Consulting (Title amend. - SG 48/06, in force from 01.07.2006)

Art. 130. (new, SG 25/2001; new - SG 48/06, in force from 01.07.2006) (1) The employer shall be obliged to provide with the information, required by the law, the trade union organizations and the representatives of the workers and employees under Art. 7 and 7a at the enterprise, as well as to conduct consultations with them.

(2) The employer shall provide information, conduct consultations and coordination only with the trade union organizations or only with the representatives of the workers and employees under Art. 7, Para. 2 in the cases, provided for by the law, in case there are no trade union organizations or no representatives under Art. 7, Para. 2 in the enterprise or some of them refuses to take part in the procedure for informing and/or consulting.

(3) The trade union organizations and the representatives of the workers and employees under Art. 7 and 7a shall be obliged to acquaint the workers and the employees with the information received from the employer, as well as to take into consideration their opinion at conducting the consultations.

(4) The workers and employees shall have the right to timely, reliable and understandable information about the economical and financial status of the employer, which is of significance for their labour rights and obligations.

(5) Via collective contract or an agreement, the employer and the representatives of the workers and employees under Art. 7a may also negotiate practical information and consultation measures for the workers and employees, other than the ones specified in the law.

Right to information and consultations in case of collective redundancies (amend., SG 52/04)

Art. 130a. (new, SG 25/2001; amend., SG 52/04, In force from 1st of August 2004; amend. - SG 48/06, in force from 01.07.2006) (1) Where the employer intends to undertake collective redundancies, he shall be obliged to start consultations with the representatives of the trade union organizations and of workers and employees under Art. 7, Para. 2 in due time, but not later than 45 days before undertaking them, and to make efforts to achieve an agreement with them in order to avoid or restrict the collective redundancies and to ease the consequences of them. The order and the way for conducting the consultations shall be determined by the employer, the representatives of the trade union organizations and representatives of the workers and employees under Art. 7, Para. 2.

(2) Regardless of whether the employer or another legal entity has taken the decision leading to collective redundancies, before the beginning of the consultations under Para. 1, the employer shall be obliged to present written information to the representatives of the trade union organizations and to the representatives of the workers and employees under Art. 7, Para. 2, regarding:

1. the reasons for the envisaged redundancies;

2. the number of the workers and employees to be discharged, and the basic economic activities, groups of professions and positions to which they are referred;

3. the number of the workers and employees employed in the basic economic activities, groups of professions and positions in the enterprise;

4. the specific indicators for the application of the selection criteria under Art. 329 of the employees and workers about to be dismissed;

5. the period during which the dismissals shall take place;

6. the indemnities due related to the dismissals.

(3) After the provision of the information under Para. 2, the employer shall be obliged, within three working days, to send a copy thereof to the respective unit of the Employment Agency.

(4) The representatives of the trade unions and the representatives of the workers and employees under Art. 7, Para. 2 may send to the respective unit of the Employment Agency a statement on the information provided with respect to the collective redundancies envisaged.

(5) In case of non-fulfilment of the obligation of the employer under Para. 2, the representatives of the trade unions and the representatives of the workers and employees under Art. 7, Para, 2 shall be entitled to inform the Executive Agency "Chief labour inspection" of non-observance of the labour legislation.

(6) In case of non-fulfilment of his obligation under Para. 1, the employer may not refer to the

circumstance that another authority has taken the decision for collective redundancies.

(7) The envisaged collective redundancies shall be implemented not earlier than 30 days after notification of the Employment Agency, regardless of the terms of notice.

Obligation for information and consultations in case of change of the employer

Art. 130b. (new - SG 48/06, in force from 01.07.2006) (1) Prior to implementation of the change under Art. 123, Para. 1, the employer transferor and the employer transferee, and in the cases under Art. 123a, Para. 1 – the previous and the new employer, shall be obliged to inform the representatives of the trade union organizations and the representatives of the workers and employees under Art. 7, Para. 2 from their enterprises about:

1. the envisaged change and the date for its implementation;

2. the reasons for the change;

3. the possible legal, economic and social consequences for the workers and employees from the change;

4. the stipulated measures regarding the workers and employees, including for the fulfilment of the obligations under Art. 123, Para. 4 and Art. 123a, Para. 3.

(2) The employer transferor under Art. 123 or the previous employer under Art. 123a shall be obliged to provide the information under Para. 1 within a period of at least two months prior to the implementation of the change.

(3) The employer transferee under Art. 123 or the new employer under Art. 123a shall be obliged to provide the information under Para. 1 on time, but in any case within a period of at least two months before the workers and employees be directly affected by the change with regard to conditions of labour and employment.

(4) If some of the employers envisages measures under Para. 1, item 4 regarding the workers and employees from his enterprise, prior to implementing the change, he shall be obliged to conduct consultations on time and to strive for achieving an agreement with the representatives of the trade union organizations and the representatives of the workers and employees under Art. 7, Para. 2 with respect to these measures.

(5) In the event where there are no trade union organizations and no representatives of the workers and employees under Art. 7, Para. 2, the employer shall provide the information under par. 1 to the respective workers and employees.

(6) Upon non-fulfilment of the obligation of the employer under Para. 1 or when he does not conduct the consultations under Para. 4, the representatives of the trade union organizations and the representatives of the workers and employees under Art. 7, Para. 2, or the workers and the employees, shall have the right to notify the Executive Agency "Chief labour inspection" of non-observance of the labour legislation.

(7) In case of non-fulfilment of the obligation under Para. 1, the employer may not invoke the circumstance that another authority has taken the decision for the change.

Obligation for informing in case of change of the activity, the economic status and the labour organisation of the enterprise

Art. 130c. (new - SG 48/06, in force from 01.07.2006) In the case under Art. 7a, the employer shall be obliged to provide the elected representatives of the workers and employees with information regarding:

1. the last and the forthcoming alterations in the activity and the economic status of the enterprise;

2. the situation, the structure and the expected development of the employment at the

enterprise, as well as regarding the preparatory measures stipulated, especially in the cases where there is a threat to the employment;

3. (new – SG 7/12) the number of workers and employees sent by a temporary work agency, or of his plans to employ such workers and employees;

4. (suppl. – SG 82/11; prev. text of item 3 – SG 7/12) the possible essential changes in the work organization, including in the cases of outwork and remote work.

(2) (amend. – SG 7/12) After the provision of the information under Para. 1, the employer shall be obliged to conduct consultations regarding the issues under Para. 1, items 2 - 4.

(3) Where the information under Para. 1 contains data, the disclosure of which may harm the lawful interests of the employer, the latter shall have the right to provide it with a stipulation of confidentiality.

(4) In the cases under Para. 3, the representatives of the workers and employees shall not be entitled to disclose the information under Para. 1 to the rest of the workers and employees, and to third parties.

(5) The employer may refuse the provision of information or the conducting of consultations, in case the nature of the information or of the consultations may seriously harm the functioning of the enterprise or the lawful interests of the employer.

(6) Upon refusal to provide information under Para. 5 and upon dispute occurred regarding its grounds, the parties may seek assistance to settle the dispute by means of mediation and/or voluntary arbitration by the National Institute for Reconciliation and Arbitration.

Terms for informing and consulting

Art. 130d. (new - SG 48/06, in force from 01.07.2006) (1) The employer and the representatives of the workers and employees under Art. 7a shall specify in an agreement:

1. the contents of the information and the terms for its provision;

2. the terms for preparation of the statement on the information provided by the representatives of the workers and employees;

3. the terms and the subject of the consultations;

4. the representatives of the employer, appointed to provide information and to conduct consultations.

(2) In case agreement under Para. 1 has not been reached:

1. the information of the last and the forthcoming alterations in the activity and the economic status of the enterprise shall be provided within the terms for compiling the accountancy reports;

2. the information of the situation, structure and the development of the employment at the enterprise and the measures for its preservation shall be provided not later than one month prior to undertaking such;

3. the information regarding the decisions, which could lead to essential changes in the labour organization or the employment relationships shall be provided not later than one month prior to the respective changes;

4. (amend. – SG 7/12) the consultations under Art. 130c, Para. 1, items 2, 3 and 4 shall be conducted within a term of up to two weeks after providing the information.

(3) In the cases when the employer stipulates measures, leading to a change under Art. 123 or 123a, or to collective redundancies, the information and the consultations shall be conducted under the conditions, by the order and within the terms under Art. 130a and 130b.

(4) In case the employer does not provide the information within the terms under Para. 1 or 2, the representatives of the workers and employees shall have the right to require it in writing, and in case he refuses to provide it – to inform the Executive Agency "Chief labour inspection" of non-observance of the labour legislation.

Art. 131 - 135 (revoked - SG 100/1992)

Chapter seven.
WORKING HOURS AND REST

Section I.
REGULAR WORKING HOURS

Normal Duration of Working Hours

Art. 136. (amend. - SG, No 100/1992) (1) (amend., SG 25/2001) The working week shall be a 5-day one, with a normal duration of the weekly working time up to 40 hours.

(2) (revoked, SG 25/2001)

(3) (amend., SG 25/2001) The normal duration of the working hours during the day shall be up to 8 hours.

(4) (suppl. SG 25/2001) The normal duration of the working hours under the preceding paragraph shall not be extended, except in the cases and in the order stipulated by this Code.

(5) (revoked, SG 25/2001)

Extension of the working time

Art. 136a. (new, SG 25/2001) (1) (amend. - SG 48/06, in force from 01.07.2006, amend. – SG, 54/2015, in force from 17.7.2015) For industrial reasons, the employer can extend, by a written order, the working time during some working days, and compensate it through its respective reduction during others, upon preliminary consultations with the representatives of the trade union organizations and the representatives of the workers and employees under Art. 7, Para. 2.

(2) (suppl., SG 52/04, In force from 1st of August 2004) The duration of the extended working day, under the conditions of Para. 1, cannot exceed 10 hours, and for the workers and employees working under reduced hours - up to 1 hour in excess of their reduced working time. In these cases the duration of the working week may not exceed 48 hours, and for the workers and employees with reduced working time – 40 hours. The employer shall be obliged to keep a special book for accounting the extension, respectively the compensation of the working time.

(3) The extension of the working time under Para. 1 and 2 shall be allowed for a period of 60 working days during one calendar year, but for no longer than 20 working days consecutively.

(4) In the cases under Para. 1, the employer shall be obliged to compensate the extension of the working time by its respective reduction within 4 months for each extended working day. If the employer does not compensate the extension of the working time in the above period, the worker or employee shall have the right to determine himself the time during which the extension of the working time will be compensated by its respective reduction, informing about that the employer in writing at least two weeks in advance.

(5) In terminating the legal terms of employment before the compensation under Para. 4, the difference up to the normal working day shall be paid as an extra labour.

(6) For the workers and employees under Art. 147, any extension of the working hours shall be allowed under the conditions of this Article for extra labour.

Reduced Working Hours

Art. 137. (1) (prev. art. 137 - SG 25/2001) Reduced working hours shall be established for:

1. (amend. - SG 100/1992, amend. SG 83/05) workers and employees implementing work under specific conditions and the risks for their life and health cannot be removed or reduced regardless of the undertaken measures but the reduction of the duration of the working time leads to restriction of the risks for their health;

2. (amend. - SG, No 100/1992) employees who have not reached 18 years of age.

(2) (new - SG 83/05) The kinds of jobs, for which reduced working time is established, shall be determined with an ordinance of the Council of Ministers.

(3) (new - SG 25/2001, prev. (2) – SG 83/05) Right to reduced working time under Para. 1, item 1 shall have the workers and employees working in the respective conditions for a period of no less than half the legally established working time.

(4) (new, SG 25/2001, prev. (3) – SG 83/05) The labour remuneration and the other rights of the worker or employee under the legal terms of employment shall not be reduced for reduction of the working time under Para. 1 and 2.

Part-Time

Art. 138. (amend. - SG, No 100/1992) (1) (prev. art. 138 - SG 25/2001) The parties to the employment contract may negotiate work for a part of the statutory working hours (part-time work). In this case, they shall specify the duration and allocation of the working hours.

(2) (new, SG 25/2001; amend. - SG 48/06, in force from 01.07.2006) In the cases under Para. 1, the monthly duration of the working hours of the workers and employees on part-time shall be shorter than monthly duration of the working hours of the workers and employees who work under legal terms of employment full-time in the same enterprise and perform the same or similar work. In case at the same or similar work there are no workers and employees, employed at full-time, the comparison shall be made only with respect to the duration of the monthly working time of the rest of the workers and employees at the enterprise.

(3) (new, SG 25/2001; amend. - SG 48/06, in force from 01.07.2006) The workers and employees under Para. 1 shall not be put in a less favourable position only because of the part-time duration of their working hours compared to the workers and the employees, party to a labour contract at full-time, performing the same or similar work at the enterprise. They shall use the same rights and have the same obligations, which have the workers and the employees, working at full time, unless the law stipulates the use of some rights as depending on the duration of the worked off working hours, the length of service, the qualification they have and others.

(4) (new – SG 7/12) An employment contract for part of the statutory working time shall be deemed as such with normal working hours, where permitted by law, in those cases where the control authorities find that the worker or employee party to the contract works outside his/her working hours, and the conditions for overtime work are not present.

Introduction of part-time by the employer

Art. 138a. (new - SG 48/06, in force from 01.07.2006) (1) In case of reduction of the volume of the job, the employer can establish part-time for a period of three months in a calendar year for the workers and employees in the enterprise, or in its unit, upon preliminary coordination with the representatives of the trade union organizations and the representatives of the workers and employees under Art. 7, Para. 2.

(2) The duration of the working time under Para. 1 cannot be less than half of the legally established for the period of calculation of the working time.

(3) With respect to creating possibility of shifting from full-time to part-time or vice versa, the

employer shall:

1. take into consideration the requests of the workers and employees for shifting from full-time to part-time, regardless whether the requests refer to the same or another working place, in case such opportunity exists in the enterprise;

2. take into consideration the requests of the workers and employees for shifting from part-time to full-time job or for increasing the duration of the part-time, if such opportunity emerges;

3. provide timely at a proper place in the enterprise written information to the workers and employees regarding the vacant working places and positions at full-time and part-time in order to facilitate the shifting from full-time to part-time job or vice versa; this information shall be provided to the representatives of the trade union organizations and to the representatives of the workers and employees under Art. 7, Para. 2;

4. undertake measures for facilitating the access to part-time job at all levels in the enterprise, including the positions, which require qualification, and the managerial positions, and, where possible, for facilitating the access of the workers and employees working part-time to professional training with the purpose of increasing the opportunities for career progress and the professional mobility.

Allocation of Working Hours

Art. 139. (1) The allocation of working hours shall be established by the internal rules of the enterprise.

(2) (amend. - SG, No 100/1992) In enterprises where the organisation of work allows it, flexible working hours may be established. The time during which the employee must be at work in the enterprise, as well as the manner of accounting for it, shall be specified by the employer. Outside the time of his compulsory presence, the worker or employee may determine the beginning of his working hours himself.

(3) (new – SG, 54/2015, in force from 17.7.2015) In the cases of Para. 2, out of the time for obligatory presence, the worker or employee may work the un-worked day working time in the following or other days of the same working week. The way of accounting the working time shall be provided by the Rules of the Internal Employment Procedure of the undertaking.

(4) (amend. – SG, 100/1992, amend. 25/2001, in force from 31. 3. 2001, repealed – SG, 48/2006, in force from 1 7 2006, former Para. 3 – SG, 54/2015, in force from 17.72015) Depending on the nature of work and the labour organisation, the working day may be divided into two or three parts.

(5) (amend. - SG, No 100/1992) For some categories of employees, due to the special nature of their work, an obligation may be established to be on duty or to stand by at the disposal of the employer during specified hours in a 24-hour period. The categories of employees, the maximum duration of the hours, and the terms and procedures of accounting for them shall be determined by the Minister of Labour and Social Policy.

Open-ended working hours

Art. 139a. (new - SG 48/06, in force from 01.07.2006) (1) For some positions, due to the specific nature of the work, the employer may establish open-ended working hours after consultations with the representatives of the trade union organizations and the representatives of the workers and employees under Art. 7, Para. 2.

(2) (new – SG 108/08) An open-ended working day may not be established for workers and employers with reduced working time.

(3) (prev. text of Para 02 – SG 108/08) The list of the positions, for which open-ended working hours are established, shall be determined by an order of the employer.

(4) (prev. text of Para 03 – SG 108/08) The workers and employees on open-ended working

hours shall, if necessary, perform their duties even after the expiry of the regular working hours.

(5) (prev. text of Para 04 – SG 108/08) In the cases under par. 3, except for the rests under Art. 151, the workers and employees shall have the right to a rest of at least 15 minutes after the expiration of the regular working hours.

(6) (prev. text of Para 05 – SG 108/08) In the cases under Para. 3, the total duration of the working hours may not breach the uninterrupted inter-day and inter-week rest, established by this Code.

(7) (prev. text of Para 06 – SG 108/08) The overtime on working days shall be compensated by an additional annual paid leave, and work on legal holidays - by an increased remuneration for overtime work.

Night Work

Art. 140. (1) (amend., SG 25/2001) The normal duration of the weekly working hours at night for a five-day work week shall be 35 hours. The normal duration of the night working hours for a five-day work week shall be 7 hours.

(2) (amend., SG 25/2001, amend. and suppl. – SG, 54/2015, in force from 17.7.2015) Night work shall be work performed between 10.00 p.m. and 6.00 a.m., and for underage workers and employees – not reached 16 years of age - from 8 p.m. to 6 a.m.

(3) (amend. - SG, No 100/1992) The employer shall be obliged to provide to the employees warm food, refreshments and other facilities for the effectiveness of the night work.

(4) (amend. - SG, No 100/1992) Night work shall be prohibited for:

1. employees and workers who have not reached 18 years of age;

2. (amend., SG 52/04, In force from 1st of August 2004; suppl. – SG 103/09, in force from 29.12.2009) pregnant female workers and employees, as well as female employees in advanced-stage of in-vitro fertilization procedure;

3. (amend., SG 52/04, In force from 1st of August 2004) mothers of children up to 6 years of age, as well as mothers raising disabled children regardless of the latter's age, except with their own consent;

4. reassigned employees, except with their own consent, and only when such employment will not be detrimental to their health in the opinion of the medical authorities;

5. employees who are continuing their education while under employment, except with their own consent.

(5) (new, SG 52/04, In force from 1st of August 2004; revoked - SG 48/06, in force from 01.07.2006)

Special regulations at night work

Art. 140a. (new - SG 48/06, in force from 01.07.2006) (1) Workers and employees, in whose regular working time are included at least three hours of night work under Art. 140, Para. 2, as well as workers and employees who work in shifts, one of which includes at least three hours of night work, shall be considered workers and employees who work at night.

(2) Workers and employees who work at night shall be accepted to work only after a preliminary medical examination which is to be at the expense of the employer.

(3) Workers and employees who work at night shall be subject to periodical medical examinations under Art. 287.

(4) In case a health authority establishes that the health condition of a worker or employee has worsen as a result of working at night, he/she shall be transferred to appropriate day work or reassigned/provided with a suitable job.

(5) The employer, with whom the workers and employees work at night, shall be obliged upon

request by the Executive Agency "Chief labour inspection" to provide information about their number, the night hours worked off, as well as about the measures undertaken for providing safe and healthy labour conditions.

Work in Shifts

Art. 141. (1) Where the nature of the production process necessitates it, the work in the enterprise shall be organised in two or more shifts.

(2) A work shift shall be mixed where it includes day and night work. A mixed work shift with 4 or more hours of night work shall be deemed a night shift and shall have the duration of a night shift, and if it covers less than 4 hours of night work, it shall be deemed a day shift and shall have the duration of a day shift.

(3) The rotation of shifts in the enterprise shall be specified by the internal rules.

(4) (amend. - SG 100/1992) The work shifts of the employees who are continuing their education while under employment, as well as of high-school students working in their free time, shall be specified depending on the organisation of their studies.

(5) It is prohibited to assign work for two consecutive work shifts.

(6) (amend. - SG, No 100/1992) For enterprises with a continuous working process the employee shall not discontinue work before the arrival of the respective employee on the next shift without the permission of his immediate superior. In such cases the immediate superior shall take the necessary measures to find a substitute.

Accounting for Working Hours

Art. 142. (1) Working hours shall be calculated in working days, for each day.

(2) (amend. - SG, No 100/1992; amend., SG 25/201; amend. - SG 48/06, in force from 01.07.2006) The employer can establish a total calculation of the working time - weekly, monthly or for other calendar period which cannot be longer than 6 months.

(3) (amend. - SG, No 100/1992) The summarised calculation of working hours shall not be allowed for employees on open-ended working hours.

(4) (amend. - SG, No 100/1992; suppl., SG 52/04, In force from 1st of August 2004) The maximum duration of a work shift under a summarised calculation of working hours can be up to 12 hours, as the duration of the working week may not exceed 56 hours, and for employees at reduced working hours it can be up to one hour beyond their reduced working hours.

Section II.
OVERTIME WORK

Definition and Prohibition

Art. 143. (1) (amend. - SG, No 100/1992; amend., SG 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 worker or employee outside of their agreed working hours, shall be considered overtime work.

(2) Overtime work shall be prohibited.

Admissibility as an Exception

Art. 144. Overtime work shall be permitted as an exception in the following cases only:

1. for the performance of work related to the national defence;

2. (new - SG 41/18) to perform work by Ministry of Interior employees, related to elections activities, preparation of expertise and psychological assistance in operational and search activities and resolving critical situations as well as other work related to security and protection of public order;

3. (amend. - SG, No 100/1992, amend. SG 19/05; suppl. – SG 102/06; amend. – SG 35/09, in force from 12.05.2009, prev. para. 2 - SG 42/18) for prevention, control and overcoming of the consequences of disasters;

4. (amend. - SG, No 100/1992, prev. para. 3 - SG 42/18) for the performance of urgent publicly necessary work to restore water and electrical supply, heating, sewerage, transport and communication links, and for providing medical assistance;

5. (amend. - SG, No 100/1992, prev. para. 4 - SG 42/18) for doing emergency repairs in working premises, on machines and other equipment;

6. (amend. - SG, No 100/1992; amend. – SG 108/08, prev. para. 5 - SG 42/18) for the completion of work which can not be completed within the regular working hours;

7. (amend. - SG, No 100/1992, prev. para. 6 - SG 42/18) for the performance of intensive seasonal work.

Art. 145. (revoked, SG 25/2001)

Duration

Art. 146. (1) (amend. - SG, No 100/1992) The duration of the overtime work performed by one employee in one calendar year shall not exceed 150 hours.

(2) The duration of the overtime work shall not exceed:

1. 30 hours day work, or 20 hours night work in one calendar month;

2. 6 hours day work, or 4 hours night work in one calendar week;

3. 3 hours day work, or 2 hours night work in two consecutive working days.

(3) (amend. - SG 42/18) The restrictions under the preceding paragraphs shall not apply to the cases under Art. 144, items 1-4.

Inadmissibility of Overtime Work

Art. 147. (amend. - SG, No 100/1992) (1) Overtime work shall be not permitted for:

1. employees who have not reached 18 years of age;

2. (amend., SG 52/04, In force from 1st of August 2004; suppl. – SG 103/09, in force from 29.12.2009) pregnant female workers and employees, as well as female employees in advanced-stage of in-vitro fertilization procedure;

3. (amend., SG 52/04, In force from 1st of August 2004) mothers of children up to 6 years of age, as well as mothers raising disabled children regardless of the latter's age, except with their own consent;

4. reassigned employees, except with their own consent, and only when such employment will not be detrimental to their health in the opinion of the medical authorities;

5. employees who are continuing their education while under employment, except with their own consent.

(2) (amend. SG 83/05, amend. SG 42/18) Overtime work shall not be permitted, except in the cases of Art. 144, items 1 – 4, for workers and employees for whom is established reduced working time under Art. 137, Para.1, item 1.

Refusal to Work Overtime

Art. 148. (amend. - SG, No 100/1992) The employee shall be entitled to refuse to work overtime, when the provisions of this Code, of another normative act, or of a collective contract are not observed.

Accounting for Overtime

Art. 149. (amend. - SG, No 100/1992) (1) The employer shall keep a special register to account for overtime work.

(2) (amend. - SG, No 100/1992; amend. – SG 27/14) Overtime work performed during the calendar year shall be accounted for before the labour inspection by 31st of January of the next calendar year.

Payment of Overtime Work (amend., SG 52/04)

Art. 150. (amend. - SG, No 100/1992; amend., SG 52/04, In force from 1st of August 2004) For overtime worked, remuneration shall be paid in an increased amount according to Art. 262.

Section III.
REST

Rest during the Work Day

Art. 151. (1) (amend. - SG, No 100/1992) The working hours of the employee shall be interrupted by one or several breaks. The employer shall provide the employee a rest for a meal which shall not be shorter than 30 minutes.

(2) The rest periods shall be not included in the working hours.

(3) (amend. - SG, No 100/1992; amend., SG 25/2001) In continuous production processes or in enterprises where the work is uninterrupted, the employer shall provide to the employee time for a meal during the working hours.

Rest between Work Days

Art. 152. (amend. - SG, No 100/1992) The worker or employee shall be entitled to an uninterrupted rest between work days which shall not be shorter than 12 hours.

Weekly Rest

Art. 153. (1) (amend. - SG, No 100/1992) For a five-day working week the employee shall be entitled to a weekly rest of two consecutive days, one of which shall be Sunday on principle. In such cases, the worker or employee shall be ensured at least 48 hours of weekly rest at a stretch.

(2) (amend., SG 25/2001; amend., SG 52/04, In force from 1st of August 2004) For summarised calculation of working hours, the uninterrupted weekly rest shall be no less than 36 hours.

(3) (new, SG 52/04, In force from 1st of August 2004) For a change of the shifts in summarized calculation of the working hours the uninterrupted weekly rest may be of a shorter size than the rest under para 2, but not shorter than 24 hours in the cases where the actual and technical organization of the work in the enterprise so require.

(4) (new, SG 52/04, In force from 1st of August 2004) For overtime worked in the two days of the weekly rest, in daily calculation of the working time, the worker or employee shall have the right,

besides to an increased payment of this labour, to uninterrupted rest as well during the next working week, amounting to no less than 24 hours.

Legal Holidays

Art. 154. (1) (Amended - SG, Nos. 30/1990, 27 and 104 of 1991, No 88 0f 1992, No. 2/1996, 22 & suppl., No 22/1998, amend. and suppl., No 56/1998; suppl., No 108/1998; amend. – SG 15/10) The public holidays shall be:

January 1 - New Year;

March 3 - the Day of the Liberation of Bulgaria from Ottoman Domination - the National Day;

May 1 - the Day of Labour and International Workers' Solidarity;

May 6 - St.George's - the Day of Valour - the Bulgarian Armed Forces Day

May 24 - the Day of Bulgarian Education and Culture and of Slavonic Letters;

September 6 - Unification Day;

September 22 - Bulgaria's Independence Day;

November 1 - the Day of the Leaders of the Bulgarian National Revival - a legal holiday for all educational establishments;

December 24 - Christmas Eve; December 25 and 26 - Christmas;

Good Friday, Holy Saturday and Easter - Sunday and Monday on which it is celebrated in the respective year.

(2) (New – SG, 105/16, in force from 01.01.2017). Where the official holidays under Para. 1, with the exception of Easter holidays coincide with Saturday and/or Sunday, the first 2 working days after them shall be non-working days.

(3) (suppl., SG 52/04, In force from 1st of August 2004; amend. – SG 15/10, former Para. 2, amend. – SG, 105/16, in force from 01.01.2017) The Council of Ministers may also declare once other days for non-working days for giving public respect to important historical, political, culctural or other especially important events, as well as for days of celebration of certain professions and days for giving gratitude.

Working time and rests at work of specific nature and/or labour organization

Art. 154a. (new - SG 48/06, in force from 01.07.2006) Upon observance of the general rules for providing healthy and safe labour conditions the Council of Ministers can establish different duration of the of the daily, weekly and monthly working time, of the inter-day and inter-week rest, of the rests during the work day, of the night work for workers and employees, carrying out work of specific nature and/or labour organization.

Chapter eight.
LEAVES

Section I.
TYPES OF LEAVES

Regular and Extended Annual Paid Leave

Art. 155. (amend. - SG, No 100/1992) (1) (amend., SG 52/04, In force from 1st of August 2004) Each employee shall have the right to an annual paid leave.

(2) (new, SG 52/04, In force from 1st of August 2004) In taking up office for the first time, the worker or employee may use his paid annual leave after at least 8 months of work.

(3) (new, SG 52/04, In force from 1st of August 2004) On termination of the legal terms of employment before acquiring 8 months of work, the worker or employee shall be entitled to indemnification for unused paid annual leave, calculated by the order of Art. 224, Para 1.

(4) (amend., SG 25/2001; prev. para 2 – SG 52/04, In force from 1st of August 2004) The duration of the regular annual paid leave shall be no less than 20 working days.

(5) (amend. - SG, No 100/1992; amend., SG 25/2001; prev. para 3 – amend., SG 52/04, In force from 1st of August 2004) Some categories of workers and employees, depending on the special nature of work, shall be entitled to an extended annual paid leave which shall include the leave under para 4. The categories of workers and employees and the minimum duration of such leave, shall be specified by the Council of Ministers.

Additional Annual Paid Leave

Art. 156. (1) (amend. - SG, No 100/1992; amend., SG 52/04, In force from 1st of August 2004, prev. art. 156 – SG 83/05) Pursuant to Art. 155, Para. 2, the employee or worker shall be entitled to an additional annual paid leave:

1. (amend. SG 83/05) for work under specific conditions and risks for the life and the health which cannot be removed, restricted or reduced, regardless of the undertaken measures – not less than 5 working days;

2. for work on open-ended working hours - not less than 5 working days.

(2) (new – SG 83/05) The kinds of works, for which additional paid annual leave is established, shall be determined with ordinance of the Council of Ministers.

Negotiation of Longer Duration of the Leaves

Art. 156a. (New, SG, No 100/1992) Longer duration of the leaves under Art. 155 and 156 may be agreed upon in a collective contract, as well as between the parties to the employment relationship.

Leave for the Performance of Civic, Public and Other Duties (amend., SG 52/04)

Art. 157. (1) (amend. - SG, No 100/1992) The employer shall be obliged to release the employee from work in the following cases:

1. to be married - for 2 working days;

2. for blood donation - on the day of the medical check-up and donation, and one additional day;

3. (amend., SG 25/2001) in the event of the death of a parent, a child, a spouse, a brother, a sister, a parent of the spouse or other relatives in direct lineage - for 2 working days;

4. (amend., SG 25/2001) in case the employee has been called to appear in court or other bodies as a party, a witness or an expert;

5. (amend. - SG, No 100/1992) to attend sittings as a member of a representative state body;

5a. (new – SG 57/06, in force from the date of entry into action of the Treaty on the Accession of the Republic of Bulgaria to the European Union) for participation in sessions of a specialized authority for negotiations, European workers` council or representation body in European trade or cooperative company.

6. (deleted previous 7 - amend., SG, No 100/1992) in case the employer has given notice of termination of the employment relationship - for 1 hour each day for the period of the notice. This right shall not be exercised by an employee working for 7 or less hours.

7. (new – SG 19/05; amend. – SG 102/06) for the time of training and participation in the voluntary formations for protection in case of disasters.

(2) (new, SG 52/04, In force from 1st of August 2004; suppl. – SG 103/09, in force from 29.12.2009) The employer shall be obliged to release from work a pregnant worker as well as a female employee in advanced-stage of in-vitro fertilization procedure for medical examinations where it is necessary to have them during office hours. For this time the pregnant worker or female employee in advanced-stage of in-vitro fertilization procedure shall receive from the employer remuneration in the size under Art. 177.

(3) (Amend. No SG, No 100/1992, No 133/1998; amend., SG 25/2001; prev. para 2 – SG 52/04, In force from 1st of August 2004) For the period of the leave under Para. 1, remuneration shall be paid to the worker or employee as follows:

1. under item 1 - 3 - according to the provided in the collective employment contract or upon agreement between the worker or employee and the employer;

2. (amend. – SG 57/06, in force from the date of entry into action of the Treaty on the Accession of the Republic of Bulgaria to the European Union) under items 5a and 6 - by the employer, in the amount under Art. 177;

3. in the remaining cases - according to the provided by the special laws.

Leave During Active Service in the Volunteer Reserve (amend., SG 25/2001; amend. – SG 20/12, in force from 10.06.2012)

Art. 158. (amend. - SG 20/12, in force from 10.06.2012) (1) An employee or worker called up for active service in the volunteer reserve shall be deemed to be on official leave for the duration of the event/service, including the days of travelling.

(2) Should the active service in the volunteer reserve last for 15 days or more, the worker or employee shall be entitled to two calendar days of unpaid leave before departure, and two more days following his return.

(3) For the duration of the leave under Para. 2, the worker or employee shall be paid a remuneration for the account of the budget of the Ministry of Defence.

Leave of Trade Union Functionaries

Art. 159. (amend. - SG, No 100/1992) (1) For the performance of trade union activities, the unpaid members of national, sectional, and regional leaderships of trade union organisations, as well as the unpaid chairmen of the trade union leaderships in the enterprises shall be entitled to a paid leave of duration specified by the collective contracts, but not shorter than 25 hours for one calendar year.

(2) The leave under the preceding paragraph shall be paid pursuant to Art. 177, and is not to be compensated with cash.

(3) The trade union functionary shall choose when to use the leave under Para. 1 and shall notify the employer in a timely manner. The time and duration of the leave used shall be accounted for in a special register with the employer.

(4) The leave under Para. 1 shall not be postponed for the following calendar year.

Unpaid Leave

Art. 160. (amend. - SG 100/1992) (1) Upon the request of the worker or employee, the employer may permit him an unpaid leave, regardless of the fact whether he has used his annual paid leave or not, and irrespective of his length of service.

(2) (new – SG 43/08) Employers shall be obliged to allow workers or employees one-time unpaid leave of up to one year, that is if they are in legal terms of employment with a European Union institution, apart from the cases referred to in Art. 120a, with the United Nations, the Organisation for

Security and Cooperation in Europe, the North Atlantic Treaty Organisation or with other international governmental organizations.

(3) (prev. text of para 2 – SG 43/08) The unpaid leave of up to 30 working days for one calendar year shall be included in the length of service, and that of over 30 working days shall be recognised only if it is so provided in this Code, another law, or an act of the Council of Ministers.

Official and Creative Leaves

Art. 161. (amend. - SG, No 100/1992;) (1) (amend., SG 25/2001) The worker or employee may be permitted a paid or unpaid official or creative leave under conditions and by an order established by the collective employment contract or by an agreement between the parties to the legal terms of employment.

(2) (new – SG, 54/2015, in force from 17.7.2015) The time of non-paid official or creative leave under Para. 1 shall be considered as legal term of employment

(3) (New, SG, No 100/1992, former Para. 2, - SG, 54/2015, in force from 17.7.2015) In the absence of another provision in the collective contract, the paid elected trade union functionaries shall be deemed to be on an unpaid leave for the period in which they hold the respective trade union position.

(4) (new – SG 57/06, in force from the date of entry into action of the Treaty on the Accession of the Republic of Bulgaria to the European Union, former Para. 3 – SGm 54/2015, in force from 17.7.2015) Any worker or employee, who is a member of a representation body in a European trade or cooperative company, shall have the right to a leave for studies, necessary for implementation of his functions. The duration of the leave and the remuneration, which is due during its using, shall be negotiated in a collective contract or in an agreement between the parties to the employment relationship.

Leave in Case of Temporary Disability

Art. 162. (1) (amend. - SG, No 100/1992; suppl., SG 52/04, In force from 1st of August 2004) The worker or employee shall be entitled to a leave in case of temporary disability resulting from a general disease or an occupational disease, occupational injury, for sanatorium treatment or for urgent medical examinations or tests, quarantine, suspension from work prescribed by the medical authorities, for taking care of an ill or quarantined member of the family, for urgent need to accompany an ill member of the family to a medical check-up, test or treatment, and for taking care of a healthy child dismissed from a child-care facility because of quarantine imposed on that facility or on the child.

(2) The leave under the preceding paragraph shall be permitted by the medical authorities.

(3) (amend. - SG, No 100/1992) For the duration of the leave in case of temporary disability, the employee shall be paid a cash compensation within periods specified by a separate law.

Leave due to pregnancy and childbirth (Title amend. - SG 30/18, in force since 01.07.2018)

Art. 163. (1) (amend. - SG, No 100/1992, SG 110/99; amend., SG 52/04, In force from 1st of August 2004; amend. SG 68/06, in force from 01.01.2007; amend. – SG 109/08, in force from 02.01.2009) Female workers or employees shall be entitled to a leave for pregnancy and childbirth amounting to 410 days for each child, of which 45 days are to be obligatorily used before the childbirth.

(2) (revoked, SG 25/2001)

(3) Should the medical authorities err in predicting the date of childbirth and it occurs before the expiry of the 45 days from the beginning of the leave, the remainder of these 45 days shall be used after the childbirth.

(4) In case of still-birth, of infant death, or if the child is given up to a child-care establishment

in the entire care of the State, or for adoption, the mother shall be entitled to a leave of 42 days after the date of childbirth. The medical authorities may extend this period in the event they find the mother's ability to work has not been fully restored after the childbirth, up to her complete recovery. Up to the expiry of the term under Para. 1, such a leave shall be paid as a leave for pregnancy and birth.

(5) In case the child is given up for adoption, is placed in a child-care establishment in the entire care of the State, or dies after the 42-nd day from the birth, the leave under para 1 shall be terminated on the following day. In these cases, if the mother's ability to work has not been restored after the childbirth, clauses 2 and 3 of the preceding paragraph shall apply.

(6) (amend. - SG, No 100/1992; amend. - SG 48/06, in force from 01.07.2006, repealed - SG 30/18, in force from 01.07.2018)

(7) (new – SG 98/16, in force from 01.06. 2017, amend. - SG 30/18, in force from 01.07.2018) A female worker or employee, with whom a child is accommodated under Art. 26 of the Child Protection Act, shall be entitled to a leave under Para. 1 in the amount equal to the difference between the child's age on the day when it was accommodated until the expiration of the period of the leave due for childbirth. This leave cannot be used simultaneously with the leave under Para. 1.

(8) (new - SG 108/08, in force from 01.01.2009; prev. para 7 - SG 98/16, in force from 01.06. 2017) When the mother and the father are married or live in the same household, the father shall be entitled to 15-day leave for birth of a child as from the date of discharging the child from the medical establishment.

(9) (new - SG 98/16, in force from 01.06. 2017, repealed - SG 30/18, in force from 01.07.2018)

(10) (new - SG 108/08, in force from 01.01.2009; amend. - SG 109/08, in force from 02.01.2009; prev. para 8, suppl. - SG 98/16, in force from 01.06. 2017, amend. - SG 30/18, in force from 01.07.2018) With the consent of the mother, after the child has reached the age of 6 months, the father may use the remaining leave until 410 days instead of her. When the father is unknown, one of the mother's parents can use the leave. When the father is deceased, the leave can be used by one of one of the mother's parents or the father's parents.

(11) (new – SG 98/16, in force from 01.06. 2017, repealed - SG 30/18, in force from 01.07.2018)

(12) (new – SG 98/16, in force from 01.06. 2017) When the child is accommodated under Art. 26 of the Child Protection Act with spouses, with the consent of the female worker or employee, after the child has reached the age of 6 months, her husband may use the remaining leave until 410 days instead of her.

(13) (new - SG 108/08, in force from 01.01.2009; prev. para 9, amend. - SG 98/16, in force from 01.06. 2017, amend. - SG 30/18, in force from 01.07.2018) For the time the leave is used under Para 10 or 12, the leave of the mother or female employee, in whose family a child is accommodated under Art. 26 of the Child Protection Act, shall be interrupted.

(14) (amend. - SG, No 100/1992; prev. text of Para 07, amend. - SG 108/08; suppl. - SG 15/10; suppl. - SG 15/10; prev. para 10, amend. - SG 98/16, in force from 01.06. 2017, amend. - SG 30/18, in force from 01.07.2018) For the time of the leave under Para 1 - 12, the persons shall be paid pecuniary compensation under conditions and in amounts determined in another law. The time during which the leave is used shall be considered as length of service. The period during which the leave is used shall be considered as length of service.

(15) (new – SG 98/16, in force from 01.06. 2017, amend. - SG 30/18, in force from 01.07.2018) In cases when the leave under Para. 1 is not used, or the person under Para. 10 who uses such leave interrupts it, the mother, if she is working under an employment relationship, shall be paid a cash compensation by the State Public Insurance.

(16) (New - SG 68/06, in force from 01.01.2007, previous Para. 8 - SG 108/08, previous Para.11 - SG 98/16, in force from 01.06.2017, amend. - SG 30/18, in force from 01.07.2018) The order and the way of using the leave under Para. 1, 7, 8, 10 and 12 shall be determined by an ordinance of the

Council of Ministers.

Paid Leave for Raising a Young Child up to 2 years of age (amend., SG 25/2001)

Art. 164. (1) (amend. – SG, 54/2015, in force from 17/7/2015) After the use of leave for pregnancy, childbirth or adoption has been used, in case the child is not placed in a child-care establishment, the female worker or employee shall be entitled to an additional leave for raising a child until it reaches 2 years of age.

(2) (revoked, SG 25/2001)

(3) (amend., SG 25/2001) With the consent of the mother (adoptive mother), the leave under Para. 1 shall be granted to the father (adoptive father) or to one of their parents in case they work under an employment relationship.

(4) (amend. - SG, No 100/1992) For the time of the leave under the preceding paragraphs, the mother (adoptive mother) or the person who has taken over the raising of the child shall be paid a cash indemnity under terms and in amounts specified by a separate law. The time of the leave shall be recognized as length of service.

(5) (amend., SG 25/2001, SG 1/2002) In case the leave under Para. 1 is not used, or the person using such leave terminates its use, the mother (adoptive mother), if she is working under an employment relationship, shall be paid a cash compensation by the State Public Insurance.

Leave for Raising a Child Accommodated with Friends and Relatives or Foster Family (new, SG 52/04)

Art. 164a. (new, SG 52/04, In force from 1st of August 2004) (1) Right to leave for raising a child until reaching 2 years of age shall have the persons, with whom a child is accommodated by the order of Art. 26 of the Child Protection Act.

(2) When the child is accommodated with spouses, the leave shall be used only by one of them.

(3) During the leave under Para. 1 and 2, cash indemnification shall be paid in terms and in sizes determined by an individual law. The leave shall be considered as length of service.

(4) (Suppl. - SG 30/18, in force since 01.07.2018) The leave under Para. 1 and 2 may not be used simultaneously with a leave under Art. 164 and Art. 164b.

Leave for adoption of a child up to 5 years of age (Amend. - SG 30/18, in force from 01.07.2018)

Art. 164b. (New - SG 104/13, in force from 01.01.2014, amend. - SG 30/18, in force from 01.07.2018) (1) Any female worker or employee, who has adopted a child up to the age of 5, shall be entitled to take leave for a period of 365 days from the day the child was handed over for adoption, but not later than the child reaching 5 years of age.

(2) When the child is adopted by spouses, the leave under Para. 1, with the consent of the adoptive mother, may be used instead by the adoptive father after the expiration of 6 months from the date of handing over of the child for adoption, but no later than the child reaching the age of 5, where he is working under employment relationship. When the adoptive father has died, the leave may be used by one of the parents of the adoptive mother or of the adoptive father when working under employment relationship.

(3) With the consent of the female worker or employee who has adopted a child on her own, after expiration of the 6 months from the day the child is handed over for adoption, one of her parents may use the leave under Para. 1 when working under employment relationship.

(4) For the period during which the leave under Para. 2 or 3 is used, the leave of the adoptive

mother shall be interrupted.

(5) Entitled to go on leave under the conditions and in the periods under Para. 1 shall also be the male worker or employee in the event where he has adopted the child on his own. Following his consent, after the expiration of 6 months from the day of handing over the child for adoption, one of his parents may use the leave under Para. 1 when working under employment relationship.

(6) In the cases where the leave under Para. 1 or 5 is not used, or the person who uses such leave discontinues its use, the adoptive mother or the adoptive father, when working under employment relationship, shall be paid a pecuniary compensation by the state public insurance.

(7) After using the leave under Para. 1, 2, 3 and 5, where the child has not reached the age of 2 and is not placed in a child care facility, the adoptive mother, the adoptive father or the person who has taken up the child shall be entitled to additional parental leave until the child has reached the age of 2 years of age under Art. 164.

(8) When the adoptive mother and the adoptive father are married, the adoptive father shall be entitled to a 15-day leave for the adoption of a child up to the age of 5, from the day the child is handed over for adoption, but no later than it reaching the age of 5.

(9) The leave under Para. 1, 2, 3, 5 and 8 shall not be used in the event of death of the child, upon termination of the adoption, and when the child attends a kindergarten, including a nursery or an educational establishment.

(10) The leave under Para. 1, 2, 3, 5 and 8 may not be used simultaneously with the leave under Art. 163, 164 and 164a.

(11) During the leave under Para. 1, 2, 3, 5 and 8, the persons shall be paid cash compensation under the conditions and in the amounts determined in a separate act. The time taken by the leave shall be recognized as length of service.

(12) The order and the way of using the leave under Para. 1, 2, 3, 5 and 8 shall be established in an ordinance by the Council of Ministers.

Unpaid Leave for Raising a Young Child up to 2 years of age (amend., SG 25/2001; amend., SG 52/04)

Art. 165. (repealed – SG, 54/2015, in force from 17.7.2015)

Leave for Breast-feeding and Feeding a Young Child

Art. 166. (1) (amend. - SG, No 100/1992) Any female worker or employee who breast-feeds her child shall be entitled to a paid leave for breast-feeding until the child reaches 8 months of age - 1 hour twice a day or, with her consent - 2 hours together. For a female employee who works at reduced working hours of 7 hours a day or less, this leave shall be 1 hour a day. After the child reaches 8 months, this leave shall be 1 hour a day and shall be granted to the employee only in case the medical authorities find that it is necessary for her to continue breast-feeding the child.

(2) (amend. - SG, No 100/1992) In case the female worker or employee has twins or a prematurely born child, the duration of the leave under the preceding paragraph shall be 3 hours a day until the child reaches 8 months, and 2 hours a day after the child reaches 8 months, as long as the medical authorities find that breast-feeding should continue. In such cases, in the event that the female employee works at reduced working hours - 7 or less, the initial duration of the leave for breast-feeding the child shall be 2 hours, and after the child reaches 8 months - 1 hour a day. The leave under this paragraph shall be used twice daily, and with the consent of the employee it can be used once daily.

(3) A leave under the terms and for the duration specified under this Article shall be also granted to the adoptive mother and to the step-mother.

(4) (amend. - SG, No 100/1992) The leave under the preceding paragraphs shall be paid by the

employer.

Leave In Case of Death or Severe Illness of a Parent or adoptive parent (Title amend. - SG 30/18, in force from 01.07.2018)

Art. 167. (1) (amend., SG 52/04, In force from 1st of August 2004; suppl. SG 98/16, in force from 01.06. 2017, amend. - SG 30/18, in force from 01.07.2018) Should the mother of a child under the age of 2, or the adoptive mother of a child up to 5 years old, die or become severely ill, with resulting inability to take care of the child, the balance of the leaves for childbirth, adoption, and raising a child may be used by the father (adoptive father). 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 (adoptive mother), should the said person work under an employment relationship.

(2) (new - SG 98/16, in force from 01.06.2017, amend. - SG 30/18, in force from 01.07.2018) Should the mother of a child under the age of 2, or the adoptive mother of a child up to 5 years old, become severely ill, with resulting inability to take care of the child, and the father (adoptive father) has died, the balance of the leaves for childbirth, adoption, and raising a child may be used by one of the parents of the mother (adoptive mother) or of the father (adoptive father) when they are working under an employment relationship.

(3) (new - SG 98/16, in force from 01.06. 2017, amend. - SG 30/18, in force from 01.07.2018) Should the mother of a child under the age of 2, or the adoptive mother of a child from 2 to 5 years old, die or become severely ill, resulting in inability to take care of the child, and the father is unknown, the balance of the leaves for childbirth and raising a child may be used by one of her parents, if she works under an employment relationship.

(4) (new - SG 98/16, in force from 01.06. 2017, amend. - SG 30/18, in force from 01.07.2018) Where the person who has adopted on their own a child up to 5 years of age dies or becomes severely ill, resulting in inability to take care of the child, the balance of the leaves for adoption or raising a child up to the age of 2 may be used by one of their parents who works under an employment relationship.

(5) (amend., SG 52/04, In force from 1st of August 2004; prev. para 2 - SG 98/16, in force from 01.06. 2017, amend. - SG 30/18, in force from 01.07.2018) Should both parents of a child under the age of 2, or both the adoptive parents of a child up to the age of 5 die, and the child is not placed in a childcare facility, including a crиche or educational establishment, or in a state-run childcare facility, the corresponding part of the leave under Para. 1, 2, 3 and 4 shall be used by the guardian of the child and, with guardian's consent, by one of the parents of the mother or the father of the child, respectively, of the adoptive parents, when working under an employment relationship.

Unpaid Leave for raising a Child up to 8 Years of Age (new, SG 52/04)

Art. 167a. (new, SG 52/04, In force from 1st of August 2004) (1) (suppl. – SG 7/12, amend. – SG, 54/2015, in force from 17.7.2015, suppl. - SG 30/18, in force from 01.07.2018) After using the leaves under Art. 164, Para. 1 and Art. 164b, Para. 1, 2, 3 and 5, each of the parents (adoptive parents), if they work under legal terms of employment and the child has not been placed in an establishment at full state support, shall have the right, on request, to use unpaid leave amounting to 6 months for raising a child until accomplishment of 8 years of age. Each of the parents (adoptive parents) may use up to 5 months of the leave of the other parent (adoptive parent), if the latter has given his/her consent thereto.

(2) (amend. - SG 98/16, in force from 01.06. 2017) In the cases of Art. 167, Para. 5 the guardian shall have the right to a leave under Para. 1 amounting to 12 months. With his consent a leave of up to 12 months or the remainder of the unused leave up to this size may be used by one of the parents of the mother or the father of the child.

(3) Where, upon the child reaching 2 years of age, both parents die, and they have not used a

leave under Para. 1, the guardian shall be entitled to such a leave, amounting to 12 months, and where the parents have used a part of the leave – to the remainder of the unused leave up to this size. With the consent of the guardian this leave may be used by one of the parents of the mother or of the father of the child.

(4) Any parent (adoptive parent) who alone raises the child shall be entitled to a leave under Para. 1 amounting to 12 months in the cases where:

1. he is not married to the other parent and does not live with him in one household;

2. the other parent has been deprived of parental rights by an enacted decision of the court;

3. the other parent is deceased.

(5) In the cases of Para. 4, item 1 and 2 the other parent shall not have the right to a leave under Para. 1.

(6) The leave under Para. 1 may be used one time or in parts. When it is used in parts its duration may not be less than 5 working days.

(7) The person wishing to use a leave under para 1 must inform about that his employer at least 10 working days in advance.

(8) The time during which the leave under Para. 1 is used shall be recognized as length of service.

(9) The order and the way of using the leave under Para. 1 – 8 shall be settled by an ordinance of the Council of Ministers.

Rights of workers or employees who return to work from leave

Art. 167b. (new – SG 7/12) (1) Upon return to work after expiry of a leave under Art. 163-167a or interruption of taking such, the worker or employee may request from the employer changes to their working hours and/or patterns for a set period of time or other amendments in the employment relationship to facilitate his return to work.

(2) In order to promote better reconciliation as regards to employment and family obligations of workers and employees, the employer shall take into consideration the requests under Para. 1, where possible at the enterprise.

(3) The worker or employee and the employer may also agree to amend the employment relationship under Art. 119 during the use of leave under Art. 163-167a.

Additional Leave for Two and More Surviving Children

Art. 168. (amend. - SG, No 100/1992) (1) (amend., SG 25/2001) If stipulated by a collective employment contract, any female worker or employee with 2 surviving children under the age of 18 shall be entitled to 2 working days, and any worker or employee with 3 or more surviving children under the age of 18 - to 4 working days paid leave for each calendar year. This leave shall be used when the employee wishes, and it shall not be compensated in cash, except in case of a termination of the employment relationship.

(2) The female employee shall be entitled to use the leave under the preceding paragraph, including for the calendar year in which one or all the children reach 18 years of age.

(3) (revoked, SG 25/2001)

(4) The use of leave under this Article may be postponed pursuant to Art. 176.

Paid Leave for Studies

Art. 169. (amend. - SG, No 100/1992) (1) (amend., SG 25/2001) Any worker or employee studying at secondary school or higher education institution while remaining in employment, with the

consent of the employer, shall be entitled to a paid leave of 25 working days for each academic year.

(2) (amend. - SG, No 100/1992; amend., SG 25/2001) The leave under Para. 1 shall be used regardless of all other types of leave. It may be used in whole or in part, and shall not be granted to a worker or employee who is to repeat a school year for no valid reason.

(3) (amend. - SG, No 100/1992) The students under Para. 1 shall also be entitled to a one-time additional leave of 30 working days for reading and sitting for a matriculation or university-leaving examination, including the preparation and presentation of a diploma paper, diploma project or thesis.

(4) (amend. - SG, No 100/1992; suppl., SG 25/2001) Employees and workers registered as distance learning or correspondence post-graduate students shall be entitled to a one-time 6-month paid leave to prepare an M. Sc. degree, and to a 12-month paid leave to prepare a thesis for a Ph.D. academic degree. This right shall be exercised with the consent of the employer.

(5) (amend. - SG, No 100/1992; suppl., SG 25/2001) Employees and workers attending night school, with the consent of the employer, except those working at reduced working hours - 7 hours or less, shall be released from work an hour earlier on each day they have classes.

Leave for an Entrance Examination at an Educational Establishment

Art. 170. (1) (amend. - SG, No 100/1992; amend., SG 25/2001) When, with the consent of the employer, the worker or employee applies in a school, admitting by examination the worker or employee shall be entitled to a paid leave as follows:

1. for applying in a secondary school - 6 working days;

2. for applying in a higher school or doctor's studies - 12 working days.

(2) (new, SG 25/2001) When a consent of the employer has not been given, the worker or employee shall be entitled to unpaid leave for the duration under Para. 1, reduced in half, which shall be recognised as length of service.

(3) (amend. - SG, No 100/1992; prev. Para. 2, amend SG 25/2001) Should an employee use the paid or unpaid leave under Para. 1 and 2 but fail to gain entrance to the respective educational establishment or post-graduate studies, for the following years he shall be entitled to unpaid leave for a duration equal to half of the leave under para 1 shall be recognised as length of service.

Unpaid Leave for Students

Art. 171. (1) (amend., SG 25/2001) Workers and employees under Art. 169, Para. 1 shall also be entitled to unpaid leave for the following duration:

1. to prepare and sit for an examination - up to 20 working days for an academic year;

2. (amend., SG 25/2001) to prepare and sit for an entrance, matriculation or university-leaving examination, including the preparation and presentation of a diploma paper or a diploma project in secondary schools - up to 30 working days;

3. to prepare and sit for a university-leaving examination (state exam), including the preparation and presentation of a diploma paper or a diploma project in higher educational establishments - up to four months;

4. for distance learning or independent post-graduate students to prepare and present a thesis - up to four months.

(2) (new, SG 25/2001) When a consent of the employer is not given the worker or employee who studies in a secondary or higher school without leaving employment shall be entitled to unpaid leave for the duration under Para. 1, reduced by half.

(3) (prev. para 2 - amend., SG 25/2001) The unpaid leave under Para. 1 and 2 shall be recognised as length of service.

Using Leave by the Students

Art. 171a. (new, SG 25/2001) The leaves of the students under this section shall be used at a time determined by the worker or employee depending on the organisation of the academic process, upon written notification of the employer at least 7 days in advance.

Section II.
USE OF THE ANNUAL PAID LEAVE

Manner of Using

Art. 172. (amend. - SG, No 100/1992; amend., SG 25/2001; amend. – SG 58/10, in force from 30.07.2010, amend. – SG, 54/2015, in force from 17.7.2015) The annual paid leave shall be permitted to the worker or employee all at once or in parts.

Terms and Procedures of Using

Art. 173. (amend. – SG 58/10, in force from 30.07.2010, amend. – SG, 54/2015, in force from 17.7.2015) (1) The paid annual leave shall be used by the worker or employee with a written permission by the employer.

(2) As regards to employees professing religion other than Eastern Orthodox, the employer shall authorize their choice of use of paid annual leave or unpaid leave under Art. 160, Para. 1 for the days of the respective religious holidays, but not more than the number of days for Orthodox religious festivals under Art. 154.

(3) The days for religious holidays of religions other than Orthodox shall be determined by Council of Ministers on a proposal from the official leadership of the respective religion.

(4) The employer shall have the right to provide the paid annual leave to the worker or employee without his consent during a stay of more than 5 working days while using the leave at the same time by all workers and employees, as well as in the cases, where the worker or employee after an invitation of the employer has not requested his leave by the end of the calendar year, for which it is due.

(5) The worker or employee shall use his paid annual leave by the end of the calendar year for which it refers. The employer shall be obliged to permit the paid annual leave of the worker or employee by the end of the relevant calendar year, unless its use has been postponed under Art. 176. In this case the worker or employee shall be provided by use of not less than the half of his paid annual leave, due for the calendar year.

Use of Leave by Underage Employees and by Mothers

Art. 174. (amend. - SG, No 100/1992; amend. – SG 18/11, in force from 01.03.2011, amend. – SG, 54/2015, in force from 17.7.2015) Workers or employees who have not reached 18 years of age, and mothers of children under the age of 7 shall use their leave in summer, and if they so wish - at other times of the year, with the exception of the cases under Art. 173, Para. 4.

Interruption of the Use of the Leave

Art. 175. (amend. - SG, No 100/1992) (1) Where, during the use of the annual paid leave, the worker or employee is granted another type of paid or unpaid leave, the use of the annual paid leave shall be, upon his request, interrupted and the remainder is to be used later following an agreement between him and the employer.

(2) (New, SG, No 100/1992) Beyond the cases under the preceding paragraph, the employee's leave may be interrupted by mutual consent of the parties expressed in writing.

Postponement of the Use of the Leave

Art. 176. (amend. - SG, No 100/1992; amend. – SG 58/10, in force from 30.07.2010, amend. – SG, 54/2015, in force from 17.7.2015) (1) Using the paid annual leave may be postponed for the following calendar year by:

1. the employer – because of important production reasons under the condition of Art. 173, Para. 5, sentence three;

2. the worker or employee - where another type of leave is used or upon his request with the consent of the employer.

(2) Where the leave has been postponed or has not been used by the end of the calendar year, for which it refers, the employer shall be obliged to provide its use during the following calendar year, but not later than 6 months, starting from the end of the calendar year, for which it refers.

(3) Where the employer has not permitted the use of the leave in the cases and terms under Para. 2, the worker or employee shall have the right himself to define the time of its use, by notifying about this in writing the employer at least 14 days in advance.

Limitation period of the right to use

Art 176a. (new - SG 18/11, in force from 01.03.2011) (1) In those cases where the paid annual leave or a part thereof has not been used within two years from the end of the year to which it refers to, regardless of the reasons for this, the right to use it shall lapse.

(2) (amend. – SG, 54/2015, in force from 17.7.2015) Where the paid annual leave has been postponed according to the terms and the procedure of Art. 176, Para. 1, the right to use the leave of the worker or employee shall lapse after the expiration of two years from the end of the year in which the reason preventing them to use it has been removed.

Payment

Art. 177. (1) (amend. - SG, No 100/1992; amend. – SG 108/08) For the time of the annual paid leave, the employer shall pay the employee a remuneration calculated from the average daily gross remuneration accrued by the same employer for the last calendar month preceding the use of the leave, during which the employee has worked for at least 10 days.

(2) (new – SG 108/08) Where in no month the employee has worked at least 10 working days for the same employer, the remuneration under Para. 1 shall be calculated from the basic and additional employment remuneration of constant character stipulated in the employment contract.

Prohibition of Cash Compensation

Art. 178. It shall be prohibited to compensate for the annual paid leave in cash, except at the termination of the employment relationship.

Chapter nine.
WORK DISCIPLINE

Section I.

GENERAL PROVISIONS

Art. 179. (Revoked SG, No 100/1992)

Art. 180. (Revoked SG, No 100/1992)

Internal Labour Regulations

Art. 181. (amend. - SG, No 100/1992; amend. – SG 108/08) (1) The employer shall be obliged to issue internal labour regulations which are to determine the rights and obligations of the workers and employees and of the employer pursuant to the employment relationship, and shall regulate the organisation of the work process in the enterprise according to the specific nature of its activities.

(2) The employer shall issue the internal labour regulations after initial consultations with representatives of the syndicates in the enterprise and with the representatives of the employees under Art. 7, Para 2.

Art. 182 - 185. (Revoked SG, No 100/1992)

Section III.
DISCIPLINARY LIABILITY

Work Discipline Violations

Art. 186. The failure to fulfil one's employment obligations through one's fault shall constitute a violation of the work discipline. The offender shall be punished with disciplinary sanctions provided for in this Code irrespective of any financial, administrative or penal liability, if such exist.

Types of Work Discipline Violations

Art. 187. (1) (Former text of Art. 187 – SG, 105/16, in force from 30.12.2016) Violations of the work discipline shall be:

1. late reporting to or early departure from work, absence from work, inefficient work during working hours;

2. (amend. - SG, No 100/1992) Reporting to work of the employee in a state not allowing him to fulfil the assigned job;

3. non-fulfilment of the assigned job, non-observance of the technical and technological regulations;

4. manufacture of sub-standard products;

5. non-observance of the safety and health work regulations;

6. (Repealed, SG, No 100/1992);

7. (amend. - SG, No 100/1992) failure to carry out the lawful orders of the employer;

8. abuse of confidence and injury to the good name of the enterprise, as well as divulging proprietary information of the enterprise;

9. (amend. - SG, No 100/1992) damage to the property of the employer and careless handling of resources, raw materials, energy and other means;

10. non-fulfilment of other employment obligations provided by the laws and regulations, by the internal labour regulations, the collective contract or arising from the employment relationship.

(2) (new – SG, 105/16, in force from 30.12.2016, amend. – SG 15/18, in force from 16.02.2018) Sending a complaint, signalling with a letter or a communication to the Financial Supervision Commission for violation of the Act on Application of Measures against Market Abuse with Financial Instruments, of the Act on the Operation of Collective Investment Schemes and Other Collective Investment Undertakings, the Markets in Financial Instruments Act, the Insurance Code, the Code of Social Insurance, of Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC (OJ, L 173/1 of 12 June 2014) of Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ 257/1 of 28 August 2014)o, f Regulation (EU) № 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) № 648/2012 (OJ, L 176/1, 27 June 2013), of Regulation (EU) № 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) № 648/2012 (OJ, L 173, / 84 of 12 June 2014) or of acts on their implementation by a worker or employee shall not be a violation under Para. 1, item 8, except in cases, where he deliberately communicates false information. Sentence one shall also respectively apply to any worker or employee, against whom a report for breach has been filed.

Types of Disciplinary Sanctions

Art. 188. (amend. - SG, No 100/1992) Disciplinary sanctions shall be:

1. reprimand;
2. caution against dismissal;
3. dismissal.

Criteria for Imposing and Singleness of the Disciplinary Sanction

Art. 189. (1) (Previous para 2 - SG, No 100/1992) The choice of the disciplinary sanction shall be determined by the gravity of the infringement, the circumstances surrounding its occurrence and the behaviour of the worker or employee.

(2) (Previous para 3 - SG, No 100/1992) For the same violation of labor discipline, only one disciplinary sanction may be imposed.

Disciplinary Dismissal

Art. 190. (amend. - SG, No 100/1992) (1) (prev. art. 190 - amend., SG 25/2001) A disciplinary dismissal shall be imposed after:

1. reporting to work late or early departure on three occasions, each no less than one hour, within one calendar month;
2. absence from work for two consecutive working days;
3. systematic violations of the work discipline;
4. (amend., SG 25/2001) abuse of employer's confidence or divulging proprietary information of the employer;
5. causing losses to other persons by employees or workers in the trade and services industries by fraud in the price, the weight, the quality of the item or service;
6. (New, SG, No 51/1999) participation in gambling games through telecommunication devices

of the enterprise and the expenses shall be reimbursed in full;

7. (New, SG, No 51/1999) other grave violations of the work discipline.

(2) (new, SG 25/2001) Disciplinary dismissal under Para. 1 shall be imposed in compliance with the criteria under Art. 189, Para. 1.

Art. 191 (Revoked SG, No 100/1992)

Organs Authorised To Impose Disciplinary Sanctions

Art. 192. (1) (amend. - SG, No 100/1992, amend. – SG, 54/2015, in force from 17.7.2015) The disciplinary sanctions shall be imposed by the employer or a person authorised by him with managing functions, or by another organ authorised by the law.

(2) (amend. - SG, No 100/1992) The disciplinary sanctions upon the manager of the enterprise, as well as upon employees appointed by a higher authority shall be imposed by that authority.

(3) (Revoked, SG, No 100/1992)

Employer's Obligations Prior To Imposing A Disciplinary Sanction

Art. 193. (1) (amend. - SG, No 21/1990; No 100/1992) Prior to imposing a disciplinary sanction, the employer shall hear the employee or accept a written statement and shall gather and assess the stated evidence.

(2) (amend. - SG, No 100/1992) Should the employer fail to hear the employee or worker, or to accept his written report prior to the imposition of the sanction, the court shall revoke the disciplinary sanction without reviewing the case on its merits.

(3) (amend. - SG, No 100/1992) The provisions of the preceding paragraph shall not apply if the employee was not heard or his report not received through his own fault.

Period of Imposing Disciplinary Sanctions

Art. 194. (1) The disciplinary sanctions shall be imposed within two months of the discovery of the violation and no later than 1 year of its perpetration.

(2) For a disciplinary violation which is also a crime or administrative violation related to the assigned job and established with a sentence or penal enactment, the periods pursuant to the preceding paragraph shall start running on the day the sentence or the penal enactment become effective.

(3) (amend. - SG, No 100/1992; amend., SG 25/2001) The periods under para 1 shall not run during the lawful leave of the employee or participation in a strike.

(4) (Revoked SG No 100/1992)

Disciplinary Sanction Order

Art. 195. (1) The disciplinary sanction shall be imposed by an order in writing stating reasons which shall state the identity of the violator, the violation, the date of perpetration, the sanction and the provision of the law pursuant to which the sanction is imposed.

(2) (amend. - SG, No 100/1992) The order imposing a disciplinary sanction shall be served to the employee, who shall sign it, and shall indicate the date of delivery. Where it is impossible for the order to be served to the employee, the employer shall send it by registered letter with a return receipt.

(3) (amend. - SG, No 100/1992) The disciplinary sanction shall be considered imposed from the date of serving of the order to the employee or from the date of receipt when sent by registered letter

with a return receipt.

(4) (Revoked, SG, No 100/1992)

Art. 196. (Revoked, No 100/1992)

Deletion of Disciplinary Sanctions

Art. 197. (1) (amend. - SG, No 100/1992) The disciplinary sanctions shall be deleted with the expiry of one year of their imposition.

(2) (amend. - SG, No 100/1992) The deletion shall have effect for the future only. The deletion of a disciplinary dismissal shall not constitute grounds for reinstating of the employee in his former position.

Early Deletion of Disciplinary Sanctions

Art. 198. (1) (amend. - SG, No 100/1992) Disciplinary sanctions, other than dismissal, may be deleted by the employer before the expiration of the term set in Para. 1 of the preceding article, if the employee or worker has not committed other violations of the work discipline. The deletion shall have effect for the future only.

(2) (amend. - SG, No 100/1992) The deletion of a sanction in accordance with the preceding paragraph shall be done with an order in writing stating reasons, which shall be served to the employee.

Temporary Suspension from Work

Art. 199. (1) (amend. - SG, No 100/1992) The employer or the immediate superior may temporarily suspend from work a worker or employee who reports to work in a state preventing him from performing his work duties, takes alcoholic beverages or other strong intoxicating substances during working hours.

(2) (amend. - SG, No 100/1992) The suspension shall continue until the employee restores his ability to perform his assigned work.

(3) (amend. - SG, No 100/1992) During the time of suspension, the employee shall not receive labour remuneration.

Chapter ten.
FINANCIAL LIABILITY AND OTHER TYPES OF COMPENSATION

Section I.
FINANCIAL LIABILITY OF THE EMPLOYER

Financial Liability of the Employer in case of Death or Damages to the Employee's Health

Art. 200. (1) (amend. - SG, No 100/1992; amend., SG 52/04, In force from 1st of August 2004; amend. – SG 41/09, in force from 01.07.2009; amend. – SG 15/10) In case of occupational injuries and diseases causing temporary disability, permanently reduced working capacity of 50 and over 50 percent or death of the worker or employee, the employer shall bear financial liability regardless of whether an organ under his authority or another employee is at fault for their occurrence.

(2) (amend. - SG, No 100/1992) The employer shall also be liable in cases where the occupational injury has been caused by force majeure during or in connection with the performance of

the assigned work, or of any other work performed even without orders which, nevertheless, is in the employer's interest, as well as during a break spent within the enterprise.

(3) (amend. - SG, No 100/1992) The employer shall be liable for compensation for the difference between the loss, whether material or non-material, caused, including missed benefits, and the social security compensation and/or pension.

(4) (new – SG 83/05) The due indemnification of para 3 shall be reduced with the extent of the received sums under the concluded contracts for insuring of the workers and employees.

(5) (New, SG 100/92, prev. para. 4 – SG 83/05) The receiving of compensation pursuant to the preceding paragraph by the heirs of an employee who has died as a result of an occupational injury or disease shall not be deemed acceptance of the legacy.

Exclusion or Reduction of Liability

Art. 201. (1) (amend. - SG, No 100/1992) The employer shall not be liable pursuant to the preceding paragraph, if the injured has caused the damage intentionally.

(2) The liability of the employer shall be subject to reduction, if the injured has contributed towards the occupational injury by gross negligence.

Recourse Action

Art. 202. (amend. - SG, No 100/1992) The employer shall be entitled to an action against the workers or employees at fault, in accordance with the provisions of Section II of this Chapter, for recovering the compensation paid to the injured or to his heirs.

Section II.
FINANCIAL LIABILITY OF THE WORKER OR EMPLOYEE (AMEND., SG, NO 100/1992)

Scope of the Financial Liability

Art. 203. (1) (amend. - SG, No 100/1992) The worker or employee shall be financially liable subject to the provisions of this Chapter for the damages caused to the employer as a result of negligence during or in connection with the performance of his employment obligations.

(2) The liability for damages caused intentionally or as a result of a crime or caused not during or in connection with the performance of employment obligations shall be determined by the civil laws.

(3) (amend. - SG, No 100/1992) The financial liability of workers or employees shall apply irrespective of the disciplinary, administrative and penal liability for the same action.

Exclusion of Liability

Art. 204. (amend. - SG, No 100/1992) The workers or employees shall not be financially liable for damages caused by a normal manufacturing and business risk.

Losses Subject to Compensation

Art. 205. (1) (amend. - SG, No 100/1992) The employees shall be liable for the losses inflicted, but not for missed benefits.

(2) The extent of the losses shall be determined as of the day of their occurrence; and if that day cannot be determined, as of the day of the discovery of the losses.

Extent of Liability

Art. 206. (amend. - SG, No 100/1992) (1) For damage caused to the employer by negligence during or in connection with the performance of the employment obligations, the employee shall be liable to the extent of the damage, but not more than the agreed monthly labour remuneration.

(2) Where the damage has been caused by a manager, including the immediate superior, during or in connection with the exercising of his managerial functions, the liability shall be to the extent of the damage, but not more than three times the agreed monthly labour remuneration.

(3) The liability shall also be within the extent established by the preceding paragraphs in cases where the employer has compensated third parties for losses caused by the employee under the same conditions.

Extent of Liability for Damage Caused By Accounting Activities

Art. 207. (amend. - SG, No 100/1992) (1) Any worker or employee, to whom the collection, keeping, spending or accounting of money and material values has been assigned as an employment obligation, shall be liable to the employer:

1. to the extent of the loss but not more than three times the agreed monthly labour remuneration;

2. in case of shortage - in full, together with the statutory interest from the day of the causing of the loss, and if that cannot be established - from the day of the discovery of the shortage.

(2) Persons who have acquired benefits without grounds from the person causing the losses, or who have benefited from the incurred losses pursuant to item 1 of the preceding paragraph, shall owe, jointly and severally with the person causing the losses, the repayment of the acquired benefits up to the amount of the enrichment, except in the cases under Art. 271, Para. 1. The persons shall also owe the return of the benefits they have received as gifts from the person causing the losses when the gifts have come from sums derived from the losses caused.

(3) The statute of limitations for actions pursuant to Para. 1, item 2, and Para. 2 shall be 10 years from the date of causing the losses.

(4) Other cases of full financial liability may be established by law.

Liability For Losses Caused By Several Employees

Art. 208. (amend. - SG, No 100/1992) Where the damage has been caused by several employees, they shall be held liable for:

1. (amend. - SG, No 100/1992) In the cases of limited liability - in proportion to the part of each of them in the causing of the losses; if each one's part cannot be established - proportionately to their agreed labour monthly remuneration. The total sum of the compensations they owe cannot exceed the value of the damage;

2. In case of full liability, jointly and severally.

Work-Team Liability

Art. 209. (1) (amend. - SG, No 100/1992) The work-team liability for shortages may be undertaken by a contract in writing signed between the employer and employees who perform accounting activities together or in shifts. Where the specific person causing the losses cannot be identified, the compensation shall be distributed among the employees who have signed the contract, proportionately to the total gross salary received by each one, for the period of time corresponding to the established shortage.

(2) (Revoked, SG, No 100/1992)

Implementation of Limited Financial Liability

Art. 210. (1) (amend. - SG, No 100/1992) In cases of limited financial liability, the employer shall issue an order which is to define the grounds for and the extent of the worker's or employee's liability. Where the loss has been caused by the manager of the enterprise, the order shall be issued by the respective superior body, and if no such body exists - by the collective body managing the enterprise.

(2) The order shall be issued within one month of the discovery of the loss or of the payment of the sum to a third party, but not later than one year of its causing; and within three months of its discovery, when the loss has been caused by a manager of the enterprise or in the process of performing accounting activities, but not later than 5 years of its causing. These time periods shall be suspended, if full financial liability proceedings have been undertaken, until the latter are pending.

(3) (amend. - SG, No 100/1992) If the worker or employee challenges in writing within one month of the date of serving of the order its grounds or the extent of the liability, the employer shall have the right to bring an action against him before the court.

(4) (amend. - SG, No 100/1992) If the employee does not challenge - within the period established in the preceding paragraph - the grounds or the extent of the liability, the employer shall deduct the amount due from his remuneration in the amounts provided for by the Civil Procedure Code.

(5) (amend. - SG, No 100/1992; amend. – SG 59/07, in force from 01.03.2008) In cases where, as a result of termination of employment or of other reasons, the amount due cannot be deducted in accordance with the preceding paragraph, pursuant to the order of the employer or the organ under sentence two of Para. 1, the employer may require issuing an enforcement order under Art. 410, Para. 1 of the Civil Procedure Code, regardless of the amount of the taking.

(6) (Revoked, SG, No 12/1996)

Implementation of Full Financial Liability

Art. 211. Full financial liability shall be implemented by court order. In these cases, deduction shall be made only on the basis of a court decision in force.

Application of the Civil Law

Art. 212. (Suppl. No 100/1992) Civil law shall apply for issues not treated in this chapter related to the financial liability of the employer in cases of death or occupational injuries of a worker or employee, as well as of financial liability of the employee to the employer.

Section III.
OTHER FORMS OF COMPENSATION

Compensation for Non-Admission to Work

Art. 213. (1) (amend. - SG, No 100/1992) In case of unlawful non-admission to work of an employee with whom an employment relationship pursuant to the provisions of chapter five exists, the employer and the officials found guilty shall owe the worker or employee jointly and severally the full amount of the gross labour remuneration for the relevant position from the day of the employee's reporting for work until the day of his actual admission to work.

(2) (amend. - SG, No 100/1992) The employer and the guilty officials shall owe compensation

jointly and severally to the employee who has unlawfully not been admitted to work for the duration of the performance of the employment relationship. The compensation shall amount to the gross labour remuneration of the employee for the period of unlawful non-admission to work.

Compensation For Temporary Suspension From Work

Art. 214. (amend. - SG, No 100/1992) Any worker or employee who has been unlawfully suspended from work by his employer or immediate superior shall be entitled to a compensation to the extent of the gross labour remuneration for the period of his suspension. The compensation shall be due jointly and severally by the employer and the guilty officials.

(2) (Revoked, SG, No 100/1992)

Business Travel Compensation

Art. 215. (1) (amend. - SG, No 100/1992, former text of Art. 215, suppl. – SG 105/16, in force from 30.12.2016) When travelling on official business under Art. 121, Para. 1, the worker or employee shall be entitled, in addition to his gross labour remuneration, to travelling expenses, per diems and accommodation under terms and in an amount to be determined by the Council of Ministers.

(2) (New – SG, 105/16, in force from 30.12.2016) In case of sending to business trip under Art. 121a, Para. 1, item 1 and sending under Art. 121a, Para. 2, item 1, the worker or employee shall have the right to receive apart form his gross labour remuneration, also per diem for travelling under conditions, defined by the Ordinance under Art. 121a, Para. 8.

Reassignment Compensation

Art. 216. (amend. - SG, No 100/1992) (1) Any employee who has been reassigned to work in another town shall, by agreement with the employer, be entitled to:

1. travelling expenses for him and his family;
2. expenses for removing of his household belongings;
3. remuneration for the days of travel plus two extra days.

(2) An employee whose employment relationship has been terminated not through his fault or upon his request by notice shall, by agreement with the employer, be entitled to the expenses pursuant to items 1 and 2 of the preceding paragraph for his and his family's return to their permanent place of residence.

(3) Any employee shall be entitled to the compensation pursuant to the preceding paragraphs when, pursuant to a procedure established by law, he is being or has been reassigned to a permanent position in another community not upon his own request. When the distance to the new community is over 100 km and the reassignment is for more than 1 year the employee shall be entitled to both the agreed monthly remuneration for the new job and a remuneration equal to the value of one fourth of the same amount for each member of his family dependent on the employee. The compensation shall be paid by the employer, to whom the employee is assigned.

Compensation in Case of Rehabilitation Reassignment

Art. 217. (1) (amend. - SG, No 100/1992; amend. – SG 41/09, in force from 01.07.2009) The employer shall owe the employee subject to rehabilitation reassignment a compensation to the extent of his gross labour remuneration from the day of issuance of the ruling for rehabilitation reassignment till the day of its implementation.

(2) (amend. - SG, No 100/1992) Any worker or employee who refuses with no excusable

grounds to accept the reassignment in the same or another enterprise shall not be entitled to the compensation pursuant to the preceding paragraph.

Compensation in Case of Disaster (Title amend. SG 19/05; amend. – SG 35/09, in force from 12.05.2009)

Art. 218. (amend. - SG, No 100/1992) (1) (amend. - SG, No 100/1992, amend. SG 19/05; suppl. – SG 102/06) When, due to a disaster, the employee is unable to report to work, he shall be compensated to the extent of 50 percent of his gross labour remuneration for the period of inability but not less than 75 percent of the minimum work salary established for the country.

(2) (amend. - SG, No 100/1992, amend. SG 19/05; suppl. – SH 102/06; amend. – SG 35/09, in force from 12.05.2009) In those cases where the employee has taken part in the rescue operations during a disaster, he shall be entitled to the full amount of his gross labour remuneration.

(3) (amend. - SG, No 100/1992) The compensation pursuant to the preceding paragraphs shall be paid by the employer with whom the employee is working.

(4) (amend. - SG, No 100/1992) The reasons for non-reporting to work or participation in rescue operations shall be certified by the mayor's office, the municipal council or by any other state authority.

Compensation for Lawful Refusal of the Employee to Perform the Job

Art. 219. (amend. - SG, No 100/1992) (1) Any worker or employee who has refused lawfully to perform, or has suspended performing his job on legitimate grounds because of a serious and direct threat to his life and health, shall be entitled to a compensation to the extent of his gross labour remuneration for the period of refusal or suspension.

(2) The right to compensation pursuant to the preceding paragraph shall be extended to employees who refuse to perform a job assigned to them, which does not fall within the admissible categories of unilateral change of place and nature of work, if the employee is prevented from performing his job under the existing conditions.

Compensation for Failure to Provide Notice

Art. 220. (amend. - SG, No 100/1992) (1) The party entitled to terminate the labour relationship with notice may terminate it before the expiration of the notice period, in which case it shall owe the other party compensation equal to the amount of the employee's gross labour remuneration for the remainder of the notice period.

(2) The party which has received notice of termination of the employment contract may terminate it before the expiration of the notice period, in which case it shall owe the other party compensation equal to the amount of the employee's gross labour remuneration for the remainder of the notice period.

Compensation for Terminating the Employment Relationship without Notice

Art. 221. (amend. - SG, No 100/1992) (1) (amend., SG 52/04, In force from 1st of August 2004 ; suppl. – SG 58/10, in force from 30.07.2010) When a worker or employee terminates the employment relationship without notice in the cases of Art. 327, Para. 1, items 2, 3 and 3a, the employer shall owe him a compensation to the extent of the gross labour remuneration for the notice period in case of an employment contract for an indefinite period; and to the amount of the real damages in case of an employment contract for a fixed term.

(2) In case of disciplinary dismissal, the employee shall owe the employer compensation to the extent of his gross labour remuneration for the notice period in case of an employment contract for an indefinite period; and to the amount of the real damages in case of an employment contract for a fixed term.

(3) The preceding paragraph shall also apply in cases where the employee is dismissed pursuant to Art. 330, Para. 1 as a result of him being sentenced for a crime which at the same time constitutes a violation of his employment obligations.

(4) The actual losses pursuant to the preceding paragraphs shall be calculated on the basis of the gross labour remuneration of the worker or employee as follows:

1. in the cases of Para. 1 - for the period during which the employee was unemployed but not more than the remainder of the employment relationship;

2. in the cases of Para. 2 and 3 - for the period during which the employer has been left without an employee for the same position, but not more than the remainder of the employment relationship;

Compensation for Dismissal on Other Grounds

Art. 222. (1) (Amend. SG 100/92, SG 1/02; amend. – SG 108/08) Upon dismissal due to closing down of the enterprise or part of it, staff reduction, reduction of the volume of work, work stoppage for more than 15 working days, upon refusal of the employee to follow the enterprise or its unit, where he works, moving to another populated area or location, or when the position held by the employee has to be vacated to reinstate an illegally dismissed employee previously occupying it, the worker or employee shall be entitled to compensation from the employer. The compensation shall be in the amount of his gross labour remuneration for the period of unemployment but not for more than one month. A compensation for longer periods may be stipulated by an act of the Council of Ministers, by a collective contract or by the labour contract. If within this period the employee has started work with a lower remuneration, he shall be entitled to the difference for the said period.

(2) (Suppl., No 100/1992; suppl. – SG 58/10, in force from 30.07.2010; amend. – SG 7/12) Upon termination of the employment relationship due to illness (Art. 325, Para.1, item 9, and Art. 327, Para. 1, item 1), the employee shall be entitled to a compensation from the employer in the amount of his gross labour remuneration for a period of two months, provided his length of service is at least 5 years, and during the last 5 years of service he has not received any compensation on the same grounds.

(3) (Amended - SG, No 100/1992; No. 2/1996; amend., SG 25/2001) Upon termination of the employment relationship after the employee has acquired the right to a pension for insured service and age, irrespective of the grounds for the termination, he shall be entitled to compensation by the employer in the amount of his gross labour remuneration for a period of 2 months; and where the employee has worked with the same employer for the last 10 years of the length of service, the compensation shall equal his gross labour remuneration for a period of six months. Compensation pursuant to this paragraph shall be paid only once.

(4) (new - SG 98/15, in force from 01.01.2016) Para. 3 shall also apply where, upon termination of the employment relationship, the employee meets the requirements for granting an insurance service and age pension in reduced amount under Art. 68a of the Code of Social Insurance.

Art. 223. (Revoked, SG, No 100/1992)

Compensation for Unused Paid Annual Leave

Art. 224. (1) (amend. - SG, No 100/1992; amend. – SG 58/10, in force from 01.01.2012; pronounced anti-constitutional in the part "for the current calendar year in proportion to the time

recognised for length of service and for unused paid annual leave postponed pursuant to Art. 176" by DCC No 12/10 – SG 91/10) Upon termination of the employment relationship, the employee shall be entitled to a cash compensation for the unused paid annual leave for the current calendar year in proportion to the time recognised for length of service and for unused paid annual leave postponed pursuant to Art. 176, the right to which has not lapsed.

(2) (amend. - SG, No 100/1992) The compensation pursuant to the preceding paragraph shall be calculated in accordance with the provisions of Art. 177 as of the date of termination of the employment relationship.

(3) (amend. - SG, No 100/1992) The paid leave for the training of students and post-graduate students by correspondent courses, as well as for entrance examinations in educational institutions, when unused, shall not be compensated in cash.

Compensation for Unlawful Dismissal and for Non-Admission to Work of a Reinstated Employee

Art. 225. (amend. - SG, No 100/1992) (1) In case of unlawful dismissal, the worker or employee shall be entitled to a compensation by the employer in the amount of his gross labour remuneration for the period of unemployment caused by that dismissal, but not for more than 6 months.

(2) (amend. - SG, No 100/1992) When during the period pursuant to the preceding paragraph the employee has worked on a lower paid job, he shall be entitled to the difference in the remuneration. The same right shall apply to unlawful reassignment of an employee on another job with lower pay.

(3) (amend. - SG, No 100/1992) When any unlawfully dismissed employee is reinstated and upon reporting to work to his former position he is prevented from taking that position, the employer and the guilty officials shall be liable jointly and severally to the employee in the amount of his gross labour remuneration from the day of reporting to work till the day of his actual admission to work.

Employer's Liability for Other Damages Caused to the Worker or Employee

Art. 226. (Suppl., SG No 100/1992) (1) The employer and the guilty officials shall be jointly and severally liable for the damages caused to the worker or employee because of:

1. failure to issue or a delay in issuing documents certifying facts related to the employment relationship of the employee;

2. recording of false data in the said documents.

(2) The employer and the guilty officials shall be jointly liable to the employee for damages ensuing from the unlawful withholding of his employment record book after his employment relationship has been terminated.

(3) The compensation pursuant to Para. 1 shall comprise all damages caused to the employee, including the non-material ones. The compensation pursuant to Para. 2 shall be in the amount of his gross labour remuneration from the day of the termination of the employment relationship to the day of the handing over of the employment record book to the employee.

Recourse Liability

Art. 227. (amend. - SG, No 100/1992) The officials through whose fault the compensations pursuant to Art. 213, 214, 225, Para. 3 and 226 were paid, shall owe the repayment of the sums to the employer in accordance with the rules of Section II of this Chapter.

Gross Labour Remuneration as Basis for Calculation of the Compensations and payment

due date (Title suppl. - SG 102/17, in force from 22.12.2017)

Art. 228. (amend. - SG, No 100/1992) (1) The gross labour remuneration as a basis for the calculation of the compensations under this Section shall be the gross labour remuneration received by the employee in the month preceding the month of the arising of the grounds for the respective compensation, or the last monthly gross labour remuneration received by the employee, unless otherwise provided.

(2) (New, SG, No 100/1998) The amounts of the compensations pursuant to Art. 215, 218, 222 and 225 shall apply, insofar as no greater amounts have been provided in acts of the Council of Ministers, in collective contracts or in labour contracts.

(3) (New - SG 102/17, in force from 22.12.2017) The compensations under this section, due upon termination of the employment relationship, shall be paid not later than the last day of the month following the month, in which the legal relationship was terminated, unless another due date has been agreed in the collective agreement. Upon expiration of this term, the employer shall pay the due compensation together with the statutory interest.

Chapter eleven.
PROFESSIONAL QUALIFICATION (AMEND. - SG 100/1992)

Employer's duties to maintain and improve the professional qualification of the employees

Art. 228a. (new – SG 108/08) (1) The employer shall be obliged to provide conditions for maintaining and improving the professional qualification of workers and employees for efficient performance of their duties under the employment relationship, in compliance with the requirements of the performed work and their future professional development.

(2) In case of long absence from work of the wroker or employee, the employer shall be obliged to provide conditions for him to get familiar with the work innovations that have occurred during his absence, and to achieve the necessary qualification level for efficient performance of his employment duties.

Employee's duty to maintain and improve his professional qualification

Art. 228b. (new – SG 108/08) The worker or employee shall be obliged to participate in the forms of training organised or financed by the employer in order to maintain and improve his professional qualification, improve his professional skills, and also to make efforts to improve his qualification level in compliance with the performed work.

Contract for Acquiring of Qualification

Art. 229. (amend. - SG, No 100/1992) (1) The employer may conclude a contract with a person entering or having entered an educational institution to acquire certain qualification.

(2) The contract under the preceding paragraph shall bind the employer:

1. to support the trainee and other terms related to the training;

2. upon termination of the training, to employ the trainee as corresponding to his acquired qualification, for a period agreed by both parties, which cannot be longer than 6 years.

(3) The contract pursuant to Para. 1 shall bind the trainee:

1. to finish his training for the agreed qualification according to schedule;

2. to take up employment with the employer for the agreed period of time.

(4) For failure to perform the obligations under Para. 2 and 3 through a fault of one of the

parties, as long as no other provisions exist, the party at fault shall be held liable in accordance with civil law.

On-The-Job Training Employment Contract (title amend. – SG 27/14)

Art. 230. (amend. - SG, No 100/1992) (1) (amend. - SG 27/14, amend. – SG, 54/2015, in force from 17.7.2015, suppl. - SG 92/18) By an on-the-job training employment contract, the employer undertakes to train the worker or employee while working in a specified profession or speciality; and the worker or employee undertakes to master it. Such a contract with the same worker or employee in the same undertaking for training in the same occupation shall only be concluded once, except in cases of on-the-job training (dual training system), organized under the conditions and by the order of the Vocational Education and Training Act.

(2) (amend. – SG 61/14, suppl. – SG, 54/2015, in force from 17.7.2015; amend. - SG 79/15, in force from 01.08.2016, amend. - SG 92/18) The contract shall specify the forms, the place and the duration of training, the compensation due by the parties in case of non-performance, as well as other issues related to the training. The duration of the training cannot exceed six months, except in the cases of learning through work (dual education system) organized under the terms and provisions of the Vocational Education and Training Act, in which the time shall be defined according to the respective educational plans.

(3) (new - SG - 54/2015, in force from 17.7.2015, amend. - SG 59/16, In force from 01.08.2016, amend. - SG 92/18) The on-the-job training employment contract for students in the case of on-the-job training (dual training system) shall be signed under Chapter 15, Section I.

(4) (amend. - SG 27/14, former Para. 3, amend. - SG - 54/2015, in force from 17.7.2015) With the contract, the parties shall also specify the period in which the worker or employee is to undertake to work with the employer after the successful completion of the training, and the employer shall provide work in accordance with the acquired qualification. That period shall not be longer than 3 years.

(5) (amend. - SG 27/14, former Para. 4, amend. - SG - 54/2015, in force from 17.7.2015) During training, the worker or employee shall receive labour remuneration in proportion to the work done, but not less than 90 percent of the minimum work salary set for the country.

(6) (New – SG 92/18) During the on-the-job training, the students in the dual training system shall receive remuneration in the amount: for the Xith grade - not less than twice, and for the XIIth grade - not less than three times the maximum amount of the monthly scholarship, determined by the order of Art. 171, Para. 3 of the Preschool and School Education Act.

Completion of Training

Art. 231. (amend. - SG, No 100/1992; amend. – SG 27/14) (1) (amend. – SG 54/2015, in force from 17.7.2015) The results of the training under the contract as per Art. 230, Para. 1 shall be established by a test of the worker or employee, conducted under terms and following a procedure defined by the employer. In case of training to acquire professional qualification, the test shall be held under the terms and provisions of the Vocational Education and Training Act.

(2) (suppl. – SG 61/14, amend. – SG, 54/2015, in force from 17.7.2015) Upon successful completion of the test, the worker or employee shall be given a document certifying the knowledge and skills acquired. In case of training for acquiring professional qualification, the results from it shall be certified under the terms and provisions of the Vocational Education and Training Act.

(3) (amend. – SG, 54/2015, in force from 17.7.2015) Upon completion of the training, the worker or employee shall be entitled to paid leave for preparation and sitting the exam, for a period agreed with the employer, but not less than 5 working days. Upon re-sitting the exam, the worker or employee shall be entitled to unpaid leave of 5 working days which shall be recognised as length of

service.

Obligation for Work and Liability in Case of Non-Performance of an On-The-Job Training Employment Contract (title amend. – SG 27/14)

Art. 232. (amend. - SG, No 100/1992) (1) (amend. – SG 27/14, amend. – SG, 54/2015, in force from 17.7.2015; amend. - SG 79/15, in force from 01.08.2016) After successful completion of the training, the employer, in accordance with the contract under Art. 230, Para. 1, except in the cases of training through work (dual education system) organized under the terms and provisions of the Vocational Education and Training Act, must appoint the worker or employee to a job corresponding to the acquired qualification, and the worker or employee must take up the job and work during the agreed period.

(2) (amend. – SG 27/14, amend. – SG, 54/2015, in force from 17.7.2015) Where the employer fails to provide the worker or employee, who has successfully completed his training, with a job corresponding to the acquired qualification, he shall owe him the gross labour remuneration for the corresponding position for the period when such work was not provided to him, but for not more than 6 months, unless otherwise agreed upon.

(3) (amend. – SG 27/14, amend. – SG, 54/2015, in force from 17.7.2015) If the worker or employee fails to complete the training for no good reason, or fails, after completion of the training, to take up the job provided by the employer, or leaves the job prior to expiration of the agreed term, he shall owe the employer a compensation in proportion to the non-performance, in amount agreed upon by both parties, but not more than six times the size of the gross salary for the respective position.

(4) (new - SG, 61/2014, amend. - 79/15, in force from 01.08.2016) The provisions of Para. 2 and 3 shall not apply in contracts under Art. 230, Para. 1, signed for training through work (dual training), organized under the conditions and procedure of the Vocational Education and Training Act. In case of culpable non-performance of obligations, the defaulting party shall be liable under applicable law, unless otherwise agreed upon.

Applicability of Labour Laws to the On-the-job Training Employment Contract

Art. 233. (amend. - SG, No 100/1992; amend. – SG 27/14) As regards the relations between the parties to the employment contract containing on-the-job training condition, the labour legislation in force shall apply.

Internship

Art. 233a. (new - SG 27/14) (1) Internship means performance of work under the guidance of the employer or a person authorized by the latter (mentor) for the purpose of acquiring practical skills related to the respective profession or specialty.

(2) A mentor can be any person of the same undertaking who holds qualifications in the same or similar profession, in which internship will be held, and has not less than three years of length of service or professional experience in this profession.

(3) The relations between the employer and the mentor shall be governed by an addendum to the employment contract of the latter, which is to establish the distribution of working hours and other conditions related to mentoring.

Employment Contract with Internship Clause

Art. 233b. (new - SG 27/14) (1) Employers may conclude employment contracts containing an

internship clause with persons aged under 29 years, who have completed secondary or higher education and have no work or professional experience in their profession or specialty.

(2) The contract under Para. 1 shall be concluded for work on a position corresponding to the qualification of the person. Such a contract with one and the same person shall be concluded only once.

(3) In addition to the terms referred to in Art. 66, Para. 1, the contract under Para. 1 shall also establish the manner and the form in which are used the practical skills in the process of work performance, the name and position of the mentor, contract duration, which cannot be less than 6 and more than 12 months, as well as other conditions related to internship.

Certification of Training Results

Art. 233c. (new - SG 27/14) Within 14 days from termination of the contract under Art. 233b, the employer shall issue to the person who has worked as an intern a recommendation, stating the results of the training to be used when applying for a job with another employer.

Contract for Higher Qualification Training and Re-Training

Art. 234. (amend. - SG, No 100/1992) (1) The parties to the employment relationship may enter into a contract for higher qualification training of the worker or employee, or for training in another profession or speciality (re-training).

(2) The contract under the preceding paragraph shall stipulate:

1. profession and speciality in which the employee is to be trained;

2. place, form and duration of the training;

3. financial, living and other conditions during the period of training.

(3) The contract under Para. 1 may provide:

1. an obligation of the worker or employee to work with the employer for a fixed period, but not longer than 5 years;

2. liability for non-completion of training, as well as non-observance of the obligations under the preceding item.

Contract for Qualification With a Non-Working Person

Art. 235. (amend. - SG, No 100/1992) A Contract for training for acquiring a higher qualification or for re-training may also be concluded between the employer and a person who is preparing to start work with the employer upon completion of training.

Termination of the Contract for Qualification

Art. 236. (amend. - SG, No 100/1992) Each party may terminate the contract subject of this Chapter with a notice in writing before the end of the training period:

1. due to a culpable non-performance of the obligations of the other party, by giving the defaulting party an appropriate period to perform its obligations;

2. in other cases agreed upon in the contract.

Labour Contract After Training

Art. 237. (amend. - SG, No 100/1992) Upon completion of training, on the basis of a contract subject of this Chapter, the employment relationship shall be governed by a labour contract or by an appropriate amendment of the labour contract.

Art. 238 - 241. (Revoked, SG, No 100/1992)

Chapter twelve.
LABOUR REMUNERATION

Section I.
GENERAL PROVISIONS

Mandatory Consideration for Work Performed

Art. 242. (amend. - SG, No 100/1992) Work performed under an employment relationship shall be compensated.

Right of Equal Remuneration

Art. 243. (new, SG 25/2001) (1) Women and men shall have the right to equal remuneration for identical and equal work.

(2) Paragraph 1 shall apply to all payments under the employment relationship.

Regulation of the Minimum Labour Remuneration and Compensations

Art. 244. (amend. - SG, No 100/1992) The Council of Ministers shall decree:

1. the minimum labour salary for the country;

2. the types and minimum amounts of the additional labour remuneration and compensations for employment relationships, insofar as they have not been defined in this Code.

Guarantee of Payment of the Labour remuneration

Art. 245. (amend. - SG, No 100/1992; amend., SG 52/04, In force from 1st of August 2004) (1) Upon the bona fide performance of his employment obligations, the employee shall be guaranteed a monthly payment of a labour remuneration amounting to 60 percent of his gross labour remuneration, but no less than the minimal salary for the country.

(2) The difference to the full amount of the labour remuneration shall remain executable and is to be paid additionally together with the legal interest.

Art. 246. (Revoked, SG No 100/1992)

Section II.
SYSTEMS OF LABOUR REMUNERATION (AMEND., SG, No 100/1992)

Determination of the Amount of the Labour Remuneration

Art. 247. (amend. - SG, No 100/1992) (1) The amount of the labour remuneration shall be determined in accordance with the duration of work or the results of work.

(2) The amount of the labour remuneration for a produced unit (labour norm) shall be agreed upon between the employee and the worker or employer and cannot be less than the one provided in the collective contract.

Art. 248-249. (Revoked SG, No 100/1992)

Setting and Revising Labour Norms

Art. 250. (amend. - SG, No 100/1992) (1) Labour norms shall be set with a view to establish a normal intensity of work.

(2) Labour norms shall be set and revised by the employer after hearing the opinion of the interested workers and employees.

Art. 251-256. (Revoked, SG, No 100/1992)

Section III.
ADDITIONAL AND OTHER LABOUR REMUNERATIONS (REVOKED PREVIOUS SECTION IV - SG, No 100/1992)

Art. 257-258. (Revoked, SG No 100/1992)

Labour Remuneration for Internal Substitution

Art. 259. (amend. - SG, No 100/1992) (1) Where an employee is to perform the job or work of an absent employee, he shall be entitled to the rights of said job or work, including the labour remuneration, if it proves more favourable for him. If at the same time he performs his own work or job, he shall be entitled to an additional labour remuneration agreed upon by the parties to the employment relationship.

(2) (amend. - SG, No 100/1992) The employee, whose position is deputy to the absent employee, shall not avail himself of the rights of the preceding paragraph.

(3) (amend. - SG, No 100/1992) Substitution pursuant to Para. 1 shall be carried out with the consent of the employer and the employee in writing. Lack of consent in writing shall not be an impediment for the employee to receive the substitution remuneration.

Labour Remuneration for External Additional Work

Art. 260. (amend. - SG, No 100/1992) Any worker or employee performing external additional work shall be entitled to the full amount of the labour remuneration for his basic work as well as a remuneration for the external additional work in accordance with the agreement between the parties.

Remuneration for Night Work

Art. 261. (amend. - SG, No 100/1992) Night work performed shall be paid with an increase agreed upon by the parties to the employment relationship, but not less than the amounts set by the Council of Ministers.

Remuneration for Overtime Work

Art. 262. (amend. - SG, No 100/1992) (1) Overtime work performed shall be remunerated with

an increase agreed upon by the employee and the employer, but not less than:

1. 50 percent - for work on working days;
2. 75 percent - for work on weekends;
3. 100 percent - for work on official holidays;
4. 50 percent - for work with an accumulated calculation of the working time.

(2) Unless otherwise agreed, the increase under the preceding paragraph shall be calculated on the basis of the labour remuneration set in the labour contract.

Remuneration for Overtime Work in case of Open-Ended Working Hours

Art. 263. (amend. - SG, No 100/1992) (1) (Amend. - SG 25/01) No additional labour remuneration shall be paid for overtime work on working days to workers and employees with open-ended working hours.

(2) Overtime work performed by employees with open-ended working hours on weekends and official holidays shall be remunerated pursuant to Art. 262, Para. 1, items 2 and 3.

Labour Remuneration for Work on Official Holidays

Art. 264. (amend. - SG, No 100/1992) Work on official holidays, irrespective of whether it represents overtime work or not, shall be remunerated pursuant to the agreement, but not less than double the amount of the labour remuneration.

Art. 265. (Revoked, SG No 100/1992)

Labour Remuneration in case of Non-fulfilment of Labour Norms

Art. 266. (amend. - SG, No 100/1992) (1) Any employee who fails to fulfil his labour norms through no fault of his shall be remunerated according to the output, but not less than the agreed remuneration for full output.

(2) In case of non-fulfilment of the labour norms through the employee's fault, he shall be remunerated according to the output.

Labour Remuneration in case of Stoppage and Production Necessity

Art. 267. (amend. - SG, No 100/1992) (1) The employee shall be entitled to his gross labour remuneration for stoppage through no fault of his.

(2) The worker or employee shall receive no labour remuneration for the duration of a work stoppage caused through a fault of his.

(3) For the time of performing other work due to production necessity, the employee shall be entitled to the labour remuneration for the work performed, but not less than the gross labour remuneration for his basic work.

Labour Remuneration for Low-Quality Output

Art. 268. (amend. - SG, No 100/1992) (1) In case of output of entirely unfit products through the fault of the employee, he shall receive no remuneration.

(2) When through the fault of the worker or employee the products conform partially to the required quality standards (partial waste), the amount of his labour remuneration shall be reduced in

accordance with the fitness of the products.

(3) In case of output of unfit products not through any fault of the employee, the latter shall be entitled to a labour remuneration equal to the remuneration for fit products.

Section IV.
PAYMENT OF LABOUR REMUNERATION (Previous Section V - SG 100/1992)

Payment in Cash and In Kind

Art. 269. (1) Labour remuneration shall be paid in cash.

(2) (amend. - SG, No 100/1992) Additional labour remuneration, or part thereof, may be paid in kind, if this is provided in an act of the Council of Ministers, in a collective contract or in the labour contract.

Place and Periods of Payment

Art. 270. (1) Labour remuneration shall be paid at the enterprise where the work has been performed.

(2) (amend. - SG, No 100/1992) Labour remuneration shall be paid in advance or as final payment twice a month, unless otherwise agreed upon.

(3) (amend. - SG, No 100/1992) Labour remuneration shall be paid to the worker or employee in person from a pay-roll or against receipt or, upon a request by the employee in writing, to his relatives. Upon the employee's request in writing, his labour remuneration shall be deposited in a bank chosen by him.

Receiving Labour Remuneration in Good Faith

Art. 271. (1) (amend. - SG, No 100/1992) The employee shall not be obliged to repay the labour remuneration and compensation he has received pursuant to an employment relationship in good faith.

(2) The officials at fault who have ordered or authorised payment without grounds of the sums under the preceding paragraph shall bear financial liability.

Deductions from Labour Remuneration

Art. 272. (1) (amend. - SG, No 100/1992) Without the consent of the worker or employee, no deductions shall be made from his labour remuneration, except for:

1. advance payments received;

2. excessive sums received due to technical error;

3. taxes deductible from the labour remuneration in accordance with specific laws;

4. (New - SG 28/1996, in force from 01.03.1996) insurance contributions which are paid by the worker or employee insured for all insurance cases;

5. (Previous item 4 - SG No 28/1996) attachments in accordance with established procedures;

6. (amend. - SG, No 100/1992, previous item 5 - SG No 28/1996) deductions in the case of Art. 210, Para. 4.

(2) The total amount of the monthly deductions under the preceding paragraph shall not exceed the amount set forth in the Civil Procedure Code.

Chapter thirteen.
HEALTHY AND SAFE CONDITIONS OF WORK

Art. 273 - 274. (Revoked, SG No 100/1992)

Obligation to Provide Healthy and Safe Conditions of Work

Art. 275. (amend. - SG, No 100/1992) (1) (amend., SG 25/2001) The employer shall be obliged to ensure healthy and safe conditions for work, so that any danger for the life and health of the worker or employee is to be eliminated, restricted or reduced.

(2) (amend., SG 25/2001) The bodies of the executive authority, within the scope of their competence, shall carry out the state policy regarding the provision of healthy and safe labour conditions.

Normative acts, unified and branch rules (amend., SG 25/2001, in force from 31.03.2001)

Art. 276. (1) (amend. - SG, No 100/1992; amend,. SG 25/2001, in force from 31.03.2001) The Minister of Labour and Social Policy, independently or together with other ministers, shall issue acts for the provision of healthy and safe labour conditions. Where necessary, the Minister of Labour and Social Policy shall appoint the bodies and organisations which are to participate in the development of these acts.

(2) (amend. - SG, No 100/1992; amend., SG 25/2001) The Minister of Labour and Social Policy and the Minister of Health, independently or jointly, shall approve unified rules for providing healthy and safe labour conditions which are to be applied across all industries and branches.

(3) (amend. - SG, No 100/1992; amend. - SG 25/2001) The Ministers and the other bodies of the executive authority under Art. 19, Para. 4 of the Administration Act shall approve branch rules for providing healthy and safe labour conditions in the enterprises and industries of the respective branch.

(4) (revoked, SG 25/2001)

(5) (revoked, SG 25/2001)

(6) (New, SG No 28/1996; amend., SG 25/2001) The orders for approval of the rules under Para. 2 and 3 shall be promulgated in the State Gazette, and the rules shall be issued by the body which has approved them.

Rules in the Enterprise (amend. - SG 25/2001)

Art. 277. (repealed, - SG, 54/2015, in force from 17.7.2015)

Art. 278. (revoked, SG 25/2001)

Art. 279. (revoked, SG 25/2001)

Art. 280. (revoked, SG 25/2001)

Instruction and Training

Art. 281. (amend. - SG, No 100/1992) (1) (new, SG 25/2001) All workers and employees shall

be instructed and trained on the safe methods of work.

(2) (prev. para 1 - SG 25/2001) Workers and employees engaged in the use, servicing and maintenance of machines and other technical equipment, as well as those engaged in activities creating a threat to their health and life, shall receive mandatory instruction and training and are to sit an examination on the rules of healthy and safe labour conditions.

(3) (amend. - SG, No 100/1992; prev. para 2 - SG 25/2001) Hazardous machines, equipment and technological processes shall be serviced only by certified workers and employees. Their competence shall be certified by special regulations. The list of hazardous equipment and activities shall be approved by the respective administrative bodies.

(4) (prev. para 3 - Amend. and suppl., SG 25 - SG 25/2001) No persons without the necessary knowledge and skills provided by the rules for healthy and safe conditions of work shall be admitted to work in the enterprise.

(5) (amend. - SG, No 100/1992; prev. para 4 - amend., SG 25/2001) The employer shall be obliged to organise periodic training or instruction of the workers and employees on rules of healthy and safe conditions of work under conditions and by an order determined by an ordinance of the Minister of Labour and Social Policy.

Obligations to Provide Sanitation and Medical Service

Art. 282. (amend. - SG, No 100/1992) The employer shall be obliged to provide sanitary and medical service to employees in accordance with the sanitary norms and requirements.

Refusal of the Employee to Perform an Assignment

Art. 283. (amend. - SG, No 100/1992) The worker or employee shall have the right to refuse performance or to stop work when a serious and imminent danger arises for his life or health, informing without delay his immediate manager. In these cases, continuation of work shall be permitted only after the elimination of the danger, upon the order of the employer or the immediate manager.

Special Work Clothes and Personal Protective Means

Art. 284. (1) (amend. - SG, No 100/1992) The employer shall provide free of charge special work clothes and personal protective means to the employees who work with or at hazardous machines, equipment, liquids, gases, melted metals, heated objects and the like.

(2) (amend. - SG 100/1992) Workers and employees shall be obliged to use special work clothes and personal protective means only in accordance with their functions, the use being confined only during working hours.

(3) (amend. - SG, No 100/1992, amend. - SG 25/2001, in force from 31.03.2001) The terms and procedures for providing special work clothes and personal protective means, as well as their type, shall be determined by the Minister of Labour and Social Policy and the Minister of Health.

(4) (New – SG 83/05) The exchange of personal protection means for their money equivalent shall be forbidden.

Free Food (amend., SG 25/01, amend. - SG 83/05)

Art. 285. (amend. - SG, No 100/92, amend. SG 83/05, amend. SG 83/05) (1) The employers shall ensure free food and/or additives to the food to workers and employees who work in enterprises with specific character and labour organization.

(2) The conditions and the order under which are ensured the free food and/or the additives to it

of Para. 1 shall be determined with ordinance of the Minister of Labour and Social Policy and the Minister of Health.

Limit the duration of work in harmful or hazardous environments

Art. 286. (1) (amend. - SG, No 100/1992) A maximum number of years shall be determined for work in particularly hazardous types of production and work, upon the expiration of which the employee shall be transferred to other suitable work.

(2) (amend. - SG, No 100/1992, amend. – SG 25/01, in force from 31.03.2001) The list of productions and types of works and the maximum number of years permitted in accordance with the preceding paragraph shall be approved by the Council of Ministers upon proposal of the Minister of Health and the Minister of Labour and Social Policy.

Preliminary and Periodical Medical Check-Ups (title amend. – SG 82/11)

Art. 287. (amend. - SG, No 100/1992) (1) (prev. art. 287 - SG 25/2001; amend. and suppl. – SG 82/11) All workers and employees shall be subject to mandatory preliminary and periodical medical check-ups. The terms of conducting preliminary and periodical check-ups shall be determined by the Minister of Health in accordance with the nature of work, the working conditions and age of employees.

(2) (new, SG 25/2001; amend. – SG 82/11) The preliminary medical examinations shall be at the expense of job applicants, while the periodical medical examinations shall be paid by employers.

(3) (new, SG 25/2001; amend. - SG 48/06, in force from 01.07.2006) The employer and the officials of the enterprise shall be obliged to keep in secret the data regarding the health condition of the workers and employees and the information from and about the respective medical examinations.

Data on Healthy and safe conditions of Labour

Art. 288. (amend. - SG, No 100/1992; revoked, SG 18/03)

Prevention and Recording of Labour Accidents and Diseases

Art. 289. (1) (amend. - SG, No 100/1992) The employer shall be obliged to take measures to prevent and reduce occupational injuries and general and occupational illnesses.

(2) (revoked, SG 25/2001)

Legal Regulation of Occupational Injuries and Illnesses

Art. 290. (amend. - SG 100/1992) Occupational injuries and general and professional illnesses, as well as the manner of their registration and effects, shall be governed by a special law.

Chapter fourteen.
SOCIAL AND CULTURAL SERVICES IN THE ENTERPRISE

Art. 291. (Revoked, SG No 100/1992)

Financing

Art. 292. (amend. - SG 100/1992) The social and cultural services in the enterprise shall be

financed by the employer and by other sources.

Distribution and Use of the Funds

Art. 293. (amend. - SG, No 100/1992) (1) The manner of allocation of the funds for social and cultural services shall be decided by the general meeting of employees.

(2) The funds for social and cultural services shall not be diverted and used for other purposes.

Fulfilment of Social and Cultural Needs

Art. 294. (amend. - SG, No 100/1992; amend. SG 25/2001) The employer can, independently or jointly with other bodies and organisations, provide to the workers and employees:

1. organised meals in accordance with rational norms and the specific conditions of work;
2. commercial and public services by building and maintaining commercial shops and service centres;
3. transportation from residences to the enterprise and back;
4. facilities for short and long-term rest, physical culture, sports and tourism;
5. (amend. - SG, No 100/1992) facilities for cultural activities, clubs, libraries etc.;
6. assistance to young and to newly appointed employees;
7. meeting of other social and cultural needs.

Art. 295. (Revoked, SG No 100/1992)

Working Clothes and Uniforms

Art. 296. (amend. - SG, No 100/1992) (1) (prev. art. 296 - SG 25/2001) The employer shall provide to the workers and employees working clothes and uniforms free of charge and under terms and conditions to be approved by the Council of Ministers or laid down in the collective contract.

(2) (new, SG 25/2001) The worker or employee shall be obliged to wear the working or uniform clothes during the working time and protect it as a property of the employer.

Housing and Workers Hostels

Art. 297. (1) (amend. - SG, No 100/1992; amend., SG 25/2001) The employer can make efforts to provide housing to the employees and their families by using resources from his funds set aside specially for the purpose, and using the efforts of the workforce.

(2) (amend. - SG, No 100/1992) The housing units shall be allocated in accordance with criteria recorded in the collective contract.

(3) (amend. - SG, No 100/1992; amend., SG 25/2001) The employer can build with his own resources and maintain workers' hostels.

Art. 298. (Revoked, SG No 100/1992)

Care for the Employees' Families

Art. 299. (amend. - SG, No 100/1992) (1) (amend., SG 25/2001) The employer can provide assistance for placing the employees' children in child-care establishments by maintaining, building or

taking part in the building and maintaining of such establishments with his own resources or jointly with other employers and the municipal councils.

(2) (amend., SG 25/2001) The employer can place at the disposal of the employees' children the available facilities for rest, physical culture, sports and tourism, youth and cultural activities.

(3) (amend. - SG, No 100/1992) The social funds and the forms of social services shall be used also by the employee's families upon decision of the general meeting (meeting of proxies) and in conformity with the collective contract.

Care For Retired Former Employees

Art. 300. (amend. - SG, No 100/1992) Upon the decision of the general meeting of the employees, the social funds and the forms of social services shall also be used by pensioners having worked with the same employer.

Chapter fifteen.
SPECIAL PROTECTION FOR SOME CATEGORIES OF WORKERS AND EMPLOYEES (AMEND., SG 100/1992)

Section I.
SPECIAL PROTECTION FOR THE ADOLESCENTS

Minimum Age For Employment

Art. 301. (1) The minimum age for employment shall be 16. The employment of persons under 16 years of age is prohibited.

(2) (suppl. – SG 48/06, in force from 01.07.2006) As an exception, persons between 15 and 16 years of age may be employed to perform work of easy nature and not dangerous or harmful to their health and to their proper physical, mental and moral development, the implementation of which would not institute an obstacle to regular attending school or participating in programmes for professional orientation or training.

(3) (amend. - SG, No 100/1992) As an exception, the circuses may recruit on student jobs girls who have turned 14 years of age, and boys who have turned 13, and, for the participation in shooting of films, in the preparation and giving theatrical and other performances, persons under 15 years of age may be recruited under easier conditions and in conformity with the requirements for their proper physical, mental and moral development. The labour terms in these cases shall be determined by the Council of Ministers.

Employment of Persons Under 16 Years of Age

Art. 302. (1) Persons under 16 shall be employed after a thorough medical examination and a medical ruling that they are fit to perform the respective job and that it would not impair their proper physical and mental development.

(2) (amend. - SG, No 100/1992) Persons under 16 shall be employed upon permission of the Labour Inspection in each separate case.

Employment of Persons between 16 and 18 Years of Age

Art. 303. (1) (amend. - SG 48/06, in force from 01.07.2006) Employment of persons between 16 and 18 years of age in jobs, which are heavy, dangerous or harmful to the health and to their regular

physical, mental and moral development, shall be prohibited.

(2) Persons between 16 and 18 years of age shall be employed after a thorough preliminary medical examination and a medical ruling which certifies their fitness to perform the respective work.

(3) (amend. - SG, No 100/1992) Persons between 16 and 18 years of age shall be employed upon permission of the Labour Inspection in each separate case.

(4) (new, SG 18/03; amend. and suppl. - 48/06, in force from 01.07.2006) The conditions and the order of giving permit for work under Para. 3, permit for work to persons under 16 years of age, as well as the obligations of the employer for providing healthy and safe labour conditions for the persons, who have not reached 18 years of age, shall be settled by an ordinance of the Minister of Labour and Social Policy and the Minister of Health.

Employment for Persons Under 18 Years of Age

Art. 304. (amend. - SG, No 100/1992; amend., SG 25/2001) (1) Prohibited for persons under 18 years of age shall be work which is:

1. beyond their physical or mental capacity;

2. to do with exposure to harmful physical, biological or chemical effect, especially toxic agents, cancerogenes, agents causing hereditary genetic or intrauterine damage;

3. related to harm which, in any other way whatsoever, has permanent unfavourable effect on the health;

4. in conditions of radiation;

5. at exceptionally low or high temperatures, noise or vibrations;

6. related to a risk of labour accidents for which it is supposed that they cannot be realised or avoided by the underage person due to his physical or mental immaturity.

(2) (revoked, SG 18/03)

Particular Care for Adolescents

Art. 305. (1) (amend. - SG 100/1992) The employer shall take special care for the work of persons under 18 by providing alleviated working conditions and opportunities to acquire professional qualification and to raise the qualification level.

(2) (new, SG 25/2001) The employer shall be obliged to inform the underage workers and employees and their parents or guardians about the possible risks of the job and about the measures taken for providing healthy and safe labour conditions.

(3) (amend. - SG, No 100/1992; amend., SG 25/2001; suppl. – SG 48/06, in force from 01.07.2006) The working hours of employees under 18 shall be 35 working hours weekly and 7 hours daily for 5-day work week. In their weekly working hours shall also be included the time for acquiring professional qualification and for its development, in case this is implemented in the course of the work.

(4) (amend. - SG, No 100/1992; suppl. – SG 108/08) Employees under 18 shall be entitled to a basic paid annual leave of not less than 26 working days, including during the calendar year when they turn 18 years of age.

Section II.
SPECIAL PROTECTION FOR WOMEN

Art. 306. (Revoked, SG No 100/1992)

Protecting Pregnant Women and Nursing Women (amend., SG 52/04)

Art. 307. (amend., SG 52/04, In force from 1st of August 2004; suppl. – SG 103/09, in force from 29.12.2009) (1) The employer may not assign, as well as oblige pregnant women and nursing women, as well as female employees in advanced stage of in-vitro fertilization procedure, to perform any work which exposes to danger or threatens their safety and health.

(2) (suppl. – SG 103/09, in force from 29.12.2009) Any pregnant woman or nursing woman, or female employee in advanced stage of in-vitro fertilization procedure, may refuse work defined as harmful for the health of the mother or the child, or for which, upon assessment of the risk, it has been determined that it poses a substantial risk for the health of the mother or her child.

(3) The list of jobs and conditions of labour under Para. 1 shall be determined by an ordinance of the Minister of Labour and Social Policy and by the Minister of Health.

Women's Rooms

Art. 308. (amend. - SG, No 100/1992; suppl. – SG 103/09, in force from 29.12.2009) Employers employing 20 or more women shall provide rooms for personal hygiene of the women, and rooms for rest of pregnant women and female employees in advanced stage of in-vitro fertilization procedures, established by the Minister of Health.

Job Reassignment for Pregnant Women and Nursing Mothers

Art. 309. (1) (amend. - SG, No 100/1992; amend., SG 52/04, In force from 1st of August 2004; amend. and suppl. – SG 103/09, in force from 29.12.2009) Where a pregnant woman or a nursing mother, or a female employee in advanced stage of in-vitro fertilization, performs a job unsuitable for her condition, the employer shall undertake the necessary measures for temporary adaptation of the conditions of labour on the working place and/or working hours, in view of removing the risk for their safety and health. If the adaptation of the conditions of labour on the working place and/or of the working hours is technically and/or objectively impossible, or it is unfounded to require it for valid reasons, the employer shall undertake the necessary measures for moving the worker or employee to another appropriate job.

(2) (amend. - SG, No 100/1992; suppl., SG 52/04, In force from 1st of August 2004; amend. – SG 103/09, in force from 29.12.2009) The health authorities' prescription shall be mandatory for any pregnant woman, nursing woman or female worker or employee in advanced stage of in-vitro fertilization procedure, and for the employer. Until the fulfilment of the prescription for moving, she shall be released from the obligation of doing the job unsuitable for her state, and the employer shall pay her an indemnification amounting to the received gross labour remuneration for the month preceding the day of issuance of the prescription.

(3) (amend. - SG, No 100/1992; amend., SG 52/04, In force from 1st of August 2004) In the cases of Para. 1, the worker or employee shall receive labour remuneration for the fulfilled job. When it is lower than the labour remuneration for the previous job, she shall be entitled to a monetary indemnification for the difference in the labour remunerations according to a separate law.

(4) (amend. - SG, No 100/1992; suppl. – SG 103/09, in force from 29.12.2009) The employer, jointly with the health authorities, shall annually designate positions and jobs suitable for pregnant women and nursing mothers, as well as female employees in advanced stage of in-vitro fertilization procedure.

Commissioning of Pregnant Women and Mothers

Art. 310. (amend. - SG, No 100/1992; amend., SG 25/2001; amend., SG 52/04, In force from

1st of August 2004; suppl. – SG 103/09, in force from 29.12.2009) The employer shall not commission any pregnant woman, female worker or employee in advanced stage of in-vitro fertilization procedure and mother of a child under 3 years of age without her written consent.

Art. 311. (Revoked, SG No 100/1992)

Work to be done at Home

Art. 312. (1) (amend. - SG, No 100/1992) Any female employee who is the mother of a small child shall be entitled to work at home with the same or another employer until the child reaches the age of 6.

(2) (amend. - SG, No 100/1992) Where a female employee under the preceding paragraph is reassigned to work at home with the same employer, he shall be obliged to provide her, upon ceasing the work at home but not later than the child turning 6, the job she performed before reassignment at home, and if the position has been closed - another job, after obtaining her consent.

(3) (amend. - SG, No 100/1992) Where the female employee under Para. 1 begins work at home for another employer, her employment relationship with the employer, with whom she had worked prior to her reassignment, shall not be terminated, but she is to be given unpaid leave. When she ceases to work at home, but not later than the child turning 6, the unpaid leave shall be terminated. If the position has been closed, the employer shall provide her with another job following her consent.

Use of Mother's Rights by the Father

Art. 313. (amend. - SG 100/1992) The rights of the mother pursuant to Article 310 and 312 may be used by the father, if the mother is not in a position to use them.

Obligation for notification (new, SG 52/04)

Art. 313a. (new, SG 52/04, In force from 1st of August 2004) (1) (suppl. – SG 103/09, in force from 29.12.2009) Any pregnant female worker or employee, as well as female employees in advanced-stage of in-vitro fertilization procedure shall exercise rights under Art. 140, Para. 4, item 2, Art. 147, Para. 1, item 2, Art. 157, Para. 2, Art. 307, 309, 310 and Art. 333, Para. 5 after certifying her state before the employer by a valid document issued by the competent health bodies.

(2) On terminating the pregnancy the worker or employee under para 1 shall be obliged, within 7 days, to notify the employer.

(3) The employer and the officials in the enterprise shall be obliged to keep secret the circumstances under Para. 1 and 2.

Section III.
SPECIAL PROTECTION OF PERSONS WITH PARTIAL INCAPACITY (Title amend. - SG 25/2001, in force from 31. 03. 2001)

Grounds for Reassignment

Art. 314. (amend. - SG, No 100/1992) Any worker or employee who, after an illness or occupational accident, is not able to continue with his former job, but who is able to perform with no harm to his health another suitable job or the same job under alleviated conditions, shall be reassigned to another job or to the same job with alleviated conditions upon prescription of the health authorities.

Jobs by Reassignment

Art. 315. (1) (Amended - SG, No. 100/1992 and No 2/1996; amend. – SG 41/09, in force from 01.07.2009) Any employer with more than 50 employees shall be obliged to provide annually jobs suitable for reassignment, their number being 4 to 10 percent of the total number of jobs depending on the business activity.

(2) (new – SG 61/11) When specifying the total number of workers and employees mentioned in Para. 1, the seafarers working at the enterprise shall not be taken into account.

(3) (amend. - SG, No 100/1992; amend. – SG 15/10; prev. text of para 2 – SG 61/11) The portion of the total number of employees under Para. 1 by business activities shall be specified by the Minister of Labour and Social Policy and by the Minister of Health.

Specialised Enterprises and Workshops for Persons with Permanently Reduced Working Capacity (amend., SG 25/2001; amend. – SG 41/09, in force from 01.07.2009)

Art. 316. (1) (Amended - SG, No. 100/1992 and No 2/1996; amend. – SG 41/09, in force from 01.07.2009) The Ministers, the Heads of other agencies and the municipal councils shall be obliged to set up special state (municipal) enterprises, and the employers with more than 300 employees shall set up workshops and other units designed for persons with permanently reduced working capacity.

(2) (amend. - SG, No 100/1992) The activities of the specialised enterprises, workshops and units under the preceding paragraph shall be planned and accounted for separately, and the employees working there shall enjoy special rules for output rates, accounting and labour remuneration under a procedure to be determined by the Council of Ministers.

Reassignment of Partially Incapacitated Workers and Employees

Art. 317. (1) (amend. - SG, No 100/1992; amend. – SG 41/09, in force from 01.07.2009) The necessity of reassignment of an employee to another suitable job or to the same job with alleviated working conditions, the character of the work done, the work conditions and the period of reassignment shall be set in accordance with a prescription of the health authorities.

(2) (amend. - SG, No 100/1992) The reassignment prescription issued by the health authorities shall oblige the employee not to perform the job from which he is to be reassigned, and the employer - not to admit him to this job.

(3) (amend. - SG, No 100/1992) The employer shall be obliged to reassign the employee to a suitable work in accordance with the prescription of the health authorities within 7 days of its receipt.

(4) (Para 4 revoked, previous para 5 - SG, No 100/1992) Failure to perform the prescription of the health authorities by the employer shall oblige him to compensate the employee in accordance with Article 217.

Art. 318. (Revoked, SG No 100/1992)

Paid Annual Leave

Art. 319. (amend. - SG, No 100/1992; amend., SG 25/2001; suppl. – SG 108/08; amend. – SG 41/09, in force from 01.07.2009) Workers and employees with permanently reduced working capacity of 50 and over 50 percent shall be entitled to a basic paid annual leave of not less than 26 working days.

Labour Remuneration

Art. 320. (amend. - SG, No 100/1992) (1) Any worker or employee who is reassigned in accordance with this Section shall be remunerated for the work done.

(2) (amend., SG 25/2001; amend. – SG 41/09, in force from 01.07.2009) Any worker or employee with permanently reduced working capacity under 50 percent, who is reassigned for a fixed period and receives at his new job a labour remuneration lower than the remuneration for the former job, shall be entitled to a cash compensation for the difference between remuneration in accordance with a separate law.

Art. 321. (Revoked, SG No 100/1992)

Section IV.
Special protection of working pensioners (Revoked, SG No 100/1992)

Art. 322-324. (Revoked, SG No 100/1992)

Chapter sixteen.
TERMINATION OF EMPLOYMENT RELATIONSHIP

Section I.
TERMINATION OF EMPLOYMENT CONTRACT

General Grounds for Termination of Contract of Employment

Art. 325. (amend. - SG, No 100/1992; prev. text of Art. 325 – SG 7/12) A contract of employment shall be terminated without notice due from either party in the following cases:

1. By mutual consent of the parties, expressed in writing. The party to which the proposal is addressed shall inform the other party of its position within 7 days of receipt of the proposal. Failure to do so shall be deemed refusal to accept the proposal;

2. (amend. - SG, No 100/1992) When the dismissal of the worker or employee is found unlawful, or he is reinstated to his previous job by ruling of the court, but he does not report to work within the term stipulated under Art. 345, Para. 1;

3. Upon expiry of the contractual term;

4. Until the completion of some specified work;

5. Upon return of the substituted employee to work;

6. (amend. - SG, No 100/1992) When a position is listed to be occupied by a pregnant employee or an employee reassigned for rehabilitation, and a candidate entitled to that position appears;

7. (Revoked, SG No 100/1992)

8. (amend. - SG, No 100/1992) Upon the appointment of an employee who has been elected or has passed a competitive examination for the position;

9. (amend. - SG, No 100/1992; amend. – SG 41/09, in force from 01.07.2009) In case of inability of the employee to perform the assigned job because of illness resulting in permanently reduced working capacity, or because of health contraindications established by an expert medical commission. In such a case the contract of employment shall not be terminated whenever the employer can provide another job, suitable to the employee's health status, and he consents to perform it;

10. (amend. - SG, No 100/1992) Upon the death of the person with whom the employee has concluded a contract of employment with consideration to his personality;

11. (amend. - SG, No 100/1992) Upon the death of the worker or employee.

12. (New, SG 67/99) Upon determining the position to be taken by a civil servant.

(2) (new – SG 7/12) The employment contract under Art. 68, para 6 shall be terminated at the moment the long-term business trip pursuant to the Diplomatic Service Act ends, provided that none of the parties has to give an advance notice to the other one.

Termination of Contract of Employment by the Employee With Notice

Art. 326. (1) (amend. - SG, No 100/1992) Any employee may terminate a contract of employment by giving the employer a notice in writing.

(2) (amend. - SG, No 100/1992; suppl. – SG 108/08) The notice period for termination of an employment contract of unlimited duration shall be 30 days, unless a longer period has been agreed by the parties, but not longer than 3 months. In a collective employment contract, the term for the notice of dismissal under Art. 328, Para 1, Items 1 – 4 and Item 11 may be set to depend on the duration of service of the employee for the same employer. The notice period for termination of an employment contract of an indefinite period shall be 3 months, but not more than the remaining period of the contract.

(3) (amend. - SG, No 100/1992) Workers and employees accountable for assets, whenever unable to hand over the assets within the 30-day period under Para. 2, shall have that period extended, but by no more than 2 months, including the notice period.

(4) (amend. - SG, No 100/1992) The notice period shall begin on the day following receipt of the notice. A notice shall be considered withdrawn upon the employee's request to do so before or at the time of its receipt. With the consent of the employer, a notice may also be withdrawn before the period has expired.

(5) (Revoked, SG No 100/1992)

Termination of Employment Contract by Employee Without Notice

Art. 327. (amend. - SG, No 100/1992; prev. text of Art. 327 – SG 58/10, in force from 30.07.2010) Any employee may terminate his employment contract in writing without notice, in the following circumstances:

1. (amend. - SG, No 100/1992) should he be unable to perform the assigned job because of illness, and where the employer has failed to provide him with suitable work as per the prescription of the medical authorities;

2. (amend. - SG, No 100/1992) should the employer delay the payment of remuneration or compensation pursuant to this Code or for social security;

3. (amend. - SG, No 100/1992) should the employer change the place or character of work or the agreed remuneration, except in cases where entitled to make such changes, and also where he has failed to meet other obligations stipulated in the employment contract or the collective contract, or established by a normative act;

3a. (new. SG 52/04, In force from 1st of August 2004; suppl. – SG 108/08) as a result of an introduced change under Art. 123, Para. 1 and Art. 123a, Para. 1, the conditions of labour have substantially deteriorated with the new employer.

4. (amend. - SG, No 100/1992) should he assume a paid elective office or begin research work on the basis of a competitive examination;

5. (revoked – SG 46/07, in force from 01.01.2008)

6. (amend. - SG 25/2001, in force from 31.03.2001) should he continue his education as a regular student at an educational establishment, or as a postgraduate student;

7. (amend. - SG, No 100/1992; amend. – SG 108/08) Should he be employed under a temporary

employment contract as referred to in Art. 68, Para. 1, Items 1 or 3 and take up employment elsewhere under a contract of employment for an indefinite term;

7a. (new – SG 7/12) works under an employment contract with a temporary work agency and concludes an employment agreement with another employer which is not a temporary work agency.

8. should he be reinstated in the established manner to work as a result of finding his dismissal unlawful, in order to perform the work to which he is reinstated.

9. (New, SG 67/99) starts civil service;

10. (new – SG 58/10, in force from 30.07.2010) the employer discontinues their activity;

11. (new – SG 58/10, in force from 30.07.2010) the employer has provided non-paid leave to the worker or employee without his/her consent.

12. (new- SG, 54/2015, in force from 17.7.2015) has acquired the right to pension for security length of service and age.

(2) (new – SG 58/10, in force from 30.07.2010; amend. and suppl. – SG 27/14, amend. - SG 85/17) In the cases referred to in Para. 1, item 10, where the worker or employee is not able to submit their written application for employment termination for the reason that the employer, or their representative, or the person assigned to receive the employer's correspondence, cannot be found at the address specified in the employment contract, the application may be submitted at the Labour inspection at the seat or registered office of the employer. The application may be forwarded to the labour inspection by registered letter with acknowledgment of receipt, or by electronic means signed with an advanced electronic signature, advanced electronic signature based on a certificate for electronic signature or qualified electronic signature as required by Regulation (EU) № 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ, L 257/73 of 28 August 2014). and of the Electronic Document and Electronic Trust Services Act. If, following an inspection conducted by the control bodies of the Labour Inspection, the National Social Security Institute and the National Revenue Agency, it is established that the employer has really discontinued their activity, the employment agreement shall be considered terminated from the date the application has been received at the Labour Inspection at the seat or registered office of the employer.

(3) (new – SG 58/10, in force from 30.07.2010) The terms for conducting the inspection under Para. 2 shall be specified by an ordinance of the Minister of Labour and Social Policy, in coordination with the Manager of the National Social Security Institute and the Executive Director of the National Revenue Agency.

Termination of Contract of Employment by Employer with Notice

Art. 328. (1) (Amend. SG, No 21/1990 and No 100/1992) Any employer may terminate a contract of employment by giving a notice in writing to the employee in observance of the terms of Art. 326, Para. 2, in the following cases:

1. closing down of the enterprise;

2. partial closing down of the enterprise or staff cuts;

3. reduction of the volume of work;

4. (amend., SG 25/2001) work stoppage for more than 15 working days;

5. when an employee lacks the qualities for efficient work performance;

6. when an employee does not have the necessary education or vocational training for the assigned work;

7. when the employee refuses to follow the enterprise or a division thereof, in which he is employed, when it is relocated to another community or locality;

8. when the position occupied by the employee should be vacated for reinstatement of an unlawfully dismissed employee, who had previously occupied the same position;

9. (revoked – SG 46/07, in force from 01.01.2008)

10. (Amended - SG, No. 2 & 28/1996; amend., SG 25/2001; amend. – SG 101/10; amend. – SG 7/12, amend. – SG, 54/2015, in force from 17.7.2015) when professors, associate professors and doctors of science when acquiring the right to pension for security length of service and age, when reaching 65 years of age, apart from the cases of § 11 of the Transitional and Final Provisions of the Higher Education Act;

10a. (new - SG 98/15, in force from 01.01.2016) where the employee was granted an insurance service and age pension in reduced amount under Art. 68a of the Code of Social Insurance;

10b. (new – SG 46/10, in force from 18.06.2010; amend. – SG 100/10, in force from 01.01.2011; prev. text of Item 10a - SG 98/15, in force from 01.01.2016) provided that the employment legal relations have occurred after the worker or employee has acquired or exercised his/her pension rights for insurance period of service and age;

10c. (new - SG 98/15, in force from 01.01.2016) where the labour relationship has arisen with an employee, after he was granted an insurance service and age pension in reduced amount under Art. 68a of the Code of Social Insurance;

11. where the requirements for the job have been changed and the employee does not qualify for it;

12. when it is objectively impossible to implement the contract of employment.

(2) (suppl., SG 25/2001) In addition to the cases under Para. 1, enterprise management employees may be dismissed by advance notice as per the terms under Art. 326, Para. 2, and by reason of conclusion of an enterprise management contract. The dismissal can be completed after the commencement of the fulfilment under the contract for management but not later than 9 months.

(3) (new – SG 46/10, in force from 18.06.2010; suppl. - SG 98/15, in force from 01.01.2016) In the cases referred to in Para. 1, item 10a, 10b and 10c, the employer is entitled to receive information ex officio from the National Social Security Institute whether the worker or employee has acquired or exercised his/her pension rights. The National Social Security Institute shall provide the said information free of charge within 14 days term from receiving the request thereof.

Termination of an Employment Contract with Persons in Management Positions

Art. 328bis (amend. - SG, No 100/1992; Revoked - SG, No. 2/1996)

Termination of an Employment Contract with Persons Working in the Field of Culture

Art. 328ter (amend. - SG, No 100/1992; Revoked - SG, No. 2/1996)

Right to Selection

Art. 329. (amend. - SG, No 100/1992) (1) In case of partial closing down of an enterprise, as well as in case of staff cuts or reduction of the volume of work, the employer shall be entitled to selection and in the interest of production or business may dismiss employees whose positions have not been made redundant, in order to retain employees of higher qualifications and better performance.

(2) (revoked, SG 25/2001)

(3) (revoked, SG 25/2001)

(4) (revoked, SG 25/2001)

Termination of Employment Contract by Employer Without Notice

Art. 330. (1) (amend. - SG, No 100/1992) An employer may terminate without notice an

employment contract of an employee who has been detained for execution of a sentence.

(2) (amend. - SG, No 100/1992) The employer shall terminate an employment contract without notice in the following cases:

1. (revoked, previous item 2 - SG No 100/1992) Whenever an employee has been divested by sentence of the court or by an administrative order of the right to practice a profession or to occupy the position to which he has been appointed;

2. (previous item 3 - SG, No 100/1992; amend. – SG 101/10) Whenever an employee is divested of his academic degree, if the contract of employment has been concluded in view of his holding the degree;

3. (New, SG No. 83/1998, suppl. SG 46/05, amend. SG 76/05; amend. SG 75/06, amend. - SG 91/18) the employee has been deleted from the registers of the professional organizations under the Act on Professional Organisations of Physicians and Dental Practitioners, from the register of the professional organization of the master–pharmacists under the Act on the Professional Organization of Master Pharmacists or from the registry of the respective professional organization under the Act on the Professional Organization of the Nurses, the Midwifes and the Associated Medical Specialists, dental practitioners and assistant-pharmacicsts.

4. (Previous item 4 - SG No 100/1992, previous item 3 - SG No 83/1998; revoked, SG 52/04, In force from 1st of August 2004)

5. (Previous item 5 - SG No 100/1992, previous item 4 - SG No 83/1998) Whenever the worker or employee refuses to take up the suitable job offered to him in case of medically prescribed reassignment;

6. (Previous item 6 - SG No 100/1992, previous item 5 - SG No 83/1998) In case of disciplinary dismissal of the worker or employee.

7. (new – SG 95/03) the worker or employee does not fulfil the obligation for notification under Art. 126, item 12;

8. (new – SG 95/03) there is incompatibility in the cases of Art. 107a, Para. 1.

9. (new – SG 94/08, in force from 01.01.2009, amend. – SG 7/18) if conflict of interests under the Act on Counteracting Corruption and on Seizure of Illegally Acquired Property has been established by an act which has entered into force;

10. (amend. - SG 79/15, in force from 01.08.2016) an expert within meaning of the Preschool and School Education Act has been convicted of a crime of general nature, regardless of rehabilitation.

11. (new – SG 7/18) the worker or the employee has not passed the integrity check provided for in the Act on Counteracting Corruption and on Seizure of Illegally Acquired Property.

Termination of the Employment Contract by Initiative of the Employer against Agreed Indemnification

Art. 331 (new, SG 25/2001) (1) The employer can propose, at his initiative, to the worker or employee termination of the employment contract against indemnification. If the worker or employee makes no comment in writing on the proposal within 7 days, it shall be considered rejected.

(2) If the worker or employee accepts the proposal under Para. 1, the employer shall owe him an indemnification amounting to no less than the quadruple size of the last received monthly gross remuneration, except if the parties have agreed upon a larger size of the indemnification.

(3) If the indemnification under Para. 2 is not paid within one month from the date of termination of the employment contract, the grounds for its termination shall be considered dropped.

Art. 332. (Revoked, SG No 100/1992)

Protection Against Dismissal

Art. 333. (amend. - SG, No 100/1992, SG 110/99) (1) (amend., SG 25/2001) In the cases under Art. 328, Para. 1, items 2, 3, 5, 11 and Art. 330, Para. 2, item 6, the employer may dismiss only with prior consent of the labour inspection for each specific case:

1. (amend., SG 52/04, In force from 1st of August 2004; amend. – SG 108/08) Mothers of children younger than 3 years of age;

2. Employees who have been reassigned due to reasons of health;

3. Employees suffering from certain diseases, listed in a Regulation of the Minister of Health;

4. Workers or employees who have commenced a period of permitted leave;

5. (new - SG 48/06, in force from 01.07.2006) any worker or employee who is elected as a representative of the workers and employees under Art. 7, Para. 2 and Art. 7a for the period during which he/she has that capacity;

5a. (new - SG 27/14) any worker or employee who is elected to represent workers on health and safety at work by the General Assembly or by the assembly of the proxies in accordance with Art. 6 for the time while in this capacity;

6. (new – SG 57/06, in force from 01.01.2007) Any worker or employee who is a member of a specialized authority for negotiations, European workers' council or of a representation body in a European trade or cooperative company, for the time of implementation of his/her functions.

(2) In the cases under items 2 and 3 of the preceding paragraph, prior to dismissal, the opinion of an expert medical commission shall also be considered.

(3) (amend., SG 110/99; amend., SG 25/2001) In the cases under Art. 328, Para. 1, items 2, 3, 5, 11, and Art. 330, Para. 2, item 6, the employer may dismiss an employee who is a member of the enterprise trade union leadership belonging to a territorial, industrial or national elected trade union body, throughout the period of occupation of the trade union position and not earlier than 6 months after that, only with prior consent of the trade union body, specified by decision of the central leadership of the respective trade union organisation.

(4) When provided for in the collective contract, any employer may dismiss an employee due to staff cuts or reduction of the volume of work after obtaining prior consent from the respective trade union body of the enterprise.

(5) (suppl. – SG 103/09, in force from 29.12.2009) Any pregnant female worker or employee, as well as female worker or employee in advanced stage of in-vitro fertilization procedure, can be dismissed with prior notice only on the grounds of Art. 328, para. 1, items 1, 7, 8 and 12, as well as without prior notice only on the grounds of Art. 330, Para. 1 and Para. 2, item 6. In the cases of Art. 330, Para. 2, item 6, the dismissal may be carried out only following an advance permission by the Labour Inspection.

(6) (new, SG 25/2001; prev. para 5 – SG 52/04, In force from 1st of August 2004; amend. – SG 108/08) Any worker or employee using a leave under Art. 163 can be dismissed only pursuant to Art. 328, Para. 1, item 1.

(7) (prev. para 5 - SG 25/2001; prev. para 6 – SG 52/04, In force from 1st of August 2004) Protection under this Article shall apply at the time of service of the dismissal order.

Termination of Employment Contract for Additional Work

Art. 334. (amend. - SG, No 100/1992) (1) (amend. – SG 27/14) In addition to cases provided for by this Code, an employment contract for additional work (Articles 110, 111 and 114) and any employment contract with an internship clause under Art. 233b, Para. 1, may be terminated by the employee or by the employer also with a 15-day notice.

(2) Article 333 shall not apply in case of dismissal under the preceding paragraph.

Form and Moment of Termination of an Employment Contract (amend., SG 25/2001)

Art. 335. (amend. - SG, No 100/1992) (1) (new, SG 25/2001) The employment contract shall be terminated in writing.

(2) (prev. art. 335 - SG 25/2001) The employment contract shall be terminated:

1. upon expiry of the notice period - in case of termination with notice;

2. upon expiry of the respective part of the notice period - in case where the period has not been observed;

3. as from the date of receipt of a written statement for termination of a contract - in case of termination without notice.

Applicability of Provisions for Termination of Employment Contract

Art. 336. (amend. - SG, No 100/1992) The provisions of this Section shall also apply to the termination of employment relationships resulting from competitive examination.

Section II.
TERMINATION OF EMPLOYMENT RELATIONSHIPS RESULTING FROM AN ELECTION

Termination of Employment Relationships On Expiry Of The Term

Art. 337. Employment relationships resulting from an election shall be terminated upon expiry of the term for which the person has been elected. Should no new election be provided upon expiry of the term, the employment relationship shall be extended until such election is held.

Recall

Art. 338. (amend. - SG, No 100/1992) Employment relationships resulting from an election may be terminated without notice by the respective electoral body.

Applicability of Provisions for Termination of Employment Contract

Art. 339. (amend. - SG, No 100/1992) (1) The grounds for termination of an employment contract, except for termination in case of disciplinary dismissal, shall also apply mutatis mutandis for termination of employment relationships resulting from an election.

(2) In the cases under the preceding paragraph, where for termination of an employment relationship a binding statement by the employer is required, it shall be substituted for by a decision of the electoral body.

Non-applicability of Protection Against Dismissal

Art. 339a. (New, SG No 100/1992) Art. 333 shall not apply to termination of an employment relationship resulting from an election.

Termination of an Election Employment Relationship by Reason of Other Normative Acts or Statute

Art. 340. (amend. - SG, No 100/1992) The provisions of this Section shall apply, insofar as an

act, another regulation or a Statute do not provide otherwise.

Section III.
Termination of employment relationship as a result of cooperation membership (Revoked, SG No 100/1992)

Art. 341-343. (Revoked, SG No 100/1992)

Section IV.
PROTECTION AGAINST UNLAWFUL DISMISSAL

Contest of Lawfulness of Dismissal

Art. 344. (amend. - SG, No 100/1992) (1) Any worker or employee shall be entitled to contest the lawfulness of dismissal before the employer or in court, and demand:

1. recognition of dismissal as unlawful and its repeal;

2. reinstatement to his previous position;

3. compensation for the period of unemployment due to dismissal;

4. correction of the grounds for dismissal, entered in his employment record book or other documents.

(2) The employer may, on his own initiative, repeal the dismissal order prior to the employee lodging a claim before the court.

(3) In cases where, for dismissal, a prior consent of the labour inspection or a trade union body is required, and no such consent has been asked for or given before the dismissal, the court shall cancel the dismissal order as unlawful on these grounds only, without considering the merits of the labour dispute.

(4) (New - SG, No. 2/1996) Labour disputes under Para. 1 shall be considered by the district court within three months following the receipt of the claim, and by the regional court - within one month following the receipt of the appeal.

Reinstatement to the Previous Position

Art. 345. (amend. - SG, No 100/1992) (1) Following the reinstatement of the employee to his previous position by the employer or the court, he may assume the position provided he reports to work within 2 weeks of receipt of the reinstatement notice, unless this term be exceeded for valid reasons only.

(2) Any worker or employee dismissed pursuant to Art. 330, Para. 1, shall be reinstated to his previous position pursuant to the preceding paragraph on the grounds of a verdict of acquittal which is in effect.

Entering the Annulment of the Dismissal

Art. 346. (amend. - SG, No 100/1992) (1) Should the employee's dismissal be found to be unlawful by the employer or a court, or should the grounds for termination of an employment relationship be revised, the revisions shall be entered in the employment record book of the worker or employee.

(2) The entry in the employment record book shall be made by the employer with whom the employment relationship has been terminated; should the employer refuse to do so, the entry shall be made by the labour inspection.

Chapter seventeen.
EMPLOYMENT RECORD BOOK AND LENGTH OF SERVICE

Section I.
EMPLOYMENT RECORD BOOK

Purpose

Art. 347. (amend. - SG, No 100/1992) The employment record book is an official document certifying of circumstances entered therein related to the labour activities of the employee.

Presentation, Issuance and Storing (amend., SG 25/2001)

Art. 348. (amend. - SG, No 100/1992) (1) Upon entering into employment, the employee shall be obliged to present his employment record book to the employer.

(2) (amend. – SG 108/08) Where an employee enters into employment for the first time, the employer shall be obliged to provide him with an employment record book within 5 days from starting work. The employee shall verify by a written declaration that this is his first ever employment.

(3) The employment record book shall be kept by the employee, who shall be obliged to present it to the employer upon request, as well as for entry of new circumstances therein.

Contents

Art. 349. (amend. - SG, No 100/1992) (1) The following data about the employee shall be entered in the employment record book:

1. Name, date and place of birth;

2. Address;

3. (amend., SG 25/2001) Number of the personal card or other identification document and civil ID number;

4. Education, profession, speciality;

5. Position occupied and organisational unit where employed (department, workshop, office);

6. Agreed remuneration;

7. Date of starting work;

8. Date and grounds for termination of employment relationship (article, paragraph, item and letter under this Code);

9. Duration of period recognised as length of service, as well as period not recognised as length of service;

10. Compensations paid upon termination of employment relationship;

11. (amend. – SG 59/07, in force from 01.03.2008, amend. - SG 86/17) Notices of attachments provided by Art. 512, Para. 5 of the Civil Procedure Code.

(2) The employer shall be obliged to enter precisely and on time in the employment record book the data listed under the preceding paragraph and any changes therein.

(3) (new – SG 58/10, in force from 30.07.2010) In the cases referred to in Art. 327, Para.2, the date and the reason for termination of the employment relationship shall be entered in the employment record book by the Labour inspection where the application has been submitted.

Record of Dismissal and Restoration of Lost Employment Record Book

Art. 350. (amend. - SG, No 100/1992) (1) Upon termination of the employment relationship, the employer shall enter in the employment record book the data relevant to the termination, and submit it immediately to the worker or employee.

(2) Where the employment record book has been lost by fault of the employer, upon request of the employee a new employment record book shall be issued by the respective labour inspection. In such case, the employer shall provide the labour inspection with the necessary data from previous employers.

(3) Where the employment record book has been lost by the worker or employee, the labour inspection shall issue a new employment record book based on veritable data provided by the employee.

Entry of employment service on the basis of a judicial decision

Art. 350a. (new – SG 108/08) The length of employment service established in a judicial decision shall be entered by the employer in the employment record book, or in case of refusal, or where impossible – by the Labour Inspection at the seat or address of the employer.

Section II.
LENGTH OF SERVICE

Length of Service Under Employment Relationship

Art. 351. (1) (amend. - SG, No 100/1992; amend. SG 67/99; prev. text of Art. 351 – SG 15/10, in force from 28.08.2010) For the purposes of this Code, length of service shall be the time period during which the worker or employee has worked under an employment relationship, unless otherwise provided for by this Code or another law, as well as the time during which the person has worked as a civil servant.

(2) (new – SG 15/10, in force from 28.08.2010) Length of service shall also be considered the time period during which the person has worked as a civil servant or under employment contract according to the legislation of another Member State of the European Union, a state – party to the Agreement on European Economic Area or Confederation Switzerland, as well as the time during which the person has held a position at a European Union institution, acknowledged by an act of initiation and termination of the legal relations.

Period of Employment Relationship Considered as Length of Service Without Actual Work on the Part of the Worker or Employee

Art. 352. (1) (amend. - SG, No 100/1992; prev. text of Art. 354 – SG 15/10, in force from 28.08.2010) Periods under an employment relationship during which the worker or employee has done no actual work shall be recognised as length of service in the following cases:

1. days off and holidays;

2. (amend. - SG 30/18, in force from 01.07.2018) paid leave used, regardless of the grounds and method of payment;

3. (amend. - SG 30/18, in force from 01.07.2018) unpaid leave used, as established by this Code or other normative acts, whenever explicitly provided for;

4. (suppl. – SG 15/10, in force from 28.08.2010, amend. - SG 30/18, in force from 01.07.2018) the used unpaid leave for temporary incapacity for work, for pregnancy and childbirth, and for adoption of a child up to 5 years of age;

5. time spent at courses, schools and other forms of vocational training and retraining off the job;

6. periods throughout which an employee has not worked because of unlawful refusal to be

admitted to work;

7. the period of suspension from work pursuant to Art. 33, Para. 2 - 4 of the 1951 Labour Code for a crime committed in connection with the employee's job, if the employee has not been indicted pursuant to relevant procedures;

8. the period of suspension from work pursuant to Art. 33, para. 2 - 4 of the 1951 Labour Code after an employee has been indicted, as well as the period of suspension from work pursuant to the provisions of the Penal Procedure Code, provided the employee has been acquitted or the criminal prosecution has been terminated on the grounds that the employee has not committed the act or that the act does not constitute a criminal offence;

9. in other cases specified by the Council of Ministers.

(2) (new – SG 15/10 , in force from 28.08.2010) The provision of Para. 1 shall also apply to legal relationships under Art. 351, Para. 2.

Length of Service Under a Void Employment Relationship

Art. 353. (Suppl., SG No 100/1992; amend. – SG 15/10, in force from 28.08.2010) The time period prior to the declaring of an employment relationship void during which the person has worked in the state or in another Member State of the European Union, in a state–party to the Agreement on European Economic Area or in Confederation Switzerland, shall be recognised as length of service, provided that the worker or employee has acted in good faith at its initiation.

Periods Recognised as Length of Service Without an Existing Employment Relationship

Art. 354. (1) (amend. - SG, No 100/1992; prev. text of Art. 354 – SG 15/10) Periods throughout which no employment relationship existed shall be recognised as length of service in the following cases:

1. when an employee has been unemployed as a result of dismissal which has subsequently been found to be unlawful by the competent authorities - as from the date of dismissal till the date of reinstatement to work;

2. when an employee dismissed because of detention by the authorities has remained unemployed as a result of that dismissal, provided he has not been indicted, he has been acquitted or the criminal prosecution has been terminated on the grounds that he has not committed the act or that the act does not constitute a criminal offence;

3. when the person has served a sentence of imprisonment which has subsequently been found pursuant to established procedures to have been imposed without grounds;

4. when an employee, to whom reassignment due to health reasons has been prescribed, or a pregnant female employee, do not work due to failure of the employer to provide such employees with a suitable job in compliance with prescriptions of the medical authorities;

5. when the worker or employee has stayed unemployed due to unlawful retention of his employment record book;

6. (amend. - SG, No 100/1992) when a mother, a father or an adoptive parent has been raising a child under the age of 3;

7. (Amended - SG, No. 100/1992 and No 2/1996) when an employee has remained out of job and has received unemployment benefits or has been enrolled in schools or courses for retraining;

8. in other cases specified by the Council of Ministers.

(2) (new – SG 15/10, in force from 28.08.2010) The provisions of Para. 1, items 1 through 7 shall also apply respectively in those cases where these circumstances take place in another Member State of the European Union, in another state – party to the Agreement on the European Economic Area or in Confederation Switzerland.

Calculation of the Length of Service

Art. 355. (1) The length of service shall be calculated in days, months and years.

(2) (amend. - SG, No 100/1992) One day's length of service shall be recognised whenever the worker or employee has worked for at least one half of the legally established working hours for that day under one or several employment relationships.

(3) (amend., SG 25/2001) One month's length of service shall be recognised whenever throughout the calendar month an employee has worked not less than 21 days in a five-day working week.

(4) As one year's length of service shall be recognised 12 months of service, calculated by the method established in the preceding paragraph.

(5) (amend. - SG, No 100/1992) Under this Labour Code, the time served in excess of the actual time served under an employment relationship, which is to be recognised for retirement pension eligibility, as well as the extra time resulting from transformation of work of one category into another in calculating an employee's retirement eligibility, shall not be recognised as length of service.

Secondary Legislation

Art. 356. (amend. - SG, No 100/1992) The Council of Ministers shall issue a regulation to implement this Chapter.

Chapter eighteen.
LABOUR DISPUTES

Definition

Art. 357. (1) (amend. - SG, No 100/1992; suppl., SG 25/2001; prev. text of art. 357 - 48/06, in force from 01.07.2006) Labour disputes shall be disputes between a worker or employee and an employer on the creation, existence, implementation and termination of employment relationships, as well as disputes on implementation of collective contracts and the establishment of the length of service.

(2) (new - SG 48/06, in force from 01.07.2006) Labour disputes shall also be considered the disputes between the representatives of the workers and employees elected by the procedure of Art. 7, Para. 2 and Art. 7a, and the employer, in case of violation of their rights.

(3) (new – SG 7/12) Considered as labour disputes shall also be the ones between workers and employees sent by a temporary work agency, and the user enterprise – in those cases where their rights have been infringed.

(4) (New – SG, 105/16, in force from 30.12.2016). Labour disputes shall also be those between the workers or employees who are, or have been sent to business trip on the territory of the Republic of Bulgaria under Art. 121a, Para. 1, item 2 and Para. 2, item 2 and their employer in the cases, wher they have suffered harms because of non-observance of the work conditions under Art. 121a, Para. 5, including after termination of the labour legal relations. Where the employer is a subcontractor, the claims for minimum remunerations not paid to the worker or employee may be lodged against the contractor as well, to whom the employer is a direct subcontractor, or solidarily against the employer and contractor. The contractor's liability shall be limited to the rights of the employee resulting from the contractual relationship between the contractor and the employer.

Statute of Limitation

Art. 358. (amend. - SG, No 100/1992) (1) Labour dispute actions shall be brought within the following terms:

1. (amend. - SG 48/06, in force from 01.07.2006) one month for disputes on limited financial liability of a worker or employee, for repeal of the administrative sanction "reprimand" and in the cases under Art. 357, Para. 2;

2. (amend, SG 25/2001) two months for disputes on the repeal of the disciplinary sanction "dismissal notice", changes in the location and nature of work, and termination of employment relationship;

3. three years for all other labour disputes.

(2) The periods under the preceding paragraph shall commence as follows:

1. for actions to repeal a disciplinary sanction and on changes in the location and nature of work - as from the date on which the respective order has been served on the employee, and for actions on termination of an employment relationship - as from the date of termination;

2. for other actions - as from the date on which the right subject of the action has become executable or exercisable. For claims in cash, the executability shall be considered in effect on the date on which payment should have been properly made.

(3) The term under Para. 1 shall not be deemed expired, if, prior to expiry, the action has been brought with a body not competent to examine it. In such case, the action shall be forwarded ex officio to the court.

Free Proceedings in Labour Cases

Art. 359. (amend. - SG, No 100/1992; amend., SG 25/2001) Proceedings in labour cases shall be free of charge for workers and employees. They shall not pay fees and expenses for proceedings, including for applications for repeal of effective rulings on labour cases.

Jurisdiction

Art. 360. (amend. - SG, No 100/1992) (1) Labour disputes shall be examined by the courts. Disputes shall be examined pursuant to the rules of the Civil Procedure Code, unless otherwise provided for by this Code.

(2) (Declared anti-constitutional by Decision No 12 of 1995 of the Constitutional Court in its part regarding the words "or in an act of the Council of Ministers" (the amendment in SG No 100/1992) - SG, No 69 of 1995, Amended - SG, No. 2/1996) The courts shall not examine disputes on dismissal of:

1. (amend., SG 25/2001) elected employees of the bodies of the executive authority, of public organisations and of political parties and movements;

2. (amend. - SG 25/2001) the employees under Art. 28, Para. 2 of the Administration Act.

Jurisdiction over Labour Disputes with Foreign Nationals

Art. 361. (1) (amend. - SG No 100/1992; prev. text of art. 361 - 48/06, in force from 01.07.2006) Labour disputes between employees who are foreign citizens and employers who are foreign nationals or joint ventures with a domicile in the Republic of Bulgaria, when the work has been performed in this country, shall fall under the jurisdiction of the respective court of domicile of the employer, unless otherwise agreed upon between the parties.

(2) (new - SG 48/06, in force from 01.07.2006, amend. – SG, 105/16, in force from 31.12.2016) Labour disputes for provision of conditions of work for the workers or employees sent to business trip in the Republic of Bulgaria under Art. 121a, Para. 1, item 2 and Para. 2, item 2 shall be tried in the court of the place, where the worker or employee is temporarily performing, or has performed, his work.

Jurisdiction over Labour Disputes of Bulgarian Employees Abroad

Art. 362. (amend. - SG No 100/1992) Labour disputes between employees who are Bulgarian citizens working abroad and Bulgarian employers abroad shall fall under the jurisdiction of the proper court in Sofia and, in case the employee is a defendant, under the jurisdiction of the proper court of the employee's domicile in this country.

Rulings of the Court not Subject to Cassation Appeal (amend., SG 25/2001)

Art. 363. (amend. - SG No 100/1992; amend., SG 25/2001; Revoked, SG 105/02)

Art. 364-398. (Revoked, SG No 100/1992)

Chapter nineteen.
CONTROL OVER OBSERVANCE OF LABOUR LEGISLATION AND ADMINISTRATIVE PENAL LIABILITY FOR VIOLATIONS THEREOF

Section I.
CONTROL OVER OBSERVANCE OF LABOUR LEGISLATION

Executive Agency "General labour inspectorate" (amend., SG 25/2001)

Art. 399. (amend. - SG No 100/1992; previous text of Art. 399 – SG 77/10, suppl. - SG 102/17, in force from 22.12.2017) Overall control over observance of labour legislation in all sectors and activities, including the payment of unpaid remunerations and compensations after termination of employment relationships, shall be exercised by the Executive Agency "General labour inspectorate" at the Minister of Labour and Social Policy.

(2) (new – SG 77/10) The Executive Agency "General Labour Inspectorate" shall also execute the specialized control activity on the observance of the legal frame, connected with the exercising of state service and of the rights and obligations of the parties to a service legal relationship.

(3) (New - SG 102/17, in force from 31.03.2018) The Executive Agency “General Labour Inspectorate” shall submit a written request according to Art. 625 of the Commerce Act.

External Departmental Control

Art. 400. (amend. - SG No 100/1992) Other state authorities, in addition to those mentioned under the preceding Article, shall exercise overall or special control over observance of labour legislation by force of law or an act of the Council of Ministers.

Internal Departmental Control

Art. 401. (amend. - SG No 100/1992) Ministers, Heads of other agencies and local government authorities shall exercise control over the observance of labour legislation through their own special bodies.

Rights of Controlling Bodies

Art. 402. (amend. - SG No 100/1992) (1) (amend. – SG 108/08) Within the framework of their competence, controlling bodies shall have the following rights:

1. to visit at all times ministries, other agencies, enterprises and the places of work, as well as the premises used by employees, and also to request from the persons on their territory to present identity documents;

2. (suppl. – SG 77/10) to demand from the employer, respectively from the appointing body, explanations, information and presentation of all necessary documents, papers and certified copies thereof with reference to the exercise of control;

3. (suppl. – SG 77/10) to obtain information directly from employees on all issues related to the exercise of control, and also to request them to declare in writing facts and circumstances related to exercising the labour activity, respectively related to the execution of state service, including information regarding the payment of labour;

4. to take specimens, samples and other similar materials for lab tests and analysis, to use technical means and apparatus and to measure factors of the working environment related to exercising control on the labour activity;

5. to establish the reasons and circumstances of occupational injuries.

(2) (suppl. – SG 77/10) Employers, appointing bodies, officials, workers and employees shall be obliged to cooperate with controlling bodies in the performance of their functions.

(3) (new – 27/14, amend. – SG, 54/2015, in force from 17.7.2015) The General Labour Inspectorate Executive Agency shall notify the National Revenue Agency of any ex officio deletions of notifications of concluded employment contract sent, where an employer or an official has not implemented an effective mandatory instruction under Art. 404, para 1, item 11 in due time, or in the cases referred to in Art. 404, para 5.

(4) (new - SG 48/06, in force from 01.07.2006; suppl. – SG 77/10; prev. text of para 3 – SG 27/14) The National Revenue Agency shall present to the control bodies under Art. 399 the required tax and insurance information about the objectives of the control over the observance of the labour legislation and the legislation on related to the state service.

(5) (amend. - SG 25/2001; prev. text of par. 3 - 48/06, in force from 01.07.2006; suppl. – SG 77/10; prev. text of para 4 – SG 27/14) The control bodies under Art. 399, 400 and 401 shall exercise their rights in cooperation with the employers, with the employees and their organisations, as well as with the civil servants.

Obligations of the Control Bodies

Art. 403. (amend. - SG No 100/1992) (1) The control bodies shall have the following obligations:

1. to keep secret all classified and confidential information that has come to their knowledge in the course of exercising control, and not to use such information in business activities of their own;

2. (suppl. – SG 77/10) to keep in secret the source of information about violation of labour legislation or of legislation related to the state service;

(2) (revoked, SG 25/2001)

(3) (suppl. – SG 77/10) Any control over observance of labour legislation and of the legislation related to the state serviced shall not be exercised by persons who have direct or indirect interest in the activities of the controlled sites.

Duties of Employers in Relation to Control over the Observing of Employment Legislation Framework

Art. 403a. (new – SG 58/10, in force from 30.07.2010) (1) (suppl. – SG 7/12) Employers shall

be obliged to keep available for the control bodies at the undertaking, in its units, sites and workstations as well as other places where employment activity is carried out a copy of the Internal Labour Regulations, a list of the workers or employees sent by a temporary work agency, and documents related to working time distribution as well as to the organization of work, such as: orders for overtime, duties, for the time spent on call, for introduction of part-time and time tables by names regarding the time periods for which summed calculation of working hours is introduced.

(2) Employers shall be obliged to assign officials at the undertaking, its units, sites and workstations as well as other places where any employment activity takes place who shall represent them before the control bodies of the Labour inspection.

Compulsory Administrative Measures

Art. 404. (amend. - SG 100/1992) (1) (amend. – SG 108/08; suppl. – SG 77/10) For prevention and termination of violations of labour legislation, or of the legislation related to the public service, as well as for prevention and elimination of damages resulting thereof, the control bodies of the Labour Inspection, as well as the bodies under Articles 400 and 401, by their own initiative or by proposal of the trade union organisations, may apply the following compulsory administrative measures:

1. (suppl. – SG 57/06, in force from the date of entry into action of the Treaty on the Accession of the Republic of Bulgaria to the European Union; suppl. – SG 77/10; suppl. – SG 7/12) to issue mandatory instructions to the employers, user enterprises and appointing bodies and to the officials for elimination of violations of labour legislation, of the legislation, related to the state service, including their obligations with respect to social and community services for employees, as well as for elimination of flaws in providing safe and healthy working environment and for the obligations for informing and consulting the workers and the employees under this code and under the Act on Informing and Consulting Workers and Employees in Multinational Undertakings, Groups of Undertakings and European Companies;

2. (amend. – SG 108/08) to suspend commissioning of buildings, machines and facilities, production lines and projects, which violate the regulations for healthy and safe working environment and social services;

3. (suppl. – SG, 54/2015, in force from 17.7.2015) to halt the operation of enterprises, production lines and projects, including construction or overhaul thereof, as well as machines, facilities and work stations, whenever the violation of the regulations for healthy and safe working environment are hazardous to the life and health of people, to place a special sign indicating the applied compulsory administrative measure, where in cases of unpermitted removal, administrative penal liability shall be born;

4. (amend. – SG 108/08; suppl. – SG 77/10) to cancel the implementation of unlawful decisions or orders of employers, of appointing bodies and officials;

5. (suppl. – SG 108/08) to suspend from work workers and employees who are not familiar with the regulations for healthy and safe work environment and do not have proper qualifications, and also employees under 18 years of age, in respect of whom the permission to be employed under Art. 302, Para 2 and Art. 303, Para 3 has been withdrawn;

6. (new, SG 25/2001) to give prescriptions for introduction of a special regime of safe work in case of a serious and immediate danger for the life and health of the employees where it is impossible to apply item 3;

7. (new, SG 25/2001) for repeated violation of art. 62, Para. 1, to stop the activity of the working premises or of the enterprise until the removal of the discrepancy;

8. (new – SG 108/08; suppl. – SG 77/10) to give compulsory prescriptions to employers, to the appointing bodies and to the officials for ceasing offence related to recording salaries in amounts lower than the amount paid by the employer, respectively by the appointing body, to the employee for his

work; in case the prescription is not complied with within the time limit indicated therein or in case of a repeated offence, the control bodies of the Labour Inspection may suspend the activity of the enterprise until the offence is ceased;

9. (new – SG 7/12) Where the circumstances referred to in Art. 138, para 4 are present – to issue mandatory instructions to employers, assignment authorities and officials concerning amendment of the part-time employment contract to a normal working hours employment contract;

10. (new - SG 27/14) to provide mandatory instructions to employers or to officials authorized by the latter to send notifications of concluded employment contracts in case they find that the deadline for sending thereof under Art. 62, para 3 has not been observed;

11. (new - SG 27/14) to provide mandatory instructions to employers or to officials authorized by the latter to send notices of deletion of notifications of concluded employment contracts under Art. 62, para 3, which have been sent beforehand, in case they find that there is no evidence available for the existence of employment legal relation;

12. (new - SG 102/17, in force from 22.12.2017) to give mandatory instructions to the employer and the appointing authority for the payment of unpaid labour remunerations and compensations after termination of the employment relationship.

(2) (new – SG, 54/2015, in force from 17.7.2015) The Minister of Labour and Social Policy shall define by an Ordinance the rules for placement and graphic image of the sign under Para. 1 item 3

(3) (suppl. – SG 77/10, former Para. 2, amend. – SG, 54/2015, in force from 17.7.2015, suppl. - SG 102/17, in force from 22.12.2017) Where the mandatory instruction under Para. 1, item 1 and/or item 12 refers to remedying offenses of the labour legislation and respectively of the legislation related to public service, it may be issued upon request of the employee prior to bringing an action before the court; after the action has been brought, the issue may only be settled in court.

(4) (former Para. 3, amend – SG, 54/2015, in force from 17.7.2015) Whenever, pursuant to the preceding Para. 3, on the same issue there are both a mandatory instruction issued and an effective court ruling which contradict each other, the ruling of the court shall be valid.

(5) (new - SG 27/14, former Para. 4, amend – SG, 54/2015, in force from 17.7.2015) Mandatory instructions under Para. 1, item 11 shall be considered delivered on the date of issuance thereof, where the employer, their representative or the person authorized to receive employer's correspondence cannot be found at the registered address of the employer.

(6) (new – SG 102/17, in force from 22.12.2017) A copy of the effective instruction under Para. 1, item 12 shall be provided by the control bodies to the worker or employee upon the latter's request.

(7) (New - SG 108/08; prev. text of para 4 – SG 27/14, amend – SG, 54/2015, in force from 17.7.2015, previous Para. 6. - SG 102/17, in force from 22.12.2017) In enforcing the compulsory administrative measures, the control bodies of the Labour Inspection shall not be liable for any damages caused.

Appeal of Compulsory Administrative Measures

Art. 405. (amend. - SG No 100/1992, amend. - SG 30/06, in force from 12.07.2006) Compulsory administrative measures under Para. 1 of the preceding Article may be appealed pursuant to the Administrative Procedure code. An appeal shall not suspend the execution of the compulsory administrative measure.

Notifying the Existence of Employment Relation

Art. 405a (New - SG, No. 2/1996; amend., SG 25/2001, in force from 31.03.2001; amend. – SG 108/08) (1) Should it be established that labour force is provided in violation of Art. 1, Para. 2, the existence of an employment relationship shall be announced in a decree issued by the control bodies of

the Labour Inspection. In these cases, the existence of an employment relationship may be established with all means of evidence. In the decree shall be determined the initial date of arising of the employment relationship.

(2) The decree under Para. 1 shall be issued also in case of death of the worker or employee, which has occurred before establishing the violation of Art. 1, Para 2.

(3) The relations between the parties until the issuance of the decree under Para. 1 shall be regulated as under a valid employment contract, provided the worker or employee has acted in good faith when taking up his duties.

(4) Based on the decree under Para. 1, the control bodies of the Labour Inspection shall instruct the employer to offer the employee to conclude an employment contract. In the cases of Para 1, third sentence, the employment contract shall be concluded as from the date of initiation of the employment relationship determined in the decree. If it was not determined, the employment contract shall be concluded as from the date of issuing the decree.

(5) The employer shall not be issued an instruction under Para 4 in case of death of the worker or employee.

(6) In the cases under Para 4, when no employment contract is concluded between the parties, the decree under Para 1 shall replace the employment contract and it shall be deemed concluded for unspecified term for a 5-day working week and an 8-hour working day.

(7) The employer may appeal the instruction under Para 4, respectively the decree under Para 2 under the order of the Administrative Procedure Code before the administrative court at his seat or permanent address, within 14 days of its delivery. The appeal shall not stop the execution of the act.

(8) Should the court repeal the appealed act, the employer may terminate unilaterally the employment contract without prior notice.

Notifying Function of Trade Union Organisations

Art. 406. (amend. - SG No 100/1992) (1) Trade union organisations shall have the power to notify controlling bodies about violations of labour legislation, and to demand enforcement of administrative sanctions against the offenders.

(2) (new, SG 25/2001) In fulfilment of their functions under Para. 1, the representatives of the trade union organisations shall have the right:

1. to visit, at any time, the enterprises and the other places where the job is fulfilled, as well as premises used by the workers and employees;

2. to require from the employer explanations and presentation of the necessary information and documents;

3. to be informed directly by the workers and employees on all issues related to the observation of the labour legislation.

(3) (new, SG 25/2001) The representatives of the trade union organisations, in fulfilment of their notifying function, shall be obliged to observe the conditions under Art. 403, Para. 1.

(4) (prev. para 2 - SG 25/2001) The control bodies shall be obliged to inform the trade union organisations within one month of the measures undertaken.

Notifying Function of Controlling Bodies

Art. 407. (amend. - SG No 100/1992) Whenever control bodies establish violations containing information about a criminal offence or other violations of the law, they must inform the public prosecutor's office.

Inspection Book

Art. 408. (amend. - SG No 100/1992; amend. – SG 108/08; revoked – SG 27/14)

Art. 409 - 412. (Revoked, SG No 100/1992)

Section II.
ADMINISTRATIVE PENAL LIABILITY FOR VIOLATIONS OF LABOUR LEGISLATION

Types of administrative penalties

Art. 412a. (new – SG 108/08) For violations of the labour legislation, the following types of administrative penalties shall be imposed:

1. a fine – to natural persons;

2. (suppl. - SG 102/17, in force from 22.12.2017) a proprietary sanction – to legal persons and sole entrepreneurs, and of companies set up under the Obligations and Contracts Act.

Liability for Violation of Normative Requirements for Healthy and Safe Working Conditions (amend, SG 25/2001)

Art. 413. (1) (Amended - SG, No. 100/1992 and No 2/1996; amend., SG 25/2001; amend. – SG 108/08) Whoever violates the regulations for provision of a healthy and safe work environment shall be fined with BGN 100 to 500, unless liable to a heavier sanction.

(2) (amend. - SG No 100/1992; amend., SG 25/2001; amend. - SG 48/06, in force from 01.07.2006; amend. – SG 108/08; amend. – SG 58/10, in force from 30.07.2010) Any employer who fails to perform his obligations to provide a healthy and safe work environment shall be punished with a property sanction amounting from BGN 1 500 to 15 000 and the guilty official, unless subject to a more severe penalty - with fine amounting from BGN 1 000 to 10 000.

(3) (amend. - SG 25/2001) For repeated violations the penalties shall be:

1. (amend. – SG 108/08) under para 1 - a fine of BGN 500 to 1000;

2. (amend. - SG 48/06, in force from 01.07.2006; amend. – SG 108/08) under Para. 2 - a property sanction or a fine amounting from BGN 20 000 to 30 000, respectively a fine amounting from BGN 5 000 to 20 000.

Liability for Violation of Other Provisions of the Labour Legislation

Art. 414. (amend. - SG 25/2001, SG 120/02) (1) (amend. - SG 48/06, in force from 01.07.2006; amend. – SG 108/08; amend. – SG 58/10, in force from 30.07.2010) Any employer who violates the provisions of the labour legislation except for the rules for ensuring healthy and safe working conditions, if not subject to a heavier penalty, shall be punished with a property sanction or a fine amounting from BGN 1500 to 15 000, and the guilty official, if not subject to heavier penalty – with a fine amounting from BGN 1 000 to 10 000.

(2) (amend. - SG 48/06, in force from 01.07.2006; amend. – SG 108/08) For repeated violation under Para. 1, the sanction shall be a property sanction or a fine amounting from BGN 20 000 to 30 000, respectively a fine amounting from BGN 5 000 to 20 000.

(3) (amend. - SG 48/06, in force from 01.07.2006; amend. – SG 108/08; amend. – SG 58/10, in force from 30.07.2010; suppl. – SG 7/12) Any employer who violates the provisions of Art. 61, Para. 1, Art. 62, Para. 1 or 3, and Art. 63, Para. 1 or 2, shall be punished with a property sanction or fine amounting from BGN 1500 to 15 000, and the guilty official – with a fine in the amount from BGN

1000 to 10 000, for each separate violation.

(4) (new – SG 7/12) In the cases referred to in Para. 3, the insurance installments due by the employer to the person shall be deducted from the paid propriety sanction or fine that has been imposed on the employer or the culpable official and shall be deposited at the respective insurance funds.

(5) (new - SG 48/06, in force from 01.07.2006; prev. text of para 4 – SG 7/12) Any employer who violates the provisions of Art. 130a, Para. 1 and 2, Art. 130b, Para. 1 and 2, and Art. 130c, Para. 1 and 2, shall be punished with property sanction or fine amounting from BGN 1 500 to 5 000, and the guilty official – with fine amounting from BGN 250 to 1 000, for each separate violation.

Liability of workers or employees for provision of workforce with no employment contract concluded

Art. 414a. (new – SG 7/12; declared unconstitutional by a decision of the Constitutional Court No 7 of 2012 - SG 49/12) Whoever provides their workforce with no concluded employment contract, shall be punishable by a fine three times the size of the individual contributions for compulsory social and health insurance, calculated on the basis of the minimum insurance income for the job carried out depending on the relevant business activity or profession.

(2) The fine paid under Para. 1 shall be transferred to the state public insurance funds and the National Health Insurance Fund according to a procedure set out by the Minister of Labour and Social Policy and the Minister of Finance.

Liability for Not Implementing Instructions and Obstructing Controlling Bodies

Art. 415. (1) (Amended - SG, Nos. 100/1992, 2/1996; 124/1997; amend., SG 25/2001; amend. – SG 108/08; amend. – SG 58/10, in force from 30.07.2010) Whoever fails to implement a mandatory instruction of control bodies for observing the labour legislation, shall be punished with a fine or a property sanction amounting from BGN 1 500 to 10 000.

(2) (Amended - SG, Nos. 100/1992, 2/1996; 124/1997; amend., SG 25/2001; amend. - SG 48/06, in force from 01.07.2006; amend. – SG 108/08) Any employer who unlawfully obstructs a control body on compliance with labour legislation in implementing their duties, shall be punished with a property sanction or fine of BGN 20 000, if not subject to a heavier penalty, and the guilty official – with a fine of BGN 10 000, if not subject to a heavier penalty.

Duty to pay proprietary sanctions and fines under penal decrees

Art. 415a. (new – SG 108/08) Any employer, official or employee shall be obliged to pay the proprietary sanction or fine imposed on him within one month from entry into force of the penal decree.

Liability for failure to pay proprietary sanctions and fines under penal decrees

Art. 415b. (new – SG 108/08) Any employer, official or employee who fails to pay the proprietary sanction or fine imposed to him within one month from entry into force of the penal decree, shall owe interest amounting to the basic interest rate of the Bulgarian National Bank for the period plus 20 points.

Liability for minor violation

Art. 415c. (new – SG 108/08 ; amend. – SG 58/10, in force from 30.07.2010; prev. text of Art. 415c – SG 7/12) (1) For any violation which can be remedied immediately after having been established under the order stipulated in this Code, and which has not caused harmful consequences to employees, the employer shall be subject to a fine or proprietary sanction amounting from BGN 100 to 300, and the

guilty official shall be punished by a fine amounting from BGN 50 to 100.

(2) Violations of Art. 61, Para. 1, Art. 62, Para. 1 and 3, and Art. 63, Para. 1 and 2, shall not be considered minor.

Agreement in the administrative-penal procedure

Art. 415d. (new – SG 108/08) (1) Before issuing the penal decree and within 30 days from drawing up the act for establishing an administrative offence, the administrative-penal authority and the offender may reach an agreement unless the act constitutes a crime.

(2) The agreement shall be drawn up in writing and shall contain the consent of the administrative penal authority and of the violator on the following questions:

1. was the act committed, was it committed by the violator, is he guilty and does it constitute an administrative violation;

2. what should be the type and size of the penalty.

(3) In the agreement may not be determined:

1. a type penalty other than the type specified by the law for that particular administrative violation;

2. a size of the fine or the proprietary sanction lower than the minimum prescribed for the particular administrative offence.

(4) The agreement shall be signed by the administrative penal authority and by the violator or his explicitly authorised representative.

(5) Within 14 days from signing the agreement, the Executive Director of Executive Agency "General Labour Inspection", or an official authorised by him, shall issue a decision.

(6) The agreement shall be approved, if:

1. the requirements of the law have been observed;

2. the fine or proprietary sanction specified in it is paid or secured in an account of the control authority.

(7) The decision under Para. 5 shall not be subject to appeal.

(8) The agreement shall enter into force from the date of its approval. The agreement shall have the consequences of a penal decree in force.

(9) In case the agreement was not approved, the administrative-penal authority shall issue a penal decree.

Rescheduling of debts

Art. 415e. (new – SG 108/08) (1) Upon request of the offender, or his explicitly authorised representative, the receivables from penal decrees in force, issued by the Executive Director of Executive Agency "General Labour Inspection" or a person authorised by him, a rescheduling of the due amounts according to an approved payment plan may be allowed.

(2) Rescheduling shall be admitted, when it is found that the available funds of the offender are not sufficient to pay his debts from penal decrees in force, but a reasonable assumption can be made, that the difficulties are temporary and upon rescheduling of the debts the debtor will be able to pay them.

(3) For the period of rescheduling, the violator shall owe interest amounting to the basic interest rate of the Bulgarian National Bank plus 20 points.

(4) Rescheduling shall not be allowed to an employer, in respect of whom there is a decision for termination with liquidation or bankruptcy procedure has been initiated, as well as after determining the method of sale under Art. 238 of the Tax-Insurance Procedure Code.

(5) With the request referred to in Para. 1 shall be annexed:

1. a declaration regarding the family and property state and regarding the annual income of the debtor for 12 months before the request – in case of a natural person;

2. a declaration for all other public debts, including the related interests, and all debts to private creditors and the related interests;

3. payment plan for rescheduling the debt;

4. evidence for financial-economic state of the debtor and perspective programme for development – in case of a sole entrepreneur, legal person or equalled to it;

5. an account for the income and expenses of the violator for the preceding account financial year – in case of a sole entrepreneur, legal person or equalled to it;

6. a balance for the preceding account year and for the last account period - in case of a sole entrepreneur, legal person or equalled to it.

(6) The decision for rescheduling shall be issued by:

1. the Director of Directorate "Labour Inspection" – for debts from proprietary sanctions up to BGN 5 000 – for a term of up to one year, and for debts from fines up to BGN 5 000 – for a term of up to two years;

2. the Executive Director of Executive Agency "General Labour Inspectorate" – for debts over BGN 5000 – for a term of up to three years.

(7) In the decision for rescheduling shall be determined the term, the instalments and other conditions, including the consequences of the failure to comply.

(8) For the rescheduling term the limitation for the debts from the penal decrees in force shall be suspended.

(9) The refusal for rescheduling shall not be subject to appeal.

Applicability of administrative penal liability for violations of the labour laws

Art. 415f. (new – SG 108/08) The provisions of this Chapter shall also be applied respectively to user enterprises.

Establishing Violations, Issuing, Appealing and Executing Penal Decrees

Art. 416. (amend. – SG 108/08) (1) Violations of labour legislation shall be established by acts, prepared by state controlling bodies. The acts drawn up in compliance with this code shall have evidential power before proven otherwise.

(2) (revoked - SG 27/14)

(3) The act for establishing an administrative violation shall be handed over to the violator personally against a signature, and should it be impossible to hand it over to him, it shall be sent by registered mail with delivery receipt. If the person is not found on the administrative address, on his permanent address or at the working place, the serving shall be done by placing a notification for the act subject to serving on the notification board and on the website of the respective authority under Art. 399, 400 and 401.

(4) (amend. - SG 27/14) In the cases of Para 3, sentence two, the act for establishing an administrative offence shall be deemed served upon expiration of 7 days from placing the notification.

(5) Penal decrees shall be issued by the Head of the respective authority under Art. 399, 400 and 401, or by officials authorised by him, in accordance with the departmental subordination of the authors of the decrees.

(6) Establishing of violations, issuing, appealing and enforcement of penal decrees shall be effected pursuant to the stipulations of the Administrative Violations and Penalties Act, unless another order is specified in this Code.

(7) (revoked - SG 77/12, in force from 09.10.2012)

(8) A violation shall be considered repeated when committed within 1 year of the entry into force of the penal decree by which the offender has been sanctioned for the same type of violation.

(9) (revoked – SG 38/12, in force from 01.07.2012)

(10) (revoked – SG 38/12, in force from 01.07.2012)

Chapter twenty.
ADMINISTRATIVE COOPERATION THROUGH THE INFORMATION SYSTEM OF THE INTERNAL MARKET AND TRANS-BORDER IMPLEMENTATION OF IMPOSED FINANCIAL ADMINISTRATIVE SANCTIONS AND FINES, INCLUDING FEES AND CHARGES (NEW – SG 105/16, IN FORCE FROM 30.12.2016)

Competent Body

Art. 417. (New – SG, N 105/16, in force from 30.12.2016) (1) The "General Labour Inspectorate" Executive Agency shall perform free of charge administrative cooperation through the Information system of the internal market with the competent bodies of the other EU Member States, of states – parties to the EEA Agreement, or of the Swiss Confederation.

(2) The General Labour Inspectorate Executive Agency shall receive through the Information system of the internal market claims for collecting public receivables under Art. 162, Para. 7 of the Tax-Security Procedure Code.

(3) The General Labour Inspectorate Executive Agency shall sned through the Information system of the internal market claims for collecting receivables on imposed property sanctions or fines, including interests on imposed property sanctions or fines for violations of the labour legislation on sending to business trips workers or employees in the frames of provision of services, whose fulfillment cannot be performed on the territory of the Republic of Bulgaria.

Types of Administrative Cooperation

Art. 418. (New – SG, 105/16, in force from 30.12.2016) (1) The administrative cooperation under Art. 417, Para. 1 shall include:

1. provision of information on working conditions in the case of posting or posting in the framework of the provision of services;

2. sending motivatied requests for information and checks to the control bodies of other states;

3. replies to motivated requests of the competent bodies of other states in the cases of:

a) hiring workers or employees in the frames of provision of services;

b) established violations of the regimes of sending to business trips;

4. sending and receiving copes of documents;

5. delivery of documents sent by the control bodies of another state;

6. sending documents to control bodies of another state for their serving on employers who send to business trips workers or employees on the territory of the Republic of Bulgaria;

7. notifying about an act, by which a financial administrative sanction or fine is imposed, or about a document related to collecting receivables in relation to such sanction or fine of an employer, who sends to business trips workers or employees under Art. 121a, Para. 1, item 1 and Para. 2, item 1;

8. sending a request for notification for penal decree, by which a property sanction or fine is imposed, or for a document, related to collecting receivables in relation to such a sanction or fine to an employer who sends to business trips workers or employees under Art. 121a, Para. 1, item 2 and Para. 2, item 2;

9. performing checks in relation to the cases of posting workers or employees and sending information by them.

(2) In case of difficulties in performing the aadministrative cooperation under Para. 1, the General Labour Inspectorate Executive Agency shall inform immediately the competent bodies of the

other state.

(3) The information under Para. 1 required by the competent bodies of other states or by the European Commission shall be provided through the Information system of the internal market in the following terms:

1. in urgent cases, which impose only making references in public registers or confirmation o the registration under the Value Added Tax Act of an employer under Art. 121a, Para. 1, item 1 and Para. 2, item 1 – within 2 working days starting from the date of receiving the request;

2. in the other cases – up to 25 working days from the date or receiving the request.

(4) With a received request for notification under Art. 418, Para. 1, item 7, the General Labour Inspectorate Executive Agency shall undertake actions of delivery of the document within one month from its receiving under the provision of the Bulgarian legislation.

(5) For performing the administrative cooperation under Para. 1, the General Labour Inspectorate Executive Agency may require receiving of assistance and information from bodies and institutions according ot their competence.

Implementation of enforced acts, sent through the Information system of the internal market

Art. 419. (New – SG, 105/16, inforce from 30.12.2016) (1) The enforced acts, sent with a request for collecting of receivables through the Information system of the internal market, by which the competent bodies of another EU Member State, of a state – party of the EEA Agreement, or the Swiss Confederation impose financial administrative sanctions or fines, including fees and charges, to an employer under Art. 121a, Para. 1, item 1, and Para. 2, item 1 for violations of the labour legislation concerning the secondment or posting of workers or employees, shall be subject to collection under the Tax-Insurance Procedure Code.

(2) The General Labour Inspectorate Executive Agency shall undertake actions on notifying the employer about a received request under Para. 1 up to one month from its receiveing.

(3) The employer shall be obliged within one month from receiving the notification under Para. 2 to pay the receivable under Para. 1.

(4) Where, within the term of Para. 3, the public receivable has not been paid, the General Labour Inspectorate Executive Agency shall send the request and the attached documents, inlcduing the implementation reason, translated in Bulgarian language, as well as data for the performed notification under Para. 2, to the National Revenue Agency.

(5) The General Labour Inspectorate Executive Agency shall notify through the Information system of the internal market the competent body of the other state about the undertaken actions under Para. 2 – 4.

(6) The procedure for exchange of information between the General Labour Inspectorate Executive Agency and the National Revenue Agency shall be provided by an agreement between the executive directors of the two institutions.

Reasons for Refusal

Art. 420. (New – SG, 105/16, in force from 31.12.2016) (1) The General Labour Inspectorate Executive Agency may refuse to perform actions on notification for, or on implementation of an enforced act, by which the competent bodies of another EU Member State, of a state – party to the EEA Agreement or of the Swiss Confederation impose financial administrative sanctions or fines, including fees and charges, on an employer, who sends to business trip workers or employees in the frames of providing services, where the request does not contain data about:

1. the name, known address or other data of the employer related to his identification, such as

data about the single identification code, BULSTAT code, UCN of a natural person, etc.;

2. the facts and circumstances related to the violation, property sanction or fine and the grounds on which it is imposed;

3. the act allowing the implementation of collecting receivables in the state, in which it is issued, and any other information or documents in relation to the imposed property sanctions or fine;

4. the name, address and other data for contacts with the body competent to impose property sanction or fine and in case it is different form the body having submitted the request through the Information system of the internal market – the competent institution, from which additional information may be received on the property sanction or fine, as well as for the options for their appeal;

5. the purpose of notification under Art. 418, Para. 1, item 7 and the term in which it is to be made;

6. the date on which the act under Art. 419, Para. 1 has been enforced; the amount of the property sanction or fine; the dates of significance for the process of implementation, including if, and in what way the act has been delivered to the employer or it has been decreed in his absence; confirmation, that the property sanction or fine are not subject to appeal; the basic claim in relation to which the request has been made.

(2) Apart form the cases under Para. 1, the General Labour Inspectorate Executive Agency may refuse performing actions on the implementation in the following cases:

1. where the costs needed for the collection of receivables are incompatible with the sum subject to collection, or said costs would cause substantial difficulties;

2. where the amount of the imposed property sanction or fine is smaller than EUR 350 or their equivalent in BGN;

3. where the right to protection of the employer has been violated under Art. 121a, Para. 1, item 1 and Para. 2, item 1.

(3) In the cases under Para. 1 and 2, the General Labour Inspectorate Executive Agency shall notify through the Information system of the internal market the competent body of the other state about the grounds for the refusal.

Termination of the Procedure

Art. 421. (new – SG, 105/16, in force from 30.12.2016) (1) With a received notification through the Information system of the internal market for appeal of the act, by which the competent bodies of another EU Member State, of a state – party of the EEA Agreement or the Confederation Switzerland impose financial administrative sanctions or fines, including fees and charges, the General Labour Inspectorate Executive Agency shall terminate the implementation of the actions under this Chapter by ordering a decision on the dispute from the relevant competent institution or body in the state, where the act has been issued.

(2) The act, by which the General Labour Inspectorate Executive Agency stops and resumes the implementation, shall be submitted within 7 days form its issuance to the competent territorial directorate/office of the National Revenue Agency, where the act being appealed has been sent for enforcement.

Submitting a request for collection of sums on imposed administrative punishments

Art. 422. (New – SG, 105/16, in force from 31.12.2016) (1) The enforced penal decrees which impose fines or property sanctions to an employer under Art. 121a, Para. 1, item 2 and Para. 2, item 2 for violations of the labour legislation concerning secondment of workers or employees in the frames of provision of services, whose implementation cannot be performed on the territory of the Republic of Bulgaria, shall be send together with the collected sums from the General Labour Inspectorate Executive

Agency to the competent body of the state of registration of the employer or the undertaking providing temporary work, with the request for collection through the Information system of the internal market.

(2) The request under Para. 1 shall contain:

1. the name, known address or other data of the employer, related to his identification;

2. facts and circumstances, related to the violation, property sanction or fine and the grounds on which it is imposed;

3. the enforced penal decree and any other information or documents related to the imposed property sanction or fine;

4 the name, address and other contact details with the General Labour Inspectorate Executive Agency;

5. the purpose of notification about an enforced penal decree and the term in which it must be implemented;

6. the date on which the penal decree has been enforced; the dates relevant to the enforcement process, including whether and how the act was served on the employer or was ordered in his absence; confirmation that the property sanction or fine is not subject to appeal, the basic claim in relation to which the request is made under Para. 1;

7. the amount of the property sanction or fine, including the amount of the interest due from the date of the enforcement of the penal decree by its submission to the other state;

8, the amount of the collected sum under item 7 and the remaining which is due to collection.

(3) In case of appealing the penal decree under Para. 1, the General Labour Inspectorate Executive Agency shall notify immediately the competent body of the state of registration of the employer or undertaking, which provides temporary work through the Information system of the internal market for termination of the actions on collection of the receivables.

Additional provisions

Explanation of some words:

Explanation of some words:

§ 1. For the purposes of this Code:

1. (amend. - No 100/1992; suppl. - SG 33/11; amend. – SG 82/11; amend. – SG 7/12) "Employer" shall be any natural person, body corporate or division thereof, as well as any other organisationally and economically autonomous entity (enterprise, office, organisation, cooperative, farm, establishment, household, association and the like), that independently hires employees under employment relationships, including outwork and remote work as well as sending on assignment at a user enterprise;

2. (amend. - No 100/1992) "Enterprise" shall be any place - enterprise, office, organisation, cooperative, establishment, project and the like, where work against payment is done;

2a. (new – SG, 105/16, in force from 30.12.2016) "group of undertakings" under Art. 121a, Para. 1, p. 1, letter "b" is a notion in the meaning of § 1, p. 5 of the Additional Provision of the Act on the Labour Migration and Labour Mobility.

3. (amend. - No 100/1992) "Enterprise management" shall be the manager of the enterprise, his deputies and other persons entrusted with management of the work process, within the enterprise and its divisions, as well as the collective elected management bodies (business council, management board, executive board, operative bureau and the like);

4. (Item 4 - 6 - revoked, previous item 7 - (amend. - No 100/1992; suppl. - SG 33/11; amend. – SG 82/11; suppl. – SG 7/12) "Work place" shall be any premises, workshop, room, location of a machine, facility or another similar territorially defined place in an enterprise, where an employee on

assignment from the employer works in performance of his duties under an employment relationship as well as any premises determined by a user enterprise. In those cases where outwork or remote work is carried out, as workplace shall be regarded the home of the worker or employee or other premises chosen by them outside the enterprise;

5. (Previous item 8, amend. - No 100/1992) "Official" shall be an employee assigned to manage the work process in an enterprise, in its divisions and lower level units, as well as an employee who works as a specialist in the functional service units of the enterprise;

6. (New - SG No 100/1992) "Trade union leadership" shall be the president and the secretary of the respective trade union organisation.

7. (new, SG 25/2001, revoked – SG 86/03)

8. (new, SG 25/2001; amend. - SG 48/06, in force from 01.07.2006) "Exception" in the context of art. 68, para 4 shall be present in concrete economic, technological, financial, market and other objective reasons of similar nature existing by the moment of conclusion of the employment contract stipulated by it and substantiating its term of validity.

9. (new, SG 52/04; amend. - SG 48/06, in force from 01.07.2006) "Mass discharge" is the discharge on one or more grounds, carried out by the decision of the employer and by reasons, which are not related to the definite worker or employee, where the number of the discharged is:

a) at least 10 in enterprises where the number of personnel hired in the month preceding the mass discharge has been more than 20 and less than 100 workers and employees for a period of 30 days;

b) at least 10 percent of the number of workers and employees in enterprises where the number of hired in the month preceding the mass discharge has been at least 100, but not more than 300 workers and employees for a period of 30 days;

c) at least 30 in enterprises where the number of the hired in the month preceding the mass discharge has been at least 300 or more workers and employees for a period of 30 days;

d) (revoked – SG 15/10)

(amend. - SG 48/06, in force from 01.07.2006) In case in the periods under letters "a" – "c" the employer has discharged at least 5 workers and employees, each subsequent termination of the employment relationship, implemented by the decision of the employer on other grounds and by reasons, not related to the definite worker or employee, shall be taken into consideration when determining the number of the discharge under letters "a" – "c".

10. (new, SG 52/04) "Data for the parties" under art. 66, para 1, item 1 include:

a) (amend. – SG 108/08) for an employer – a corporate body or sole entrepreneur – the name, the seat and the address of registration of the corporate body or sole entrepreneur, UIC according to the BULSTAT register/UIC, the name(s) of the person(s) who represent him, the UCC (personal number of a foreigner);b) for an employer – individual – the name of the person, the permanent address, the UCC (personal number of a foreigner);

c) for a worker or employee – the name of the person, the permanent address, the UCC (personal number of a foreigner), the kind and degree of education, as well as data for the possessed scientific degree if it is related to the work performed by him.

11. (new - SG 48/06, in force from 01.07.2006) "Working hours/time" is every period, during which the worker or employee is obliged to perform the work he/she has agreed to do.

12. (new - SG 48/06, in force from 01.07.2006) "Primary employment relationship" is every employment relationship, which, regardless of the ground from which it originates, has existed before the conclusion of the employment contract for additional work.

13. (new – SG 103/09, in force from 29.12.2009) "Female workers and employees in advanced-stage of in-vitro fertilization procedure" are female workers and employees who are in a stage of fertilization procedure by assisted reproduction techniques, including the period from the follicular puncture to the embryo transfer, however not exceeding 20 days.

14. (new – SG 58/10, in force from 30.07.2010) "Discontinuance of the activity" means the

factual discontinuance of the production and/or business activity of the undertaking for a period of more than 15 working days, provided that stay or suspension of work due to technological reasons or production necessity is not announced.

15. (new - SG 61/11) "Seafarer" means a natural person holding a position under legal terms of employment as a crew member of a ship entered in the register of ships of a Member State of the European Union, regardless whether on a ship or on the coast, holding a legal capacity certificate or a certificate for additional and/or special training, acquired by the order of the ordinance referred to in Art. 87, Para 1 of the Merchant Shipping Code.

16. (new – SG 82/11, repealed – SG, 105/16, in force from 30.12.2016).

17. (new – SG 7/12) "Temporary work agency" means any natural or legal person that carries out business activity and concludes employment contracts workers or employees in order to assign them to user enterprises to work there temporarily under their supervision and direction following a registration at the National Employment Agency;

18. (new – SG 7/12) "User enterprise" means any natural or legal person that carries out business activity and under the supervision and direction of whom a worker or employee, who has been sent by a temporary work agency, works;

19. (new – SG 7/12) "Enterprises related to the national security and defence of the country" means enterprises specified by a resolution of the Council of Ministers.

20. (new – SG 7/12) "Basic working and employment conditions" means working and employment conditions laid down by legislation, acts of secondary legislation, administrative provisions, collective labour agreements and/or other binding general provisions in force in the user enterprise relating to the duration of working time, overtime, breaks, rest periods, night work, holidays and public holidays, protection of minors and women as well as relating to pay.

21. (New – SG, 105/16, in force from 30.12.2016) "Information system of the internal market" is an electronic multi-language information system for mutual assistance and exchange of information between the competent bodies of the EU Member States and of states – parties of the EEA Agreement, established under Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316/1 of 14 November 2014).

Applicability to Employment Relationship of Members of Cooperatives

§ 2. (amend. - No 100/1992) The provisions of this Code shall apply mutatis mutandis to employment relationships of members of cooperatives, unless otherwise provided by an act or a Statute.

Applicability to Employment Relationship in Micro-undertakings and the Small Undertakings

§ 2a. (New – SG, 54/2015, in force from 17.7.2015; revoked - SG 61/15, in force from 17.07.2015)

Transitional provisions

§ 3. (1) (Revoked SG No 100/1992)

(2) Pending cases before conciliation committees shall be presented for examination by committees on labour disputes pursuant to the regulations of this Code.

§ 3a. (new – SG 105/06, in force from 01.01.2007). (1) Women-workers or employees, whose leave for pregnancy and delivery of 135 calendar days has not expired as of 1 January 2007, after this date shall be entitled to the leave under Art. 163, par. 1 for the balance up to 315 days.

(2) Women-workers or employees, whose leave for pregnancy and delivery of 135 calendar days has not expired before 1 January 2007, after this date shall be entitled to the leave under Art. 163, par. 1 in an amount equal to the difference between 315 calendar days and the sum of the already used leave for pregnancy and delivery and the already used or the due leave for taking care of a child for the period up to 31 December 2006.

(3) In cases of par. 1 and 2 the leave shall be permitted on the grounds of a written request by the woman-worker or employee to the enterprise.

(4) During the leave under par. 1 and 2 the woman-worker or employee shall get paid a financial compensation under Art. 49 of the Social Insurance Code.

(5) As from the day of permitting the leave under par. 2 the leave of the woman-worker or employee under Art. 164 shall be terminated.

§ 3b. (new – SG 109/08, in force from 01.01.2009; amend. – SG 103/09, in force from 29.12.2009; amend. – SG 58/10, in force from 30.07.2010) (1) From 1 January by 31 December 2009, upon initial coordination with the representatives of the syndicates and with the representatives of employees under Art. 7, Para 2, the period for introducing the short hours under Art. 138a, Para 1 may be extended with the more months, provided that the employer uses employment retention measures, financed by the budget of the Republic and/or by the Operative Programme Human Resources Development.

(2) If, in the cases referred to in para 1, during the month following the period for which part-time has been introduced the employment legal relation of the worker/employee is terminated, indemnifications under Art. 220, Art. 221, para 1, Art.222 and 224 shall be specified in accordance with the basic remuneration and the supplementary benefits of permanent nature.

§ 3c. (new – SG 109/08, in force from 02.01.2009) (1) The female employees, whose leave for pregnancy and childbirth amounting to 315 calendar days has not expired by 2 January 2009, shall be entitled after that date to a leave under Art. 163, Para 1 for the remainder until 410 calendar days.

(2) The female employees, whose leave for pregnancy and childbirth amounting to 315 calendar days has expired before 2 January 2009, shall be entitled after that date to a leave under Art. 163, Para 1 amounting to the difference between 410 calendar days and the sum of the leave for pregnancy and childbirth they have used and the leave for looking after a child they have used or they are entitled to for the period by 1 January 2009.

(3) In the cases under Para 1 and 2 the leave shall be granted upon a written application of the female employee to the enterprise.

(4) During the leave under Para 1 and 2 the female employee shall be paid a pecuniary compensation under Art. 49 of the Social Insurance Code.

(5) From the day of granting the leave under Para 2 the leave of the female employee under Art. 164 shall be terminated.

§ 3d. (new – SG 58/10, in force from 30.07.2010) (1) Till December the 31st 2011 the time period during which the employer is entitled to assign temporarily to workers or employees other activities at the same or another undertaking, however in the same settlement or location as per Art. 120,

para 1 may be prolonged by 45 working days throughout a calendar year.

(2) In the cases referred to in para 1, after the 45-day period expires, the consent of the worker or employee is required.

§ 3e. (new – SG 58/10, in force from 30.07.2010) (1) Till the 31st of December 2010 upon reduction of the volume of work employers shall be entitled to grant unpaid leave of up to 60 days during a calendar year even without the consent of the worker or employee, on the condition that throughout the unpaid leave are applied employment retention measures, financed by the budget of the Republic and/or by the Operative Programme Human Resources Development and that part time as per Art. 138a, para 1 and § 3б, para 1 has been introduced beforehand and during this period have been applied employment retention measures, financed by the budget of the Republic and/or by the Operative Programme Human Resources Development.

(2) In the cases referred to in para 1 the unpaid leave shall be recognized as length of service.

(3) Where during the unpaid leave or during the month following the period in which has been granted the leave under para 1, the employment legal relation of the worker or employee is terminated, indemnifications as per Art. 220, Art. 221, para 1, Art. 222 and Art. 224 shall be calculated according to the basic remuneration and supplementary benefits of permanent nature set out in the employment agreement.

§ 3f. (new – SG 58/10, in force from 30.07.2010; pronounced anti-constitutional by DCC No 12 of 2010 – SG 91/10) The paid annual leave for previous years which has not been used by January the 1st 2010 shall be used till the 31st of December 2011.

§ 3g. (new – SG 18/11, in force from 01.03.2011) The paid leave for the year 2010 or a part of it which has not been used, including the one which has been postponed according to Art. 176, para 1, can be used till December the 31st 2012.

§ 3h. (new – SG 18/11, in force from 01.03.2011) The time-table for the paid leave for the year 2011 shall be approved pursuant to Art. 173, para 1 by March the 1st 2011.

§ 3h. (new – SG 1/14, in force from 01.01.2014) The person who has adopted a child from 2 to 5 years of age prior to January 1, 2014 shall be entitled to a leave under Art. 164b for the remainder of 365 days as of the date of delivery of the child for adoption.

Concluding provisions

§ 4. This Code shall revoke:

1. Article 1 through 144 and Article 171 through 185 of the Labour Code (promulgated in "Izvestia" No.91 of 1951; as amended No.93 of 1951; as amended No.92 of 1957; State Gazette No.No.24, 36 and 92 of 1963, No.No.1, 61, 90 and 99 of 1965, No.No.15 and 33 of 1968, No.68 of 1970, No.No.53, 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. Providing Control over Labour Safety to Bulgarian Trade Unions Act (SG, No.53 of 1973);

3. Articles 23, 29 and 30 of the Closer Relations Between Education and Life and Further

Development of People's Education in the People's Republic of Bulgaria Act (prom. "Izvestia", No.54 of 1959; as amended SG No.99 of 1963 and No.36 of 1979);

4. Decree to Implement Certain Provisions of the Labour Code with Respect to the Administrative, Engineering and Technical Personnel and Machinery Operators in Cooperative Farms ("Izvestia" No.65 of 1961);

5. Decree to Implement Provisions of the Labour Code concerning Technical Safety and Labour Hygiene with Respect to Members of Cooperative Farms ("Izvestia" No.100 of 1962);

6. Decree on Introduction of a Five-Day Work Week (SG, No.1 of 1968);

7. Articles 5, 10, 12, 15, para 2, 19 and 20 of the Decree on Mutual Insurance of Members of Producer Cooperatives (prom. in "Izvestia" No.63 of 1953; as amended No.82 of 1953; as amended No.17 of 1955, No.69 of 1956, No.62 of 1958, as amended No.82 of 1958, as amended No.68 of 1960, No.38 of 1962; SG No.50 of 1963, No.21 of 1964 and No.32 of 1968).

§ 5. Sections III and IV of the 1951 Labour Code shall be amended as follows:

1. In Article 155bis the text "as provided by Article 118 and 118bis" shall read "as provided by Article 309 of the 1986 Labour Code".

2. In Article 156:

a) in para 1, sentence 1, the text "within the periods under Article 60, para 1, 2 and 3 of this Code" shall read "within the periods under Article 163, para 1 through 6 of the 1986 Labour Code";

b) in para 3 the text "under Article 60, para 4 or 5" shall read "under Article 164, para 1 or 2 of the 1986 Labour Code";

c) in para 4, sentence 1, the text "under Article 60, para 4 or 5" shall read "under Article 164, para 1 or 2 of the 1986 Labour Code", and in sentence 2 the text "under Article 60, para 6" shall read "under Article 164, para 3 of the 1986 Labour Code";

d) in para 6 the text "under Article 119, para 2" shall read "under Article 313, para 3 of the 1986 Labour Code".

3. In Article 162, para 1 the text "in the event of death (Article 29, (f))" shall read "in the event of death of employee (Article 325, item 11 of the 1986 Labour Code)".

4. - revoked.

§ 6. In Article 27 of the Mines and Quarries Act (prom. "Izvestia" No.92 of 1957, as amended No.17 of 1957, as amended No.68 of 1959, No.104 of 1960; SG No.84 of 1963, No.27 of 1973, No.36 of 1979) the text "for violation of labour safety regulations" shall be repealed.

§ 7. In Article 99, para 1 of the Public Health Act (prom. SG, No.88 of 1973, as amended No.63 of 1976, No.28 of 1983 and No.66 of 1985) after the digit 9 the following text shall be inserted: "with the exception of those related to labour hygiene", and after the digit of 13 - "with the exception of those related to noise intensity within hygiene standards in the enterprise".

§ 8. The Financial Control Act (prom. "Izvestia" No.91 of 1960; as amended SG, No.32 of 1977 and No.57 of 1978) shall be amended as follows:

1. In Article 15, para 1 shall be amended to read:

"(1) For violations of financial discipline, established by the financial control bodies 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 a controlling body, the Minister of Finance shall

impose on offenders disciplinary penalties pursuant to Article 188, para 1 of the Labour Code. Any demotion to a lower paid job, or demotion in qualifications degree or dismissal shall be cleared with the respective minister, head of another agency or Chairman of the Executive Committee of a people's council. For violations committed by persons holding elective office the penalties shall be imposed by the respective body by proposal of the Minister of Finance. Disciplinary penalties shall be imposed within 3 months of establishing the violation, but not later than 3 years from the date on which it was committed."

2. In Article 17, para 3 shall be repealed.

3. In Article 18, the text "for the reasons of para 3 of the preceding Article" shall read "for the reasons of Article 207, para 2 of the Labour Code".

4. Article 19 shall be repealed.

5. In Article 20, para 1, (d), and in para 2 the text "under Article 17 para 3" shall read "under Article 207, para 2 of the Labour Code".

6. Article 23 shall be revoked.

7. In Article 32 the text "Article 82 of the Labour Code" shall read "Article 271 para 1 of the Labour Code".

8. Article 24 shall be revoked.

9. Article 29 shall be amended as follows:

a) para 1 shall read:

"(1) Where the damage inflicted on institutions, enterprises or organisations is not covered by the causes listed under Article 17, para 2 and Article 18 of this Act, or under Article 206 and 209 of the Labour Code, limited financial liability shall be applied, pursuant to Article 207, para 1, item 1 of the Labour Code";

b) para 2 shall be revoked;

c) para 3 shall become para 2 and shall read:

"(2) The limited financial liability pursuant to the preceding paragraph shall be sought regardless of the persons' liability under Article 207, para 2, of the Labour Code, and shall not be taken into account in determining the liability of persons who have availed themselves thereof."

10. Article 17 shall be amended as follows:

a) the following sentence shall be appended to end of para 1:

"These deductions shall be to the amount determined by the Civil Procedure Code";

b) para 2 shall be repealed.

§ 9. The State and Public Control Act (prom. SG No 54 of 1974, as amended 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, para 2 the text "and the State Council of the People's Republic of Bulgaria" shall read "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 2 of para 1 shall read: "it shall work under the direct leadership of the Council of Ministers and shall report to it";

b) para 2 shall be revoked.

3. In Article 9 para 2 sentence 2 shall read: "The Deputy Chairmen of the Committee shall be appointed by the State Council and its members shall be approved by the Council of Ministers upon proposal by the Chairman of the Committee for State and Public Control.

4. Article 17 shall be amended as follows:

a) in item 6 the text "State Council" shall read "Council of Ministers";

b) in item 7 the text "the National Meeting and its standing committees, the State Council and" shall be repealed.

5. In Article 20, item 6 shall read:

"6. The offenders shall receive disciplinary sanctions pursuant to Article 188 para 1 of the Labour Code".

6. In Article 23, para 2, the text "or demotion to a less-paid job" shall be repealed.

7. Article 24 shall be amended as follows:

a) in para 1, the text "three years" shall read "two years";

b) para 3 shall read as follows:

"(3) The deletion of the sanction 'dismissal' shall not entail an obligation to reinstate the person to his previous job."

8. Article 25 shall be amended as follows:

a) para 1 shall read:

"(1) Whenever a committee for state and public control established damage which might provide grounds for limited material liability pursuant to Article 206, para 1 of the Labour Code, the committee shall levy a cash sanction; should there be evidence entailing full material liability, the committee shall draw up a statement of deficiency in accounts and shall demand that an audit be performed by the bodies of financial control.";

b) para 2 and 3 shall be revoked;

c) para 4 shall become para 2.

9. In Article 26 para 2 the text "reassignment or demotion to a lower paid job" shall read "demotion to a lower paid job or demotion in qualifications degree".

10. Article 28 shall read:

"Article 28. The Labour Code shall be applied whenever this Act contains no special stipulations as to the disciplinary penalties pursuant to Article 20, para 6 and as to limited or full material liability for the reasons of Art. 25; likewise, the Financial Control Law shall be applied in drawing up statements of deficiency in accounts."

§ 10. In Article 20, para 2 of the Civil Procedure Code, the text "Article 5 para 2 of the Labour Code" shall read "Article 45 of the Labour Code".

§ 11. A new Article 23a shall be appended to the Prosecutor's Office Act (SG No. 87 of 1980) and shall read as follows:

"Dismissal of Prosecutors"

"Article 23bis

(1) In addition to the reasons cited in the Labour Code, Prosecutors may be dismissed also for reasons of unfitness, pursuant to Article 21, item 6.

(2) Orders for dismissal and imposing disciplinary penalties on prosecutors may not be subject to appeal before labour dispute committees or courts."

§ 12. In Article 136 para 2 of the Punishment Execution Act (prom. SG No 30 of 1968; as amended No 34 of 1974, No 84 of 1977, No 36 of 1979 and No 28 of 1982) the text "under Article 58 para 1" shall read "under Article 160".

§ 13. In Article 81, para 3 of the Courts Structure Law (prom. SG No. 23 of 1976; as amended No. 36 of 1979 and No. 91 of 1982) the text "under Article 91 para 1 and 2 of the Labour Code, provided they have the uninterrupted length of service required by these provisions" shall read "under

Article 222 of the Labour Code, provided they have the length of service required by this provision".

§ 14. In Article 12 para 1, sentence 1 of the Comrades' Courts Act (prom. "Izvestia" No. 50 of 1961; as amended SG No. 101 of 1966, No. 27 of 1975 and No. 36 of 1979) the text "under Articles 95 and 96" shall read "Article 206".

§ 15. In Article 53, para 2 of the People's Deputies and People's Councillors Law (prom. SG No. 32 of 1977; as amended No. 72 of 1981) the text "under Article 30, para 1" shall read "under Article 326, para 2".

§ 16. revoked.

§ 17. This Code shall come into force as from 1 January 1987. Items 1 - 4 of 9 shall come into force as from the date of promulgation in the State Gazette.

§ 18. The implementation of this Code is hereby assigned to the Chairman of the Council of Ministers.

Concluding provisions

PROVISIONS TO THE AMENDMENT ACT ON THE LABOUR CODE

TEMPORARY PROVISIONS

§ 256. (1) Pending labour disputes before labour dispute committees and superior administrative bodies shall be forwarded immediately for examination by a competent court, and the parties shall be informed thereof in writing.

(2) Pending labour cases of the second instance before district courts shall be completed pursuant to the regulations in force so far.

§ 257. (1) Existing trade unions may retain their capacity of legal persons, by submitting an application for registration pursuant to Article 49 within 6 months following the coming into force of this Act.

(2) Providing the term under the preceding paragraph has been observed, trade unions shall retain their capacity of legal person until the court ruling for registration comes into force.

§ 258. Holidays and compensations which have only minimum amounts pursuant to the amendments to the Labour Code by this Act, until regulated by an act of the Council of Ministers shall be used or paid, accordingly, in compliance with their amounts so far, established for each specific case.

Concluding provisions

§ 259. The following amendments shall be made to the 1951 Labour Code (prom. "Izvestia", No. 91 of 1951, as amended No 93 of 1951, as amended No 91 and 92 of 1957, SG No 24, 36 and 92 of 1963, No 1, 61, 90 and 99 of 1965, No 15 of 1968, as amended No 33 of 1968, as amended No. 68 of

1970, No 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, No 52 of 1992):

1. In Article 150, para 1 the text "uninterrupted length" shall read "length" and in para 3 the text "uninterrupted" shall be repealed.

2. In Article 151 the text "uninterrupted" shall be revoked.

3. In Article 152, para 2 the text "with exception of dismissals, indicated under Article 177, para 2" shall be revoked.

4. In Article 156, para 6 the text "Article 313, para 3" shall read "Article 333".

§ 260. In sentence 2 of Article 15, para 1, of the Financial Control Act (prom. SG No. 91 of 1960, as amended No. 32 of 1977 and No. 57 of 1978, as amended No. 27 of 1986) the text "Demotion to a lower paid job or demotion in qualifications degree and dismissals shall be effected in coordination" shall read "Demotion shall be coordinated".

§ 261. In Article 23 a, para 2 of the Prosecutor's Office Law (prom. SG No. 87 of 1980, as amended No. 27 of 1986, No. 91 of 1988, No. 46 of 1991) the text "before labour dispute committees and" shall be revoked.

§ 262. In Article 81, para 3 of the Courts Structure Law (prom. SG No. 23 of 1976, as amended No. 36 of 1979, No. 91 of 1982, No. 27 and 29 of 1986, No. 91 of 1988, No. 31 of 1990 and No. 46 of 1991) shall read:

"(3) Judges from district and regional courts and the Supreme Court with terminated employment relationships shall be entitled to the rights under Articles 220 - 222 of the Labour Code pursuant to the regulations and terms provided therein."

§ 263. Article 9, para 2 of Decree 9 on the Functions of the Management and Executive Staff in the Railway Transport (SG No. 3 of 1981) shall read:

"(2) Disciplinary penalties shall be:

1. Reprimand;

2. Dismissal notice;

3. Demotion in rank;

4. Dismissal."

§ 264. The Higher Education Act (prom. "Izvestia" No. 12 of 1958, as amended SG No. 99 of 1963, No 36 and 65 of 1972, as amended No. 81 of 1972, as amended 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 read:

"Article 18. Disciplinary penalties shall be:

1. Reprimand;

2. Dismissal notice;

3. Dismissal."

2. Article 20, para 1 shall read:

"(1) Disciplinary penalties "reprimand" and "dismissal notice" shall be imposed by the rector."

3. Article 23 shall be revoked.

§ 265. Decree No 2227 On the Discipline of Employees in the Civil Aviation (SG No 55 of 1985) shall be amended as follows:

1. In Article 3 the text "Disciplinary By-Laws, approved by the Council of Ministers" shall read "Labour Code".

2. Article 4 shall read:

"Article 4. Disciplinary penalties, except dismissal, may be appealed only before superior bodies. A disciplinary dismissal may be appealed in court in the established manner."

3. In Article 6 the figure "131" shall be replaced by "194".

4. Articles 7 and 8 shall be revoked.

5. The Concluding Provisions shall be amended as follows:

a) a new § 1 shall read:

"§ 1. Specific discipline issues of employees in the civil aviation shall be governed by Disciplinary By-Laws, approved by the Council of Ministers."

b) the existing paragraphs 1 and 2 shall become 2 and 3, accordingly.

§ 266. The Act shall come into force as from 1 January 1993.

§ 267 The implementation of this Act is hereby assigned to the Council of Ministers.

Transitional and concluding provisions
(SG 25/2001)

§ 116. (1) Workers and employees who, until the enactment of this Act have exercised rights related to work during not fixed working hours shall continue to exercise these rights until the definition of the occupations under art. 139, para 4 by the employer.

(2) Within 3 months from the enactment of this Act the employers shall be obliged to define the occupations and the jobs fulfilled under the conditions of a fixed working day.

§ 117. The students found by the enactment of this Act can use leaves under art. 169, para 1 and art. 171, para 1 if the employer gives consent for continuation of the education.

§ 118. By March 31, 2002, upon mutual written consent between the parties to the legal terms of employment, the paid annual leaves not used by January 1, 2001 or parts of them can be compensated by indemnification determined by the order of art. 177, regardless of the fact that the legal terms of employment have not been terminated.

§ 119. The claims on labour disputes laid by the workers and employees whose legal terms of employment have been terminated before the enactment of this Act can be laid within the term under art. 358, para 1, item 2 before its amendment.

§ 120. The persons who, by the enactment of this Act have begun the using of a leave according to the revoked para 2 of art. 164 shall use the leave in the size before its revoking.

§ 121. Normative acts for the implementation of the Labour Code, unless provided otherwise by it, shall be issued by the Council of Ministers.

§ 122. The Act shall be enacted on March 31, 2001 with exception of § 109, § 110 and § 112 which shall be enacted on September 1, 2000.

Transitional and concluding provisions
of the Law of amendment and supplement of the Labour Code – SG 120 2002

§ 11. The employers shall be obliged till April 30, 2003 to send written notifications to the territorial divisions of the National insurance institute about the concluded employment contracts, found by the time this Act enters into force.

§ 12. The employers, who have accepted to work workers or employees under the conditions of the revoked para 2 of art. 62, shall be obliged till April 30, 2003 to conclude written employment contracts and to send notifications about this to the respective territorial divisions of the National insurance institute.

§ 13. In art. 33 of the Code for obligatory public insurance (prom. SG110/99, SG 55/00 – Decision No 5 of the Constitutional Court of 2000, amend. and suppl. SG 64/00, SG 1, 35, 41/01; SG 1, 10, 45, 74, 112/02) the following supplements shall be made:

1. In para 3 shall be created item 10:

"10. create and maintain information system about the persons, who work with legal relation of employment."

2. Para 5 shall be created:

"(5) The information of para 3, item 10 can be conceded to Executive agency "Chief inspectorate of labour", the control bodies of the Ministry of Finance, the bodies of the Ministry of Interior and to the bodies of the judicial power by order, determined by the manager of the National insurance institute."

The Act was passed by the 39th National Assembly on December 20, 2002 and is affixed with the official seal of the National Assembly.

Transitional and concluding provisions
(SG 52/04)

…….

§ 37. Where the leave for raising a child up to 3 years of age, for the time after the accomplishment of 2 years of age of the child, according to the previous art. 165, para 1, has not been used the leave under art. 167a may be used until the accomplishment of 8 years of age of the child. Where only a part of the leave has been used for the time after the accomplishment of 2 years of age of the child the leave under art. 167a may be used in the size of the unused part until the accomplishment

of 8 years of age of the child.

§ 38. Where the leave for raising a child up to 3 years of age according to the previous art. 165, para 1 has been used up in full the provision of art. 167a shall not apply.

§ 39. By December 31, 2006 the leave under art. 167a, para 1, with the consent of one of the parents, may be used in full by the other parent.

…….

§ 42. The Act shall enter into force on August 1, 2004.

Transitional and concluding provisions
(SG 83/05)

§ 7. Workers and employees who till this Act enters into force have used rights under the previous Art. 137, para 1, item 1, Art. 156, item 1 and Art. 285 shall continue to use these rights till the issuing of the acts of secondary legislation under Art. 137, para 2, art. 156, para 2 and Art. 285, para 2.

§ 8. Within 6 months of entry into force of this Act, the Council of Ministers shall approve the acts of secondary legislation of Art. 137, para 2 and Art. 156, para 2, and the Minister of Labour and Social Policy and the Minister of Health shall issue the ordinance of Art. 285, para 2.

Transitional and concluding provisions
TO THE TAX-INSURANCE PROCEDURE CODE

(PROM. – SG 105/05, IN FORCE FROM 01.01.2006)

§ 88. The code shall enter in force from the 1st of January 2006, except Art. 179, Para 3, Art. 183, Para 9, § 10, item 1, letter "e" and item 4, letter "c", § 11, item 1, letter "b" and § 14, item 12 of the transitional and concluding provisions which shall enter in force from the day of promulgation of the code in the State Gazette.

Transitional and concluding provisions
TO THE ADMINISTRATIVE PROCEDURE CODE

(PROM. – SG 30/06, IN FORCE FROM 12.07.2006)

§ 142. The code shall enter into force three months after its promulgation in State Gazette, with the exception of:

1. division three, § 2, item 1 and § 2, item 2 – with regards to the repeal of chapter third, section II "Appeal by court order", § 9, item 1 and 2, § 15 and § 44, item 1 and 2, § 51, item 1, § 53, item 1, § 61, item 1, § 66, item 3, § 76, items 1 – 3, § 78, § 79, § 83, item 1, § 84, item 1 and 2, § 89, items 1 - 4, § 101, item 1, § 102, item 1, § 107, § 117, items 1 and 2, § 125, § 128, items 1 and 2, § 132, item 2 and §

136, item 1, as well as § 34, § 35, item 2, § 43, item 2, § 62, item 1, § 66, items 2 and 4, § 97, item 2 and § 125, item 1 – with regard to the replacement of the word "the regional" with the "administrative" and the replacement of the word "the Sofia City Court" with "the Administrative court - Sofia", which shall enter into force from the 1st of May 2007;

2. paragraph 120, which shall enter into force from the 1st of January 2007;

3. paragraph 3, which shall enter into force from the day of the promulgation of the code in State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE LABOUR CODE

(PROM. – SG 48/06, IN FORCE FROM 01.07.2006)

§ 42. The representatives of the workers and employees under art. 7, par. 2, chosen prior to the entry into force of this Act, shall preserve their position and functions till the election of new representatives, for not more than one year from the date of entry into force of this Act.

§ 43. The provision of art. 7a shall be applied till the 23rd of March 2008 at enterprises with 100 and more workers and employees, as well as at organizationally and economically separated units of enterprises with 50 and more workers and employees.

. . . . . .

§ 48. The Act shall enter into force from the 1st of July 2006, with the exception of § 48, item 6, which shall enter into force from the date of entry into action of the Treaty on the Accession of the Republic of Bulgaria to the European Union.

Transitional and concluding provisions
TO THE ACT ON INFORMING AND CONSULTING WORKERS AND EMPLOYEES IN MULTINATIONAL UNDERTAKINGS, GROUPS OF UNDERTAKINGS AND EUROPEAN COMPANIES

(PROM. – SG 57/06)

§ 4. The Act shall enter into force from the date on which the Treaty on the Accession of the Republic of Bulgaria to the European Union becomes effective.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE CODE OF SOCIAL INSURANCE

(PROM. - SG 68/06, IN FORCE shall enter into force)

§ 11. Paragraph 1, item 2 and § 6 shall enter into force from the 1st of May 2006, and § 1, item 1 and § 3 and 9 shall enter into force from the 1st of January 2007.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE STATE SOCIAL INSURANCE FOR 2007

(PROM. - SG 105/06, IN FORCE FROM 01.01.2007)

§ 9. The Act shall enter in force from 1 January 2007.

Transitional provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE LABOUR CODE

(PROM. – SG 40/07; amend. – SG 64/07)

§ 5. (1) The chairman of the National Council for Tripartite Partnership shall announce in State Gazette the initiation of the procedure for recognition of representativeness in seven-day term from the entry into force of this Act.

(2) (amend. – SG 64/07) The organisations of the workers and the employees and of the employers, wishing to be recognised as representative on a national level, shall file their requests till 28 September 2007.

(3) (amend. – SG 64/07) The Council of Ministers shall pronounce on the submitted requests not later than 28 December 2007.

§ 6. The organisations of the workers and the employees and of the employers, recognised as representative on a national level by a decision of the Council of Ministers prior to the entry into force of this Act, which have submitted requests for recognition of representativeness as per § 5, para 2, shall retain their representativeness till the conclusion of the procedure.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ACT ON THE DEFENCE AND ARMED FORCES OF THE REPUBLIC OF BULGARIA

(PROM. - SG 46/07, IN FORCE FROM 01.01.2008)

§ 77. This Act shall enter into force from 1 January 2008 except:

1. Paragraph 1, § 2, Item 1, § 4, Item 1, Letter "a" and Item 2, § 5, 13, 15, 32, 33, 34, 35, 36, 37, § 38, Item 1, Letter "a" and Item 2, § 40, 43, 44, 46, 55, 59 and 75 which shall enter into force three days after its promulgation in the State Gazette.

2. Paragraph 2, Item 2, § 3, § 4, Item 1, Letter "b", § 6, 7, 60, 61 (regarding addition of the words "and 309b") and 63, which shall enter into force 6 months after its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE CIVIL SERVANT ACT

(PROM. - SG 43/08)

§ 26. The ordinance referred to in Art. 81s, para 6 of the Act and in Art. 120a, para 5 of the Labour code shall be issued in three-month term after this Act has entered into force.

Transitional and concluding provisions
TO THE ACT ON PREVENTION AND FINDINGS OF CONFLICT OF INTERESTS

(PROM. – SG 94/08, IN FORCE FROM 01.01.2009)

§ 14. The Act shall enter into force from 1 January 2009, except for § 3 and 4, which shall enter into force from the date of promulgation of the State Gazette Act.

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE LABOUR CODE
(PROM. – SG 108/08)

§ 37. The provision of § 12 regarding Art. 163 shall enter into force from 1 January 2009.

Transitional and concluding provisions
TO THE ACT ON THE DEFENCE AND ARMED FORCES OF THE REPUBLIC OF BULGARIA

(PROM. - SG 35/09, IN FORCE FROM 12.05.2009)

§ 46. The Act shall enter into force from the date of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE HEALTH ACT

(PROM. - SG 41/09, IN FORCE FROM 02.06.2009)

§ 96. The Act shall enter into force from the date of its promulgation in the State Gazette, except for:

1. paragraphs 3, 5, 6 and 9, which shall enter into force from 1 January 2009;
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 from 1 July 2009;
3. paragraph 21, which shall enter into force from 1 June 2010.

Concluding provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LABOUR CODE
(PROM. – SG 103/09, IN FORCE FROM 29.12.2009)

§ 15. The Act shall enter into force from the date of its promulgation in the State Gazette.

Concluding provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LABOUR CODE
(PROM. – SG 15/10)

§ 18. Paragraphs 6, 11, 12, 13 and 14 shall enter into force 6 months after the entry into force of this Act.

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE CIVIL SERVANT ACT
(Prom. – SG 46/10, IN FORCE FROM 18.06.2010)

§ 3. The Law shall enter into force from the date of its promulgation in the State Gazette.

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE LABOUR CODE
(PROM. – SG 58/10, IN FORCE FROM 30.07.2010; AMEND. – SG 18/11, IN FORCE FROM 01.03.2011)

§ 25. The Law shall enter into force from the date of its promulgation in the State Gazette, except for the following:
1. paragraph 21, item 1, which shall enter into force from the 1st of January 2011;
2. (revoked – SG 18/11, in force from 01.03.2011)

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE SOCIAL INSURANCE CODE

(PROMULGATED – SG 100/10, IN FORCE FROM 01.01.2011)

§ 65. This Act shall enter into force from 1st of January 2011, except for § 32, 33, 36 and 51, which shall enter into force from 1st of January 2012.

TO THE ACT AMENDING AND SUPPLEMENTING THE LABOUR CODE

(PROM. - SG 18/11, IN FORCE FROM 01.03.2011)

§ 8. The Law shall enter into force from the date of its promulgation in the State Gazette.

Transitional provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE LABOUR CODE

(PROM. - SG 61/11)

§ 4. The organizations of the workers and the employees and of the employers acknowledged as representative on a national level by resolutions of the Council of Ministers as of December the 14th 2007 shall retain their status or representative organizations till June 13th 2012 inclusive.

Additional provisions

TO THE ACT AMENDING AND SUPPLEMENTING THE LABOUR CODE

(PROM. - SG 7/12)

§ 25. This Act introduces the requirements of DIRECTIVE 2008/104/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 November 2008 on temporary agency work 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.

Transitional provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE LABOUR CODE

(PROM. - SG 7/12)

§ 26. By December 5, 2011, following consultations with the organizations of employers and the ones of workers and employees, acknowledged as representative organizations on a national level, the Minister of Labour and Social Policy shall review the prohibitions and restrictions on workers and employees sent by a temporary work agency in order to establish whether they are well-grounded with respect to common interest, the proper functioning of the labour market and prevention of abuse. The results of the said review shall be forwarded to the European Commission.

. . . . . .

§ 31. Paragraph 5 and § 30, item 1, items 6 - 10, 12 and 14 shall enter into force from December 5, 2011.

Transitional provisions
ACT ON RESERVE OF THE ARMED FORCES OF THE REPUBLIC OF BULGARIA

(PROM. - SG 20/12, In FORCE FROM 10.06.2012)

§ 12. The Act shall enter into force three months from its promulgation in the State Gazette, except for the provisions of Art. 56, 57, 58 and 59, which shall enter into force from September 1, 2013.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE CIVIL SERVANTS ACT

(PROM. - SG 38/12, IN FORCE FROM 01.07.2012)

§ 84. (In force from 18.05.2012) Within one month from the promulgation of the Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Administration Positions in compliance with this Act;

2. the competent authorities shall bring the statutory rules of the respective administration in compliance with this Act.

§ 85. (1) Legal relations with the persons from administrations under the Radio and Television

Act, the Independent Financial Audit Act, the Electronic Communications Act and the Financial Supervision Commission Act, Act on Access to and Disclosure of the Documents and Announcing Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army, Confiscation by the State of Proceeds of Crime, Act on Prevention and Findings of Conflict of Interests, Code of Social Insurance, Health Insurance Act, Agricultural Producers Assistance Act and the Roads Act shall be regulated under the terms and following the procedure of § 36 of the Transitional and Final provisions of the Act Amending and Supplementing the State Servant Act (SG 24/06).

(2) By the act appointing the civil servant shall be:

1. awarded the minimum rank for the position occupied defined in the Classifier of Administration Positions, unless the civil servant has a higher rank;

2. determined the individual basic monthly salary.

(3) The funds additionally needed for insurance installments of the persons referred to in para 2 shall be provided within the costs for salaries, remuneration and insurance installments of the budgets of the respective budget credit spending units.

(4) The Council of Ministers shall carry out the changes required in the extra-budgetary account of State Fund Agriculture according to this Act.

(5) The managing bodies of the National Insurance Institute and the National Health Insurance Fund shall carry out the changes requires according to this Act in the respective budgets.

(6) Unused leaves under employment relationships shall be retained and may not be compensated by cash benefits.

§ 86. (1) Within one month from entry into force of this Act the individual basic monthly salary of the employee shall be determined in such a manner as to ensure that the said salary, reduced by the tax due and the mandatory insurance installments at the expense of the insured person, if they were due, is not lower than the gross monthly salary received hitherto, reduced by the mandatory insurance installments due at the expense of the insured person, if they were due, as well as by the tax due.

(2) The gross salary under para 1 shall include:

1. the basic monthly salary or basic monthly remuneration;

2. bonuses paid regularly along with the basic monthly salary or basic monthly remuneration due, which are related solely to the hours worked off.

§ 87. The Act shall enter into force from July 1, 2012 except for § 84, which shall enter into force from the date of its promulgation in the State Gazette.

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE VIOLATIONS AND PENALTIES ACT

(PROM. - SG 77/12, IN FORCE FROM 09.10.2012)

§ 19. The Act shall enter into force from the date of its promulgation in the State Gazette.

Concluding provisions
TO THE LAW AMENDING AND SUPPLEMENTING THE LAW ON ADMINISTRATION

(PROM. – SG 82/2012)

§ 16. The Council of Ministers and the Ministers shall bring the adopted, respectively – the

issued by them secondary legislative acts, into accordance with this Act within one month from its entry into force.

Transitional and concluding provisions
TO THE ACT ON THE PUBLIC FINANCES

(PROM. - SG 15/13, IN FORCE FROM 01.01.2014)

§ 123. The Act shall enter into force from January 1, 2014 except for § 115, which shall enter into force from January 1, 2013 and § 18, § 114, § 120, § 121 and § 122, which shall enter into force from February 1, 2013.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE CODE OF SOCIAL INSURANCE

(PROM. - SG 1/14, IN FORCE FROM 01.01.2014)

§ 12. The Act shall enter into force from January 1, 2014.

Concluding provisions
TO THE ACT, AMENDING AND SUPPLEMENTING THE LABOUR CODE
(PUBL. – SG, 54/2015, IN FORCE FROM 17.7.2015)

§ 30. The act shall come into force from the day of its publication in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE CODE OF SOCIAL INSURANCE

(PROM. - SG 61/15, IN FORCE FROM 17.07.2015)

§ 60. This Act shall enter into force on 1 January 2016 with the exception of:

1. Paragraph 3 on art. 4a para. 3 pt. 6, § 4, § 7 on art. 6 para. 3, p. 10, § 8 pt. 2 on the amendment in Art. 9, para. 6, § 16, § 25 pt. 5-9, § 31-36, § 47-51, § 54, § 55, § 56 pt. 2 on the amendment in Art. 40 para. 3 pt. 9, which shall enter into force three days after its promulgation in the "State Gazette"

2. Paragraph 45, which shall enter into force 12 months after its promulgation in the "State Gazette"

3. Paragraph 57, which came into force on April 1, 2015;

4. Paragraph 58, which comes into force on July 17, 2015.

Transitional and concluding provisions
TO THE PRESCHOOL AND SCHOOL EDUCATION ACT

(PROM. - SG 79/15, in force from 01.08.2016)

§ 60. The Act shall enter into force from August 1, 2016, except for:

1. Art. 22, para 2, items 3, 4 and 13 and para 3, Chapter Six, Sections I, II and III and § 58, which shall enter into force a month after promulgation of the Act in the State Gazette;

2. Chapter Seven, which shall enter into force two months after promulgation of the Act in the

State Gazette;

3. Chapter Sixteen, which shall enter into force as of January 1, 2017;

4. paragraph 46, item 1, letter "a"q, which shall enter into force from August 1, 2022.

Transitional and concluding provisions
TO THE ACT ON THE BUDGET OF THE STATE SOCIAL INSURANCE FOR 2016

(PROM. - SG 98/15, in force from 01.01.2016)

§ 7. This Act shall enter into force from 1 January 2016, except § 3, Items 15, 16 and 20, which shall enter into force from 15 August 2015.

Transitional and concluding provisions
TO THE ACT ON THE AMENDMENT AND SUPPLEMENTATION OF THE LABOUR CODE

(PROM. - SG 08/16, in force from 29.01.2016)

§ 3. This Act shall enter into force from the day of its promulgation in the State Gazette.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE VOCATIONAL EDUCATION AND TRAINING ACT

(PROM. - SG 59 OF 2016, IN FORCE FROM 01.08.2016)

§ 86. This Act shall enter into force on August 1, 2016.

Transitional and concluding provisions
TO THE ACT ON THE BUDGET OF STATE PUBLIC INSURANCE FOR 2017

(PROM. - SG 98/16, IN FORCE FROM 01.01.2017)

§ 12. The Act shall enter into force on 1 of January 2017, except for:

1. Para 5, which shall enter into force on 9 of August 2016;

2. Para 3, items 13 - 15 and § 8, which shall enter into force on 1 of June 2017;

3. Para 3, item 2, which shall enter into force on 1 of January 2018.

Additional provisions
TO THE ACT, AMENDING AND SUPPLEMENTING THE LABOUR CODE

(PUBL. – SG, 105/16, IN FORCE FROM 30.12.2016)

§. 13. This act shall introduce the requirements of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18/1 of 21 January 1997) and Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ, L 159/11 of 28 May 214).

Transitional and concluding provisions
TO THE ACT, AMENDING AND SUPPLEMENTING THE LABOUR CODE

(PUBL. – SG. 105/16, IN FORCE FROM 30.12.2016)

§. 14. The administrative procedures, formed by the enforcement of this act for violation under

Art. 121, Para. 3 and 4 shall be finalized under the current procedure.

.....

§. 22. The act shall come into formce from the day of its publicatioin in the State Gazette with the exceptioin of § 5,6,17,18,19 and 20, which shall come into force from 1 Januart 2017.

Transitional and concluding provisions
TO THE CONCESSIONS ACT

(PROM. - SG 96 OF 2017, IN FORCE FROM 02.01.2018)

§ 41. The act shall enter into force within one month from its promulgation in the State Gazette, with the exception of:

1. Article 45, Para. 5, which enters into force within 12 months of the promulgation of the act in the State Gazette;

2. Article 191, Para. 2-5, Art. 192 and 193 which shall enter into force on 31 January 2019.

Concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE LABOUR CODE

(PROM. - SG 102/17, IN FORCE FROM 22.12.2017)

§ 9. This Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of § 2, item 2 and § 6, items 3, 4 and 5, which shall enter into force on 31 March 2018.

Transitional and concluding provisions
TO THE MARKETS IN FINANCIAL INSTRUMENTS ACT

(PROM. - 15 OF 2018, IN FORCE FROM 16.02.2018)

§ 42. This Act shall enter into force on the day of its promulgation in the State Gazette, with the exception of:

1. Article 222, Para. 1-3, which shall enter into force on 3 September 2019;

2. paragraph 13, item 12, letter a, which shall enter into force on 1 January 2018;

3. paragraph 13, item 12, letter b, which shall enter into force on 21 November 2017;

4. paragraph 17, item 37 concerning Art. 264a and item 39 regarding Art. 273b, which shall enter into force on 1 January 2020.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE LABOUR CODE

(SG - 30 OF 2018, IN FORCE FROM 01.07.2018)

§ 7. (1) Female workers and employees or persons, whose leave due to adoption of a child under the repealed Para. 6 and 11 of Art. 163 and Para. 10 in its version until the entry into force of this Act, or under Art. 164, has not expired before 1 July 2018 inclusive, from that date shall be entitled to leave under Art. 164b, Para. 1, 2 and 3 for the remainder up to 365 days, but no later than the child's 5 years of age.

(2) Female workers and employees or persons, whose leave due to adoption of a child under the repealed Para. 6 and 11 of Art. 163 and Para. 10 in its version until the entry into force of this Act, or under Art. 164, has expired until 1 July 2018 inclusive, from that date they shall be entitled to leave under Art. 164b, Para. 1, 2 and 3 in the amount of the difference between 365 days and the sum of the leaves used or due because of pregnancy and childbirth, and for raising a child up to the age of 2, but not later than the child reaching 5 years of age.

(3) In the cases under Para. 1 and 2, leave shall be granted on the basis of a written request from

the person to the undertaking.

(4) During the leave under Para. 1 and 2, the female worker or employee or the person using the leave shall be paid a pecuniary benefit from the state social insurance.

(5) From the day of granting the leave under Art. 164b, Para. 1, 2 and 3, the leave under Art. 163 or under Art. 164 shall be terminated.

. . . . . .

§ 15. This Act shall enter into force from July 1, 2018.

Transitional provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE LABOUR CODE

(PROM. - SG 59/18)

§ 2. Trade union and employers' organizations, established prior to the entry into force of this act shall retain their legal entity status without being entered in the register of trade union and employers' organizations at the respective District Court at their registered office.

Transitional and concluding provisions
TO THE ACT AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE PROCEDURE CODE

(PROM. - SG 77/18, IN FORCE FROM 01.01.2019)

§ 156. The Act shall enter into force on 1 January 2019, with the exception of:

1. paragraphs 4, 11, 14, 16, 20, 30, 31, 74 and § 105 item 1 on the first sentence, and item 2 which shall enter into force on 10 October 2019;

2. paragraphs 38 and 77, which shall enter into force two months after the promulgation of this Act in the State Gazette;

3. paragraph 79, items 1, 2, 3, 5, 6 and 7, § 150 and 153, which shall enter into force on the day of the promulgation of this Act in the State Gazette.