

Health and Safety at Work Act

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Text in Bulgarian: Закон за здравословни и безопасни условия на труд

Chapter One GENERAL PROVISIONS

Article 1. (Amended, SG No. 40/2007) (1) This act shall set out the rights and obligations of the state, the employers, the working persons, the representatives of the working persons responsible for the safety and health at work, of the persons working at their own expense alone or in partnership, and of other organisations and legal entities responsible for securing safety and health at work.

(2) This act shall introduce general principles for prevention and measures for stimulating improvements concerning the safety and health of the working persons with a view to:

1. prevention of occupational hazards;
2. protection of safety and health;
3. elimination of the risks and causes for traumatism at work and occupational diseases;
4. public awareness, consultations, training;
5. balanced participation.

Article 2. (1) (Amended, SG No. 40/2007) This act shall be enforced in all enterprises and places where work activity or training is carried out, regardless of the form of organisation and type of ownership, and the grounds on which the work or training are conducted.

(2) (Amended, SG No. 18/2003, SG No. 102/2006, SG No. 40/2007) This Act shall also apply:

1. (amended, SG No. 93/2009, effective 25.12.2009) in peacetime within the system of the Ministry of Defence and the Ministry of Interior;

2. to Bulgarian companies abroad, unless otherwise provided for by the laws of the respective country or in an international agreement to which the Republic of Bulgaria is party.

(3) (Amended, SG No. 40/2007, amended, SG No. 93/2009, effective 25.12.2009, amended and supplemented, SG No. 79/2015, effective 1.11.2015) This Act shall not apply when the

specificities of certain characteristic activities within the system of the Ministry of Defence, the Ministry of Interior and the State Intelligence Agency are in inevitable conflict with the requirements under the law. For these activities the safety and health of the workers and employees shall be secured to the highest possible degree in compliance with the aims of this act.

Chapter Two

GENERAL REQUIREMENTS FOR PROVIDING HEALTH AND SAFETY AT WORK

Article 3. (1) Health and safety at work shall be provided compliant with the specificity of performed activity and requirements of the technical, technological and social development, with a view to protecting the life, health and work capacity of the working persons.

(2) Health and safety at work sites, production, processes, activities, workplaces and as regards work equipment, shall be ensured through the design, construction, reconstruction, refurbishment, commissioning, operation, maintenance, repair and decommissioning thereof.

Article 4. (Amended, SG No. 40/2007) (1) Employers shall be obliged to ensure health and safety at work by taking the necessary measures, including:

1. prevention of occupational risks;
2. providing information and training;
3. securing the necessary organisation and means.

(2) Employers shall adapt the measures under Paragraph 1 to the changing conditions with a view to improving the existing state of affairs.

(3) Employers shall enforce the measures under Paragraph 1 by ensuring the basic principles of prevention:

1. avoidance of risks;
2. assessment of the unavoidable risks;
3. limitation of the risks at their source;
4. adapting the work to the working persons, especially with respect to designing the workplaces, the choice of equipment, working and production methods, with a view to alleviating or abolishing monotonous work and work with imposed rhythm, as well as with a view to reducing their effect on the working persons' health;
5. adaptation in compliance with the technological progress;
6. replacement of hazardous elements with a safe or less hazardous ones;
7. designation of existing risks and sources of factors harmful to the health and safety;
8. applying a consistent comprehensive prevention policy covering the technology and organisation of work, the working conditions, the social interactions and the impact of elements of the working environment and of the work process;
9. preferential use of collective over individual means of protection;
10. giving the necessary instructions to the working persons.

Article 5. (1) Any person designing construction sites and activities, production facilities, technologies and work equipment shall be under the obligation to ensure the design's consistency with all rules and requirements for health and safety at work.

(2) (Amended, SG No. 40/2007) In the process of the design, construction and start of operation of work sites, the assignor shall be responsible and shall require, and the competent control bodies shall control, the strict adherence to the rules and requirements for health and safety at work by the designer and by the builder.

Article 6. Entry into operation of new, reconstructed or refurbished work sites shall be admissible on condition of proven compliance with the requirements for health and safety at work.

Article 7. (1) The workplaces shall meet minimum requirements for healthy and safe work conditions.

(2) The minimum requirements for healthy and safe work conditions shall be set out under an ordinance by the Minister of Labour and Social Policy and the Minister of Health.

(3) Conditions shall be created at the workplace for protecting the health and safety of the working persons by:

1. maintaining the workplace and equipment in good repair, and removing as soon as possible any faults that can affect the safety and health of working persons;

2. regularly cleaning the workplace and equipment and access roads thereto;

3. (supplemented, SG No. 40/2007) regularly checking and keeping in good repair the protective facilities and collective and personal protection means;

4. keeping free of obstacles emergency exits and roads thereto at all time.

Article 8. (1) Work equipment shall be appropriate for the work so as not to endanger the health and safety of working persons.

(2) Work equipment shall be selected based on the specific conditions and nature of work so as to reduce any health risks existing in the enterprise, and risks ensuing from the use thereof.

(3) (Amended, SG No. 18/2003) Work equipment shall be offered on the market and/or entered into operation and used only if it meets the requirements for health and safety at work established by statutory acts.

(4) Work equipment shall be maintained in good repair and repaired in due time during all time of its use and after its decommissioning, so as not to endanger the health and safety of working persons.

(5) Where work equipment creates specific risks to the health and safety of working persons, the number of persons using it shall be limited. The installation, dismantling, replacement, maintenance and repair of such equipment shall be done only by qualified persons.

Article 9. (Repealed, SG No. 86/1999).

Article 10. (1) Personal protection means shall be used at work with risk to the health and safety which cannot be removed in another way.

(2) Personal protection means shall ensure protection against hazards, shall not be harmful to the health and shall not disturb the work process.

(3) (Repealed, SG No. 18/2003).

Article 11. (1) Work shall be organized in such a way as to secure appropriate devices and equipment in order to avoid lifting, holding and carrying by hand heavy objects.

(2) Where lifting, holding and carrying heavy objects by hand cannot be avoided, such measures shall be taken in the work organization, and appropriate devices applied, so as to minimize the damage to health and risk of accidents with working persons.

(3) (Amended, SG No. 76/2005) The minimal requirements for health and safety at work with heavy objects shall be determined by an ordinance issued by the Minister of Health and the Minister of Labour and Social Policy.

Article 12. (1) (Supplemented, SG No. 48/2006) Where work is high-stress, monotonous, involves a forced work rhythm or posture, or the fulfilment of a set daily quota, or takes place in shifts, a physiological regime of work and rest shall be introduced to help preserve the health and work capacity of working persons.

(2) The terms, procedures and requirements for developing the rest-work physiological

regime shall be set out under an ordinance by the Minister of Health and the Minister of Labour and Social Policy.

Article 13. (1) Substances, raw materials and materials with qualities which create health risks, shall be used only under technologies which effectively protect the working persons from diseases and accidents.

(2) (Amended, SG No. 114/2003, SG No. 97/2017) The employer shall create and update card index of information sheets for safety of used and produced hazardous chemical substances and mixtures.

Article 13a. (New, SG No. 27/2014) (1) Legal and natural persons, who are registered as merchants, may conduct special and technological (repeated) blasting operations only after obtaining authorisation from the Director of the respective Labour Inspectorate Directorate, on the territory of which the operations are to be performed, or by an official authorised by him.

(2) The terms and procedure for conducting blasting operations shall be determined by an ordinance, adopted by the Council of Ministers upon proposal by the Minister of Labour and Social Policy

(3) No authorisation under Paragraph 1 shall be required for the armed forces of the Republic of Bulgaria.

Article 13b. (New, SG No. 27/2014) (1) For the purpose of obtaining authorisation for performance of special blasting operations the persons under Article 13a shall submit to the respective Labour Inspectorate Directorate:

1. application based on template, approved by the ordinance under Article 13a, Paragraph 2;
2. design for performance of special blasting operations;
3. instruction on safe handling of explosives;
4. copy of document certifying the right to operate an explosives warehouse;
5. order for designation of the manager of the blasting operations;
6. list of the persons, entitled to access to explosives.

(2) The following shall be indicated in the application under Paragraph 1, point 1:

1. the legal or natural person's name;
2. the aims, nature, methods and deadlines for performance of the blasting operations, including the danger of combustible dust and gas explosion;
3. data on the manager of the blasting operations;
4. data on the warehouse, where the explosives are to be stored, regarding its ownership, type and location.

(3) The design for performance of special blasting operations shall be:

1. drawn up by a Category One designer or by a group of designers, at least one of whom is a Category One designer and the title page and the drawings thereto shall be signed by the Category One designer;

2. coordinated with the owners of projects, located within the lines of the hazardous area and with the municipality mayor, if the blasting operations are to be performed within settlements.

Article 13c. (New, SG No. 27/2014) (1) For the purpose of obtaining authorisation for performance of technological (repeated) blasting operations the persons under Article 13a shall submit to the respective Labour Inspectorate Directorate:

1. application based on template, approved by the ordinance under Article 13a, Paragraph 2;
2. technological design for performance of technological (repeated) blasting operations.

(2) The following shall be indicated in the application under Paragraph 1, point 1:

1. the legal or natural person's name;

2. the nature and methods for performance of the blasting operations, including the danger of combustible dust and gas explosion;
3. data on the manager of the blasting operations;
4. data on the warehouse, where the explosives are to be stored, regarding its ownership, type and location.

Article 13d. (New, SG No. 27/2014) (1) In case of omission or irregularity of the documents under Article 13b, Paragraph 1 and Article 13c, Paragraph 1 the Director of the respective Labour Inspectorate Directorate or an official, authorised by him, shall notify in writing within 5 business days of submission of the application of the omissions and irregularities established and shall impose by such notice a time period for their correction, which shall not be shorter than 10 days.

(2) Within 5 business days of the application submission or the date of correction of any omissions and irregularities established, the Director of the Labour Inspectorate Directorate under Paragraph 1 or an official, authorised by him, shall issue the authorisation for performance of special or technological (repeated) blasting operations or state a motivated refusal.

(3) Refusal to issue authorisation shall be stated in the cases, where the omissions and irregularities in the documents were not corrected within the time period, imposed by the notice under Paragraph 1 or in case of failure to meet the requirements for issuance of the authorisation.

Article 13e. (New, SG No. 27/2014) (1) In case of replacement of the manager of the blasting operations, the persons having obtained authorisation shall notify within three business days of such replacement the Director of the respective Labour Inspectorate Directorate or the official authorised by him and attach data concerning the new qualified manager of the blasting operations.

(2) The Director of the Labour Inspectorate Directorate under Paragraph 1 or the official authorised by him shall reflect, within three business days of submission of the notice of replacement of the manager of the blasting operations, the changes in the authorisation for performance of blasting operations or state a motivated refusal.

(3) In case of temporary absence of the manager of the blasting operations, the employer shall designate another qualified manager and within three business days of his designation shall notify in writing the Director of the Labour Inspectorate Directorate under Paragraph 1 or the official, authorised by him, and provide data regarding that manager.

Article 13f. (New, SG No. 27/2014) Any refusal under Article 13d, Paragraph 3 and under the procedure of Article 13e, Paragraph 2 may be appealed under the Code of Administrative Procedure.

Article 13g. (New, SG No. 27/2014) The authorisations for performance of special blasting operations shall be issued only once for the period of performance thereof and the authorisations for technological (repeated) blasting operations - until the end of the calendar year.

Chapter Three

OBLIGATIONS FOR ENSURING HEALTH AND SAFETY AT WORK

Article 14. (1) (Supplemented, SG No. 76/2005, amended and supplemented, SG No. 40/2007) Natural and legal persons employing on their own manual or office workers under employment contract, natural and legal persons who use manual or office workers made available by an enterprise providing temporary work, and persons who at their own expense work alone or

in partnership with others, shall be obliged to ensure health and safety at work in all cases connected with the work both of the working persons and of all other persons who for other reasons are in or near the work premises, work sites or workplaces.

(2) (Amended, SG No. 40/2007) The persons under Paragraph 1 shall be responsible for securing health and safety at work regardless of the obligations of the persons working under the provisions of this Act or of whether this activity is performed by their departments and employees or has been assigned to other competent services or persons.

(3) The obligations subject to paragraph (1) shall also apply to the organisation and conduct of training in all kinds of educational establishments, organisations and departments for vocational training.

Article 15. (Amended and supplemented, SG No. 18/2003, amended, SG No. 108/2008) (1) (Supplemented, SG No. 12/2010) By the 30th day of April in the following year the persons referred to in Article 14, Paragraph 1, excluding those who are self-employed shall file an annual declaration with the Labour Inspectorate Territorial Directorate operating in the location where the registered address of the enterprise is.

(2) The form and content of the declaration referred to in Paragraph 1 and the procedure for and manner of submission and storage thereof shall be determined with an ordinance by the Minister of Labour and Social Policy.

(3) (Amended, SG No. 97/2017) When the declarable circumstances remain unchanged, no annual declaration shall be filed.

Article 16. (1) In his activity for ensuring health and safety at work, the employer shall be under the obligation to:

1. (amended, SG No. 40/2007, SG No. 97/2017) to assess the risks to the health and safety of the working persons, whereby such assessment shall include the choice of work equipment, the use of chemical substances and mixtures, as well as the organisation of the workplaces;

2. (amended, SG No. 40/2007) in compliance with the risk assessment, whenever necessary, to plan and apply appropriate measures for risk prevention and methods of work and production, which:

a) secure higher level of protection of the working persons;

b) are integrated in all activities and structural units of the enterprise;

2a. (new, SG No. 40/2007) assign to the working persons tasks that are in accordance with their competences, experience and abilities, as well as with their suitability to the safety and health at work;

3. (amended, SG No. 18/2003) take into account the specific hazards to manual and office working persons who need special protection, including those with limited work capacity;

4. provide appropriate work place adjustments for persons subject to Item 3, for performance of their work functions;

5. create the necessary organisation for monitoring and control of the implementation of planned measures;

6. ensure efficient control to make sure work is performed in a safe manner and without risk to the health;

7. bar persons who are not properly trained, instructed and equipped, from places where serious or specific health and life hazard exists;

8. undertake necessary measures to coordinate actions for ensuring health and safety at work when work or activities are performed at one site or workplace by manual and office working persons of other working persons.

(2) (New, SG No. 76/2005, supplemented, SG No. 48/2006) In fulfilling the obligations

under Paragraph 1 the employer shall be obliged to provide health and safety at work and an identical level of protection from production risks for all manual and office working persons regardless of the duration of contract or working hours, including in cases where shift or nighttime work is involved.

(3) (New, SG No. 76/2005) Natural and legal persons using manual or office workers made available by an enterprise providing temporary work shall be obliged to:

1. carry out the activities under Paragraph 1;
2. notify the enterprise providing temporary work about the specific characteristics of the working place, the professional hazards and the professional qualification required.

(4) (New, SG No. 76/2005) An enterprise providing temporary work shall place the information under Paragraph 3 at the disposal of interested manual and office workers.

(5) (Renumbered from Paragraph 2, SG No. 76/2005) The persons who at their own expense work alone or in partnership with other persons, shall be under the obligation to assess the risks to the health and safety of working persons and to undertake measures as necessary to prevent or reduce the risks.

(6) (Renumbered from Paragraph 3, SG No. 76/2005) All expenses entailed in ensuring health and safety at work for working persons, shall be entirely at the employer's expense.

Article 17. The procedure, manner and regularity of risk assessment shall be determined under an ordinance by the Minister of Labour and Social Policy and the Minister of Health.

Article 18. When a work site, premises, equipment or workplace, is used by several enterprises or organisations, the employers shall, jointly and by a written agreement, ensure health and safety at work, inform each other of the risks at work and coordinate activities for protecting working persons from such risks.

Article 19. (1) (Supplemented, SG No. 76/2005) The employer shall provide manual and office workers, including those employed for a definite term or under the conditions of temporary work under Article 14, Paragraph 1, or their representatives, with necessary information as regards health and safety risks and the measures undertaken to remove, reduce or control such risks.

(2) (New, SG No. 48/2006) The information as per paragraph (1) above shall be supplied to working persons doing shift and nighttimes work.

(3) (Renumbered from Paragraph 2, SG No. 48/2006) Information subject to paragraph (1) shall be provided to working persons of other enterprises doing work on the territory of the respective enterprise.

Article 20. (1) In order to prevent harmful consequences in the event of force majeure and compliant with the specificity of activity and scale of enterprise, the employer shall:

1. (amended, SG No. 88/2010, effective 1.01.2011) organise actions to eliminate the danger, provide first aid, fire safety and conditions for evacuation of workers, and for contacts with the emergency medical service and fire safety and protection of the population structural units;

2. (amended, SG No. 40/2007) designate working persons who shall implement the measures for the elimination of danger, providing first aid, fighting fires and evacuation of working persons, whereby the number of such designated working persons, their training and the equipment provided to them shall comply with the specific risks and scale of the enterprise.

(2) (Amended, SG No. 18/2003, SG No. 102/2006, SG No. 93/2009, effective 25.12.2009) The measures and rules for ensuring first aid, fire safety and emergency medical aid in the event of accidents at the enterprises and organisations, and the training of workers under Item 2 of Paragraph 1, shall be provided for under an ordinance by the Minister of Interior and the Minister

of Health.

Article 21. (Supplemented, SG No. 40/2007) In the event or likelihood of serious and imminent danger to the health and life, the employer shall inform as soon as possible working persons at risk, of any actions undertaken for the protection thereof, make arrangements for discontinuing work and evacuation to a safe place, and prevent resumption of work until the danger is eliminated.

Article 22. (1) Where a working persons refuses to perform, or discontinues the performance of work on account of serious and immediate danger to the health and life, the employer or immediate superior shall be obliged to immediately examine the grounds for such refusal and undertake measures as necessary for eliminating the danger.

(2) The employer shall, in the event of serious and immediate danger to the health and life, and impossibility to contact the immediate superior, provide opportunity for the working persons to undertake measures, using their knowledge and available technical means, to prevent the consequences of such danger.

(3) (Supplemented, SG No. 40/2007) Working persons may not be placed in disadvantageous position due to their actions under Paragraphs 1 and 2, except in the cases when they have demonstrated negligence or have failed to comply with the employer's instructions for safe work.

Article 23. (1) (Amended, SG No. 40/2007) The employer shall be under the obligation to detect, investigate and record every accident at work and cases of occupational diseases he is aware of, by terms and procedure provided for under the Social Insurance Code.

(2) (Amended, SG No. 40/2007) Representatives of the persons working on the safety and health at work and of the trade union organisations shall be invited in the cases under Paragraph 1.

Article 24. (1) (Amended, SG No. 76/2005) In making arrangements for implementation of activities related to protection and prevention of occupational risks, the employer shall, depending on the scale of activity, nature of work and of the professional risk, appoint or designate one or more officials with appropriate education and training or establish a specialised service.

(2) The responsibility and tasks of officials and specialised services as per paragraph (1) shall be provided for by an ordinance by the Minister of Labour and Social Policy. On the basis thereof, the employer shall issue instructions as regards their responsibilities and tasks compliant with the specific conditions.

(3) (Amended, SG No. 64/2000, supplemented, SG No. 76/2005) At the employer's discretion, other natural and legal persons may be contracted to perform the activities subject of paragraph (1), or these may be performed by the employer himself in the case where that employer is a natural person.

(4) (New, SG No. 40/2007) In the event that the employer assigns the activities under Paragraph 1 to other legal or natural persons, he shall be obliged to provide to them the information under Article 19, Paragraph 1.

(5) (New, SG No. 40/2007) The employer shall provide to the persons under Paragraph 1, as well as to the representatives of the persons responsible for the safety and health at work, access to:

1. the risk assessment and the protection measures specified in Article 16, Paragraph 1, items 1 and 2;
2. the information connected with the activities under Article 23;
3. the information obtained as a result of implementing protection and prevention measures;

4. the information obtained from the findings and prescriptions of the control bodies in the sphere of the safety and health at work.

Article 25. (1) (Amended, SG No. 40/2007) Employers shall provide services to their working persons by registered occupational health institutions.

(2) (Amended, SG No. 40/2007) Occupational health services shall have predominantly preventive functions. They shall advise and support the employers, the committees and the groups for working conditions in planning and organising their activities to:

1. ensure and maintain healthy and safe working conditions;
2. (amended, SG No. 18/2003) improve the health and working capacity of working persons related to the work performed thereby;
3. (new, SG No. 40/2007) adapt the work to the abilities of the working persons by taking into account their physical and mental health.

(3) (Amended, SG No. 40/2007) Occupational health services shall be set up by:

1. employers, independently or in partnership with other employers;
2. (amended, SG No. 60/2011, effective 5.08.2011) legal or natural persons registered under the Commerce Act, the Cooperatives Act and the Not-for-Profit Legal Entities Act; as well as companies registered under the legislation of a European Union Member State or a country that is a contracting party to the Agreement on the European Economic Area, to provide service to working persons.

(4) (New, SG No. 40/2007) The health care institutions may establish occupational health units, organised as autonomous legal persons, for providing services to working persons.

(5) (Amended, SG No. 18/2003, repealed, renumbered from paragraph 4, SG No. 40/2007) Where it is practically impossible for the employer to set up, alone or in partnership, an occupational health service, he shall conclude a contract with a registered occupational health service.

(6) (New, SG No. 70/2004, effective 1.01.2005, repealed, SG No. 40/2007).

Article 25a. (New, SG No. 40/2007) (1) The principal activities of the occupational health services shall be:

1. providing help to the employers to create the safety and health at work organisation;
2. evaluation of the occupational risks and analysis of the health status of the working persons;
3. offering measures to eliminate and reduce the risk identified;
4. monitoring the health status of the working persons;
5. training of working persons and officials in the rules for protecting the health and safety at work.

(2) The occupational health service shall also keep and preserve the documentation stipulated by the ordinance under Article 25b, Paragraph 4.

(3) (Supplemented, SG No. 97/2017) The occupational health service shall conduct its activities in compliance with approved quality standards and the requirements of the statutory acts for guaranteeing health and safety at work.

(4) (New, SG No. 97/2017) The service quality standards of occupational health services shall be approved by the Minister of Health and the Minister of Labour and Social Policy with the ordinance referred to in Article 25b (4).

Article 25b. (New, SG No. 40/2007) (1) The minimum staff of the occupational health services shall comprise:

1. a person with a Master's degree in medicine and specialisation in occupational medicine;
2. (amended, SG No. 97/2017) a person with a higher education degree in specialities

included in the professional areas in the field of technical sciences pursuant to the Classification of Higher Education Areas and Professional Areas and three years of professional experience in the sphere of safety and health at work;

3. technical assistant with no less than secondary education.

(2) The employment contracts with the persons working in the occupational medicine services shall be signed, modified and terminated under the Labour Code.

(3) The staff of the occupational medicine service and in the implementation of concrete tasks may not include:

1. persons working at the Ministry of Health and the Ministry of Labour and Social Policy, and their control bodies;

2. medical specialists who had lost the right to practice the medical profession under the Health Act;

3. (amended, SG No. 98/2010, effective 1.01.2011) persons who have signed a contract with the National Health Insurance Fund and who are registered in the regional health care inspectorates.

(4) The terms and the procedure for conducting the activities of the occupational medicine services shall be stipulated by the Minister of Health and the Minister of Labour and Social Policy.

(5) The time during which the medical specialists are working in the occupational medicine service shall be considered to be professional experience.

Article 25c. (New, SG No. 40/2007) (1) The occupational medicine services shall be registered with the Ministry of Health.

(2) The registration of the occupational medicine services shall be done by the Minister of Health subject to proposal submitted by the Commission for Registration of Occupational Medicine Services.

(3) The Commission under Paragraph 2 shall be appointed with an order by the Minister of Health and it shall consist of a chairperson and eight members.

(4) The chairperson of the Commission under Paragraph 2 shall be appointed by the Minister of Health.

(5) the Minister of Health, the Minister of Labour and Social Policy, the nationally representative employers' organisations and the nationally representative employees' organisations shall each nominate two representatives as members of the Commission under Paragraph 2.

Article 25d. (New, SG No. 40/2007) (1) Applications for registration of the occupational medicine services shall be filed by the persons who had created them, accompanied by:

1. information containing name, seat and address;

2. a copy of the document for court registration or a copy of another document on the establishing of the legal persons under Article 25, Paragraph 3;

3. contract between employers - for the cases under Article 25, Paragraph 3, item 1;

4. (amended, SG No. 60/2011, effective 5.08.2011) data on the Unified Identification Code of the company or cooperative from the Commercial Register or an updated registration certificate for entities, registered under the Not-for-Profit Legal Entities Act, and for companies, registered in a European Union Member State or in a country that is a contracting party to the Agreement on the European Economic Area - a document for current registration under the national legislation, issued by a competent authority in the respective country;

5. list of the minimum staff of the specialists from the occupational medicine service;

6. notarised copies of documents attesting the education and qualification of the specialists

under item 5;

7. declaration of the persons under item 5 to the effect that they meet the requirements under Article 25b, Paragraph 3;

8. (repealed, SG No. 60/2011, effective 5.08.2011);

9. document for paid fee in an amount stipulated with the tariff under Paragraph 7.

(2) In the event of incompleteness or irregularities in the documents under Paragraph 1, the Minister of Health or a person authorised by him shall inform the applicants within 30 days after the filing of the application about any irregularities or incompleteness of the documents discovered, whereby the notification shall grant a period of not less than 14 days for the elimination of the shortcomings.

(3) Within 30 days of filing the application or from the date on which the discovered incompleteness or irregularities have been eliminated, the Minister of Health or an official authorised by him upon proposal submitted by the Commission for Registration of Occupational Medicine Services shall issue a certificate for registration of the occupational medicine service or shall give a motivated refusal for the registration.

(4) Registration shall be refused in the cases when the incompleteness and irregularities in the documents have not been eliminated before the deadline stipulated with the notification under Paragraph 2, or in the event of discrepancies with the requirements for registration.

(5) The refusal under Paragraph 4 may be appealed under the Administrative Procedure Code.

(6) The Ministry of Health shall keep a public register of the occupational medicine services. The data of the register shall be posted on the website of the Ministry of Health.

(7) Fees in amounts stipulated with the tariff under Article 46 of the Health Act shall be collected for the issuance of the certificate for registration of an occupational medicine service under Paragraph 3 and for re-registration of an occupational medicine service under Article 25e, Paragraph 2.

Article 25e. (New, SG No. 40/2007) (1) In the event of changes in the circumstances under Article 25d, Paragraph 1, the persons who have established occupational medicine services shall notify the Minister of Health within 7 days of the occurrence of these changes, applying the relevant documents attesting the change.

(2) (Amended, SG No. 60/2011, effective 5.08.2011) The Minister of Health or a person authorised by him shall reflect the changes in the register of the occupational medicine services within 20 days after the filing of the notification about changes under Article 25d, Paragraph 1, subject to a proposal submitted by the Commission for Registration of the Occupational Medicine Services, and in the cases under Article 25d, Paragraph 1, items 1, 3 and 5 shall also issue a certificate for a change in the registration, or a motivated refusal thereof.

(3) The Minister of Health or a person authorised by him shall issue an order for deletion of registered occupational medicine services from the register in the event of:

1. application filed by the persons who have created occupational medicine services for these services to be deleted from the register;

2. discontinuation of the activities of the persons who had created a occupational medicine service;

3. observed violations of the requirements under Article 25b, Paragraphs 1, 3 and 4;

4. systematic violations of Article 25a, observed by the control bodies;

5. finding documents with untrue content, connected with the registration of the service.

(4) The refusal under Paragraph 2 and the order under Paragraph 3 may be appealed under the Administrative Procedure Code.

Article 26. (1) The employer shall be obliged to consult working persons or their representatives and organisations, giving them an opportunity to participate in:

1. discussing and approving all measures as regards the health and safety of working persons;

2. designating working persons to perform activities for ensuring healthy and safe work conditions, first aid, fire safety and evacuation of working persons;

3. planning and organising training of working persons on health and safety at work.

(2) The employer shall be obliged to:

1. (supplemented, SG No. 76/2005, SG No. 48/2006, amended, SG No. 40/2007) provide appropriate training and instructions on health and safety at work for each working person, including those employed for a definite term or under the conditions of temporary work under Article 14, Paragraph 1, as well as those working in shifts or at night, in compliance with the specificity of each individual workplace and occupation upon;

a) starting work;

b) transfer to another job or change of job;

c) introduction of new working equipment and technology, or change thereof;

2. cover all expenses for such training performed during work hours.

(3) (New, SG No. 40/2007) The training and the instructions under Paragraph 2, item 1, shall be conducted periodically, taking into account the new or the changed risks.

Article 27. (1) (Amended, SG No. 40/2007, SG No. 27/2014) Committees on working conditions, comprising between 4 and 10 members, shall be set up in enterprises with more than 50 employees.

(2) (Amended, SG No. 40/2007) The committee under Paragraph 1 shall comprise representatives of the employer and an equal number of representatives of the persons responsible for safety and health at work.

(3) (Amended, SG No. 76/2005, repealed, SG No. 27/2014).

(4) (Amended, SG No. 40/2007) The chairperson of the committee on working conditions shall be the employer or his representative, and the deputy chairperson - a representative of the persons responsible for safety and health at work.

(5) (Amended, SG No. 40/2007) Representatives of the control bodies, of the occupational health service and external experts may participate in the work of the committee under Paragraph 1.

(6) (Amended, SG No. 40/2007, SG No. 27/2014) In enterprises with a numerous workforce, complex structure and territorial fragmentation it shall be possible to form not only committees at the level of the enterprises but also committees at the respective structural units.

Article 28. (1) (Amended, SG No. 18/2003, supplemented, SG No. 76/2005, amended, SG No. 27/2014) Working conditions groups shall be set up in enterprises with workforce from 5 to 50 workers inclusive, as well as in the separate structural units of the enterprises under Article 27, Paragraph 6.

(2) (Amended, SG No. 40/2007) Working conditions groups shall consist of the employer or the head of the respective structural unit, and one representative of the working persons responsible for safety and health at work.

(3) (Repealed, SG No. 40/2007).

(4) (Repealed, SG No. 40/2007).

Article 28a. (New, SG No. 27/2014) (1) The workers' representatives, responsible for safety and health at work and the deputy-chairman of the committee on working conditions shall be elected by the general meeting of the enterprise under the procedure of Article 6 of the Labour

Code for a term of office of 4 years.

(2) Early termination of the term under Paragraph 1 may be performed on the motion of at least one-third of the total number of employees of the enterprise and be adopted by a majority of more than half of those participating in the general meeting.

Article 29. The work conditions committees and groups shall:

1. discuss, on a quarterly basis, the overall activity for protecting the health and ensuring safety of working persons, and propose measures for improvement thereof;

2. discuss the results of occupational risk assessment and analyses of the health status of working persons, reports by the specialised occupational health services and other issues, with a view to ensuring and protecting the health and safety of working persons;

3. (supplemented, SG No. 40/2007) discuss contemplated changes in technology, organisation of work and workplaces with respect to the consequences of the choice of equipment, working conditions and the working environment, and propose decisions as regards the protection of working persons' health and safety;

4. perform checks into the observation of requirements for health and safety at work;

5. monitor the incidence of accidents at work and occupational diseases;

6. participate in developing programmes for awareness and training of personnel working on issues of health and safety at work.

Article 30. (1) The representatives in the work conditions committees and groups shall be trained by programmes, procedure and requirements set out under an order by the Minister of Labour and Social Policy and the Minister of Health.

(2) Working persons' representatives at the work conditions committees and groups shall be entitled to:

1. access to the available information on work conditions, analyses of accidents at work and occupational diseases, findings and prescriptions by control bodies;

2. require from the employers to undertake the necessary measures and make proposals for removal of hazards or for temporary mitigation of health and safety risks;

3. approach the control bodies where the working persons' representatives decide that the measures taken by the employer are not sufficient to guarantee the health and safety of working persons;

4. participate in checks performed by the control bodies.

(3) (Amended, SG No. 40/2007, SG No. 27/2014) The employer shall provide the necessary conditions, means and time for the working persons' representatives responsible for safety and health at work to exercise their rights and functions, as well as the requisite training and specialisation, which shall be conducted during working hours with no prejudice to their remuneration. In addition to the rights under Paragraph 2, when functioning in the group on working conditions the deputy-chairman of the committee on working conditions and the representative of the workers responsible for safety and health at work, shall be entitled to:

1. access to all workplaces at the enterprise or at the structural unit;

2. receive information directly from the employees on all issues in the field of health and safety;

3. take part in investigations of workplace accidents and for establishment of the causes of occupational diseases;

4. take part in the preparation of drafts of internal rules and ordinances on health and safety at work, to which the employer shall certainly invite them;

5. request from the employer or from the body competent for health and safety at the enterprise a halt of the operation of working equipment or a ban on the use of dangerous chemical

substances and mixtures.

(4) (Amended, SG No. 27/2014) The persons under Paragraph 3 shall be obliged to:

1. be acquainted with the statutory acts in the area of safety and health and to monitor compliance with them;
2. in case of finding violations or non-performance of obligations to ensure health and safety at work to notify the employer and propose any measures required;
3. inform the employees of the results of performance of the activities under Paragraph 3;
4. refrain from disclosing or using for own account or for the account of third parties any information, which had become known to them during or in connection with the performance of their activity, which constitutes an industrial or business secret, as well as the personal data of the employees, unless the latter would have granted their express consent for its disclosure;
5. sign declarations of non-disclosure of information and personal data in connection with the duties under Paragraph 4, which shall remain valid also upon expiry of their powers.

Article 30a. (New, SG No. 27/2014) (1) In cases, where any working equipment and/or dangerous chemical substances and mixtures would pose an imminent hazard for the health and life of employees and there would be no other option to minimise the risk, the deputy-chairman of the committee on working conditions and the representative of the workers responsible for safety and health at work, when functioning in the group on working conditions, shall notify in writing the responsible official and/or the employer of the danger ascertained and may request them to impose a temporary ban on usage thereof.

(2) The employer may lift the ban under Paragraph 1 after ascertaining that the hazard had been eliminated.

(3) If the employer would fail to take the necessary hazard elimination actions, the deputy-chairman of the committee on working conditions and the representative of the workers responsible for safety and health, when functioning in the group on working conditions at work, shall alert the control bodies.

Article 30b. (New, SG No. 27/2014) (1) The employer shall make available to the representatives in committees and groups on working conditions the requisite conditions, means and time to exercise their rights and functions, as well as the requisite training and qualification, which shall be conducted during working hours, with no prejudice to their remuneration.

(2) Workers' representatives sitting on working conditions committees and groups may not be placed in a disadvantageous position on account of their actions for ensuring health and safety at work.

Article 31. (1) Work conditions committees and groups shall work in close cooperation with the specialised services and divisions of the enterprise which are involved in creating and ensuring healthy and safe work conditions.

(2) When operations and activity of several enterprises or organisations are performed at one work site or workplace, a joint committee (group) on health and safety at work shall be set up.

Article 32. (Amended, SG No. 18/2003) (1) (Amended, SG No. 76/2005) In cooperatives consisting of 5 or more members, and cooperatives consisting of 50 or more members, a work condition committee or group, respectively, shall be set up.

(2) The representatives in work conditions committees or groups shall be elected by the general meeting of the cooperative. Chairman of the work condition committee or group shall be the chairman of the cooperative.

Article 32a. (New, SG No. 27/2014) In companies with less than 5 employees, the employer shall discuss the safety and health at work related issues with the employees, including

in instances of emergence of risks, which pose an immediate hazard to the health, safety or life of the workers.

Article 33. Every working person shall be obliged to take care of his health and safety, and of the health and safety of other persons directly affected by his activity, based on his qualification and instructions by the employer.

Article 34. (1) Based on their qualification and instructions, working persons shall be obliged to:

1. use correctly the machines, apparatus, tools, dangerous substances and materials, transport means and other work equipment;

2. (supplemented, SG No. 40/2007) use correctly personal protection means and special work clothing provided to them, and return them after use to the designated place where they are stored;

3. (amended, SG No. 40/2007) use correctly and according to the instructions for use the collective protection means and the protective devices installed on the machines, equipment, instruments, the enterprise or the building;

4. inform immediately the employer or competent officials of any situation which has occurred at work and could present immediate danger for their health, as well as of all faults in the collective protection means;

5. (amended, SG No. 40/2007) assist the employer, the competent officials and/or the representatives of the persons responsible for the safety and health at work in implementing the measures for ensuring healthy and safe working conditions, and the prescriptions by control bodies.

(2) Any working person who temporarily removes a protection device or marking during repair, installation, overhaul or others, shall be obliged to restore it immediately or to undertake other protection measures of identical effectiveness.

Chapter Four

ORGANISATION AND MANAGEMENT OF ACTIVITY

Article 35. The Council of Ministers shall determine and implement a policy for ensuring health and safety at work.

Article 36. (Amended, SG No. 18/2003) The Minister of Labour and Social Policy shall develop, coordinate and implement the state policy for ensuring health and safety at work by:

1. (amended, SG No. 18/2003) preparing, jointly with the Minister of Health, annual analyses of the state of, trends and problems in the activity for ensuring health and safety at work, and proposing measures for improvement thereof;

2. (amended, SG No. 18/2003) issue, independently or jointly with other ministers, statutory acts for ensuring health and safety at work, organise and coordinate the drafting of statutory acts in this area where they are of the competence of other ministers, and endorse rules for ensuring health and safety at work;

3. (amended, SG No. 25/2001) exercise, through the General Labour Inspectorate Executive Agency, integrated control over the observation of legislation and performance of obligations for ensuring health and safety at work in all sectors and activities regardless of the form of ownership therein;

4. lay down the terms, procedure and requirements for performing training, measurement and consultancy in the area of safety at work;

5. (repealed, SG No. 18/2003).

Article 36a. (New, SG No. 108/2008) (1) Every five years, the Minister of Labour and Social Policy, after consulting the employer and employee organisations recognised as being representative on a national scale, shall submit to the European Commission a common report on the implementation of:

1. Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, hereinafter referred to as Directive 89/391/EEC;

2. the individual directives under Article 16, Paragraph 1 of Directive 89/391/EEC;

3. Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed duration employment relationship or a temporary employment relationship, Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels, Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work, and Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80/1107/EEC).

(2) The report referred to in Paragraph 1 shall be prepared in accordance with the structure and contents specified by the European Commission.

(3) The report referred to in Paragraph 1 shall be submitted to the European Commission within 12 months after the 5-year period to which it relates expires.

Article 37. (Amended, SG No. 18/2003) The Minister of Health shall manage and coordinate the activity for protecting and improving health at work by:

1. analysing the work environment and work process and their effect on health, and developing mandatory measures for minimizing occupational and work-related diseases;

2. (amended, SG No. 18/2003) developing national programmes for protecting and improving the health and work capacity, and providing methodological assistance in the implementation thereof;

3. approving standards, rules, requirements and methods for protecting working persons' health and for assessing health risks;

4. assessing the health status of working persons;

5. providing methodological guidance in activity and laying down the terms, procedure and requirements in the performance of training, measurement and consultancy in the area of occupational health and occupational labour health services;

6. (new, SG No. 18/2003, amended, SG No. 70/2004, effective 1.01.2005) exercising control over the performance of the occupational healthcare services through the state health control bodies.

Article 38. The policy for ensuring health and safety at work shall be set out and implemented after coordination within the framework of standing or interim structures for tripartite cooperation at national, sectoral and regional level.

Article 39. (1) The standing body for implementation, coordination, consultancy and cooperation in developing and enforcing the policy for ensuring health and safety at work at national level, shall be the National Council for Conditions of Work.

(2) The National Council for Conditions of Work shall be a pro bono organization and shall consist of representatives of:

1. the Council of Ministers;

2. the National Social Insurance Institute;

3. nationally representative organisations of employers;

4. nationally representative organisations of working persons;

5. (repealed, SG No. 18/2003).

(3) Chairman of the National Council for Conditions of Work shall be the Minister of Labour and Social Policy.

(4) The representative organisations of working persons participating in the National Council for Conditions of Work shall designate two deputy chairpersons of the Council among themselves.

(5) The members of the National Council for Conditions of Work shall approve rules of procedure for the Council.

(6) The organisation of activity and technical and administrative services for the National Council for Conditions of Work, shall be delivered by the Ministry of Labour and Social Policy.

Article 40. The National Council for Conditions of Work shall:

1. (supplemented, SG No. 97/2017) discuss work conditions and activities relating to labour inspection and propose measures for improvement thereof;

2. (new, SG No. 97/2017) discuss a National Programme for Safety and Health at Work and the report on its implementation;

3. (renumbered from Item 2, amended, SG No. 97/2017) discuss and express opinion on draft statutory acts in the field of work conditions and labour inspection, and make proposals for amending them;

4. (renumbered from Item 3, SG No. 97/2017) take decisions for establishing sectoral and branch structures for tripartite cooperation on work conditions;

5. (renumbered from Item 4, SG No. 97/2017) create auxiliary bodies under the Council for solving specific problems;

6. (renumbered from Item 5, SG No. 97/2017) coordinate the activity of bodies competent to exercise control in the field of work conditions;

7. (renumbered from Item 6, SG No. 97/2017) study and popularise local and foreign experience and expertise, organise national competitions, workshops, campaigns and other events to encourage activity;

8. (renumbered from Item 7, SG No. 97/2017) approve programmes for research and development of projects for solving problems in ensuring health and safety at work on funding from Work Conditions Fund;

9. (new, SG No. 97/2017) adopt decisions on the carrying out of joint inspections in accordance with the procedure established by the Labour Inspection Act.

Article 41. (1) The sectoral and branch councils for work conditions shall consist of representatives of the national sectoral or branch federations, unions and trade unions of representative organisations of working persons, of sectoral or branch structures of the representative organisations of the employers, and an equal number of representatives of the competent ministry or department.

(2) The sectoral and branch councils for work conditions shall elect a chairman from among their members and adopt rules of procedure thereof.

Article 42. (1) The sectoral and branch councils for work conditions shall:

1. analyse the state of activity for ensuring healthy and safe work conditions in the respective sector;

2. make arrangements for drafting and discussing rules and requirements for ensuring healthy and safe work conditions, specific to the respective sector;

3. study and popularise experience, organise competitions, workshops, campaigns and others;

4. organise and hold training for employers, officials and working persons' representatives, on rules, standards and methods ensuring healthy and safe work conditions.

(2) On a decision of the sectoral or branch councils for work conditions, temporary structures may be set up with the councils on specific matters.

Article 43. (1) The regional (district and municipal) councils for work conditions shall consist of representatives of the existing regional unions or organisations of representative organisations of working persons and by an equal number of representatives of the district administration or local government bodies.

(2) The regional councils for work conditions shall:

1. approve regional programmes for research and development of projects for optimising labour conditions, and propose them to the Work Conditions Fund for funding;

2. discuss the state of activity for ensuring healthy and safe work conditions in the region or individual enterprises;

3. coordinate the activity of territorial bodies for control of work conditions;

4. provide assistance to the committees and groups for work conditions, in solving specific problems.

Chapter Five

WORK CONDITIONS FUND

Article 44. (1) (Previous text of Article 44, amended, SG No. 18/2003, SG No. 15/2013, effective 1.01.2014) A Working Conditions Fund shall be set up with the Minister of Labour and Social Policy to finance activities and measures for improving working conditions.

(2) (New, SG No. 18/2003) The Work Conditions Fund shall be a legal person with registered office in Sofia.

Article 45. (1) (Amended, SG No. 18/2003) The Work Conditions Fund shall raise and expend funds as per the budget of the Ministry of Labour and Social Policy.

(2) Sources of funds for the Work Conditions Fund shall be:

1. an annual target subsidy from the state budget of an amount set on an annual basis under the State Budget of The Republic Of Bulgaria Act;

2. (amended, SG No. 18/2003) funds from the Accidents at Work and Occupational Diseases Fund of the public social insurance, allocated in the Fund's budget to finance activities for reducing the incidence and gravity of insured social risks "accident at work" and "occupational disease";

3. (new, SG No. 105/2006) funds from the Accidents at Work and Occupational Diseases Fund of the public social insurance, allocated in the Fund's budget to finance activities for occupational diseases diagnostics.

4. (repealed, SG No. 18/2003, previous item 3, SG No. 105/2006) voluntary payments, donations and legacy by will of Bulgarian and foreign citizens and legal persons;

5. incomes from charitable events;

6. advertising activity;

7. other sources provided for by a law or act of the Council of Ministers.

Article 46. (1) The Work Conditions Fund shall expend its resources to:

1. fund projects and programmes for improving work conditions, of significance and applicability of results at branch level;

2. (new, SG No. 18/2003, amended, SG No. 76/2005, SG No. 40/2007) participate in the financing of projects with a high social effect of results for improving working conditions in

individual enterprises identified through competition; the financial participation shall be up to 30 percent of the project value;

3. (new, SG No. 105/2006) occupational diseases diagnostics;

4. (previous item 2, SG No. 18/2003, previous item 3, SG No. 105/2006) develop statutory acts, rules, standards and requirements;

5. (previous item 3, SG No. 18/2003, previous item 4, SG No. 105/2006) organise and hold training in the field of health and safety at work;

6. (new, SG No. 40/2007) organise and conduct specialised training, seminars and conferences in the field of health and safety at work;

7. (new, SG No. 40/2007) monitor and control the working conditions, and the factors of the working environment;

8. (previous item 4, SG No. 18/2003, previous item 5, SG No. 105/2006, previous item 6, SG No. 40/2007) develop and publish training and information materials;

9. (previous item 5, SG No. 18/2003, previous item 6, SG No. 105/2006, previous item 7, SG No. 40/2007) cover the costs of operation of the Fund.

(2) (Amended, SG No. 18/2003, SG No. 76/2005, supplemented, SG No. 105/2006, amended, SG No. 40/2007) The resources under Items 1, 2, 4, 5, 6, 7, 8 and 9 Paragraph (1), shall be provided gratuitously under the terms and procedure set out in an ordinance of the Minister of Labour and Social Policy.

(3) (New, SG No. 105/2006) The resources under Item 3 shall be expended under terms and procedure set out in by ordinance of the Minister of Labour and Social Policy and the Minister of Health.

Article 47. (1) (Amended, SG No. 76/2005) The managing body of the Work Conditions Fund shall be a Managing Board consisting of a President, Vice President and seven members.

(2) The President of the Work Conditions Fund shall be appointed by the Minister of Labour and Social Policy who shall also designate the three members of the Fund.

(3) (Amended, SG No. 18/2003, SG No. 76/2005) The National Council for Conditions of Work shall elect among its members four of the members of the Managing Board (two each from the national representative organizations of manual and office working persons, and of the working persons), one of whom as Vice President.

(4) (New, SG No. 76/2005) The representative of the National Social Security Institute at the National Council for Conditions of Work shall be a member of the Managing Board of the Work Conditions Fund.

Article 48. The Managing Board of the Work Conditions Fund shall:

1. develop rules of procedure for its work;

2. (amended, SG No. 18/2003) develop and coordinate with the National Council for Conditions of Work a budget of the Fund;

3. (amended, SG No. 18/2003) submit a proposed budget of the fund for approval to the Minister of Labour and Social policy;

4. (amended, SG No. 105/2006) prepare annual financial statement as per the requirements of the Accountancy Act;

5. prepare annual report on the activity of the Fund;

6. (amended, SG No. 18/2003) approve projects and programmes for financing by the Fund, and conclude contracts with contractors of projects and programmes approved for financing;

7. (new, SG No. 18/2003) propose for approval by the Minister of Labour and Social Policy the structure and payroll of the Fund.

Article 48a. (New, SG No. 18/2003) The President of the Work Conditions Fund shall:

1. organise the activity and preside over the meetings of the Managing Board;
2. represent the Fund;
3. appoint and discharge Fund employees;
4. have the right to dispose of sums of up to BGN 3,000 monthly, within the current expenses allocations in the annual budget of the fund.

Article 49. (Amended, SG No. 76/2005) The Minister of Labour and Social Policy shall endorse:

1. Rules of Procedure of the Work Conditions Fund;
2. Rules of Procedure of the Managing Board of the Work Conditions Fund.

Article 50. (Amended, SG No. 92/2000, SG No. 33/2006) Control over fund-raising by the Work Conditions Fund shall be exercised by the National Audit Office and the Public Financial Inspection Agency.

Chapter Six

ECONOMIC INCENTIVES FOR IMPROVING WORK CONDITIONS

Article 51. (1) Working persons shall have compulsory insurance against occupational disease and accident at work, the insurance contributions being at the expense of employer.

(2) (Repealed, SG No. 76/2005).

(3) The terms and procedure for insurance against accidents at work and occupational diseases shall be regulated by a separate act.

Article 52. (Amended, SG No. 76/2005) (1) Manual and office working persons occupied at work where there is a hazard for their life and health shall be subject to mandatory insurance against the risk of "accident at work" at the expense of their employer and under a procedure provided by an act of the Council of Ministers.

(2) The economic activity of the relevant enterprise and the average national level of coefficients of frequency and severity of accidents at work shall be taken into account in determining the conditions and procedure under Paragraph 1.

Article 53. (Repealed, SG No. 76/2005).

Chapter Seven

CONTROL, ADMINISTRATIVE AND PENAL LIABILITY

Article 54. (1) Overall control over the implementation of this Act shall be exercised by the Ministry of Labour and Social Policy.

(2) (Amended, SG No. 25/2001) The General Labour Inspectorate, through its units, shall exercise specialized control over the implementation of this Act and other statutory acts.

(3) (Amended, SG No. 25/2001) The structure and activity of the General Labour Inspectorate shall be set out under rules of procedure approved by the Council of Ministers.

Article 54a. (New, SG No. 40/2007) (1) The state health control bodies shall exercise control over the activities of the occupational medicine services on:

1. the registration and compliance of the information and the documents under Article 25d, Paragraph 1, and Article 25e, Paragraph 1, with the actual situation;
2. implementation of the activities agreed with the employer under Article 25a, Paragraph 1,

related to the health of the working persons;

3. the documents testifying to the activities of the service.

(2) The control shall be performed currently and in the event of complaints and signals filed.

(3) The state health control bodies shall have the right to:

1. free access to the occupational medicine services;

2. require information and documents from the occupational medicine service in connection with its activities;

3. provide mandatory prescriptions to the occupational medicine service with a view to eliminating violations found;

4. impose penalties for administrative violations found.

(4) While discharging their obligations, the state health control bodies shall be under the obligation not to disclose the facts that had become known to them during the inspection, which constitute a production or trade secret of the enterprises controlled.

Article 54b. (New, SG No. 40/2007) (1) The persons who have registered an occupational medicine service and the managers of the occupational medicine services who fail to fulfil their obligations under the present act, shall be liable for a property sanction or fine of BGN 1,500 to BGN 5,000, if they are not liable for a more severe punishment, and the delinquent official shall be fined from BGN 250 to BGN 1,000, if that official is not liable for a more severe punishment.

(2) Repeated offenders shall be liable for punishment under Paragraph 1 in the form of property sanction or fine of BGN 3,000 to BGN 10,000, and for the delinquent official - a fine from BGN 500 to BGN 2,000.

Article 54c. (New, SG No. 40/2007) (1) (Amended, SG No. 98/2010, effective 1.01.2011) The violations under Article 54c shall be ascertained with penalties imposed by officials in the regional health inspectorates, specifically authorised by the Director to exercise control over the activities of the occupational medicine services.

(2) (Amended, SG No. 98/2010, effective 1.01.2011) The sanctions for violations under Article 54b shall be issued by the Director of the regional health inspectorate.

Article 54d. (New, SG No. 40/2007) The ascertaining of the violations, the issuing, appeal and enforcement of the sanctions shall be done under the Administrative Violations and Sanctions Act.

Article 55. (Supplemented, SG No. 58/2010, effective 30.07.2010) Persons who violate the requirements or fail to perform their obligations under this Act, shall be liable under Article 413, 414, 415, 415c and 416 of the Labour Code and the other laws and statutory acts specific for this activity.

SUPPLEMENTARY PROVISIONS

§ 1. For the purpose of this Act:

1. "Health and safety at work" shall mean such work conditions as are not conducive to occupational diseases and accidents at work and create prerequisites for full physical, psychological and social well-being of the working persons.

1a. (New, SG No. 40/2007) "Prevention" shall mean all measures undertaken or planned at all stages of work in the enterprise with a view to preventing, mitigating and/or eliminating occupational risks.

2. "Employer" shall mean the term defined in § 1, Item 1 of the Supplementary Provisions of the Labour Code as well as any person assigning work and bearing the whole responsibility for

the enterprise, cooperative or organization.

2a. (New, SG No. 40/2007) "Working person" shall mean any person who has been hired by an employer, as well as persons working for their own benefit, including trainees or apprentices during the period of training, work study or practice.

2b. (New, SG No. 40/2007, amended, SG No. 27/2014) "Representative of the workers responsible for safety and health at work" shall mean any employee elected to represent the workers before the employer or before the state bodies in the area of safety and health at work, including in case of emergence of risks, which pose an immediate hazard to the health, safety or life of the workers.

2c. (New, SG No. 40/2007) "Enterprise" shall be a concept defined in § 1, item 2, of the Supplementary Provisions to the Labour Code.

3. "Health and safety hazards" shall mean physical (including mechanical, acoustic, electrical, optical, radiation, ionising, vibration, etc.), chemical, biological, psychological, organizational and other impacts affecting adversely or threatening the health and safety of working persons.

4. "Occupational risk" ("risk") shall mean the probability of occurrence of unfavourable consequences for the health and safety of working persons from specific influence of hazards at work and the gravity of such consequences.

5. "Health risk" shall mean the probability for occurrence of unfavourable changes of the health status from specific influence of health hazards, and the extent of these changes.

6. "Collective protection means" shall mean design, construction, technological, organisational or other technical solution which isolates the space where hazards may or do appear, from the location of working persons or other persons who could be harmed.

7. (Amended, SG No. 40/2007) "Individual protection means" shall mean any device or equipment designed to be worn or used by the working person in order to protect him from one or more possible dangers threatening his health and safety at work, as well as any addition, accessory or special working apparel designed for the same purpose.

8. "Protection device (element, equipment, tool)" shall mean a part of the work equipment which has protective (preserving) function when used, as well as when failure, fault or improper action occurs, which may threaten the health, safety and life of persons affected. This may be equipment manufactured separately and intended to fulfil same tasks.

9. "Minimum requirements for ensuring healthy and safe work conditions" shall mean the minimum admissible requirements for preserving the health of the working persons and ensuring their safety at work. The employer shall be allowed to introduce higher requirements so as to provide better protection of the working persons, but shall not be allowed requirements that are below the minimum requirements.

10. (New, SG No. 76/2005, amended, SG No. 7/2012) "An enterprise providing temporary work" shall mean the term as set out in § 1, item 17 from the Additional Provisions of the Labour Code.

11. (New, SG No. 108/2008) "The individual directives under Article 16, Paragraph 1 of Directive 89/391/EEC" shall mean directives in the following fields: workplaces; work equipment; work with video displays; handling of heavy loads involving the risk of spinal damage; temporary and mobile work platforms; fishing and agriculture.

12. (New, SG No. 27/2014) "Special blasting operations" shall mean blasting operations in settlements, on industrial and construction platforms, as well as in other locations and projects, requiring protection from the harmful influences of blasting operations.

13. (New, SG No. 27/2014) "Technological (repeated) blasting operations" shall mean

blasting operations, which are performed in connection with a certain work technology in the mining industry, hydro-technical construction and in the building of other projects.

§ 1a. (New, SG No. 108/2008) This Act introduces the provisions of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. The resources provided in Article 1, Paragraph 2 (6) of the 1998 Public Social Insurance Budget Act, for financing of activities for reducing the insurance risks "accident at work" and "occupational disease", amounting to BGN 900 million, shall be transferred to the account of the Work Conditions Fund.

§ 3. (Amended, SG No. 111/2001) Enterprises, work sites, workplaces and work equipment put into operation before the entry into force of this Act, shall observe the requirements thereof no later than 6 years of the date of entry into force.

§ 4. Enterprises or organisations existing prior to the entry into force of this Act shall notify within six months the authorities responsible for the enforcement of the Act, of the character and nature of activities and the status of working conditions.

§ 4a. (New, SG No. 108/2008) The first report under Article 36a shall cover the 2007-2012 period.

§ 4b. (New, SG No. 12/2010) The 2009 declaration referred to in Article 15 shall be filed no later than 30 June 2010.

§ 5. In Article 415, Paragraph (1) and (2) of the Labour Code (promulgated, SG No. 26 and 27/1986; amended and supplemented, SG Nos. 6/1988, 21, 30 and 94/1990, 27, 32 and 104/1991, 23, 26, 88 and 100/1992, 69/1995, Decision No. 12/1995 of the Constitutional Court; amended, SG Nos. 87/1995, 2 and 28/1996) the words "from 2 to 8" shall be substituted by "from 5 to 20".

§ 6. In the Public Health Act (promulgated, SG No. 88/1973; corrected, SG No. 92/1973; amended and supplemented, SG No. 63/1976, 28/1983, 66/1985, 27/1986, 89/1988, 87 and 99/1989, 15/1991; corrected, SG No. 24/1991; amended, SG Nos. 64/1993, 31/1994, 36/1995 and 12/1997), Article 11 shall be repealed.

FINAL PROVISIONS

to the Act Amending and Supplementing
the Health and Safety at Work Act
(SG No. 18/2003)

§ 21. Ordinances, rules of procedures, other rules and standards as regards safety and hygiene at work, issued prior to the entry into force of this Act, shall apply inasmuch as they are not at variance with the Health and Safety at Work Act.

TRANSITIONAL AND FINAL PROVISIONS to the Lev Re-denomination Act
(SG No. 20/1999, amended, SG No. 65/1999, effective 5.07.1999)

.....
§ 4. (1) (Amended, SG No. 65/1999) Upon the entry of this Act into force, all figures expressed in old lev terms as indicated in the laws which will have entered into force prior to the 5th day of July 1999 shall be replaced by figures expressed in new lev terms, reduced by a factor of 1,000. The replacement of all figures expressed in old lev terms, reduced by a factor of 1,000, shall furthermore apply to all laws passed prior to the 5th day of July 1999 which have entered or

will enter into force after the 5th day of July 1999.

(2) The authorities, which have adopted or issued any acts of subordinate legislation which will have entered into force prior to the 5th day of July 1999 and which contain figures expressed in lev terms, shall amend the said acts to bring them in conformity with this Act so that the amendments apply as from the date of entry of this Act into force.

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§ 7. This Act shall enter into force on the 5th day of July 1999.
ACT to Amend and Supplement
the Health and Safety at Work Act
(SG No. 40/2007)

.....
Supplementary Provision
§ 24. Everywhere in the act the words "workers", "workers and employees" and "workers or employees" shall be replaced by "working persons".

Transitional Provision
§ 25. The occupational medicine services registered prior to the entry of this act into force shall be re-registered not later than one year after its entry into force.

TRANSITIONAL AND FINAL PROVISIONS
to the Act on the National Emergency Call System
Employing the Single European Number "112"
(SG No. 102/2008)

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§ 12. Throughout the Health and Safety at Work Act (promulgated, State Gazette No. 124/1997; amended, No. 86/1999, Nos 64 and 92/2000, Nos 25 and 11/2001, Nos 18 and 114/2003, No. 70/2004, No. 76/2005, Nos 33, 48, 102 and 105/2006, and No. 40/2007), the phrases "the Ministry of State Policy on Disasters and Accidents" and "the Minister of State Policy on Disasters and Accidents" shall be replaced by "the Ministry of Emergency Situations" and "the Minister of Emergency Situations", respectively.

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TRANSITIONAL AND FINAL PROVISIONS
to the Act Amending and Supplementing the Ministry of Interior Act
(SG No. 88/2010, effective 9.11.2010)

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§ 111. Throughout the Health and Safety at Work Act (promulgated, State Gazette No. 124/1997; amended, No. 86/1999, Nos 64 and 92/2000, Nos 25 and 11/2001, Nos 18 and 114/2003, No. 70/2004, No. 76/2005, Nos 33, 48, 102 and 105/2006, and No. 40/2007, SG No. 102/2008, 108/2008, SG No. 93/2009, 12/2010, and 58/2010) in Article 20, Paragraph 1, Item 1, the words "Fire Safety and Directorate General" shall be replaced with "Fire Safety and Protection of the Popoulation Directorate General".

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§ 117. The Act shall become effective from the day of its promulgation in the State Gazette, exept § 1 - 23, § 25, § 27 - 30, § 32 - 34, § 40, § 41, § 43 - 55, § 63 - 89 and § 91 - 114, which shall become effective from 1.01.2011.

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TRANSITIONAL AND FINAL PROVISIONS
to the Act Amending and Supplementing the Labor Code
(SG No. 7/2012)

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§ 28. In the Health and Safety at Work Act (promulgated, SG No. 124/1997; amended, SG No. 86/1999; SG No. 64 and 92/2000, SG No. 25 and 111/2001; SG No. 18 and 114/2003, SG No. 70/2004; SG No. 76/2005, SG No. 33, 48, 102 and 105/2006 and SG No. 40/2007, SG No. 102 and 108/2008, SG No. 93/2009, SG No. 12, 58, 88 and 98/2010, SG No. 60/2011) the following amendments are made:

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2. Everywhere in the act the word "employment" shall be substituted by "work".

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FINAL PROVISIONS

to the Act Amending and Supplementing
the Health and Safety at Work Act
(SG No. 27/2014)

§ 9. The Council of Ministers shall adopt the ordinance under Article 13a, Paragraph 2 upon proposal of the Minister of Labour and Social Policy within 6 months of the entry into force of this Act.

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FINAL PROVISIONS

to the Act Amending and Supplementing
the Health and Safety at Work Act
(SG No. 97/2017)

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§ 8. Within one month of the entry of this Act into force the Minister of Health and the Minister of Labour and Social Policy shall endorse the standards referred to in [Article 25a \(4\)](#).