

Labour Code

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17.07.2015, amended, SG No. 61/11.08.2015, effective 17.07.2015, amended and supplemented, SG No. 79/13.10.2015, effective 1.08.2016, supplemented, SG No. 98/15.12.2015, effective 1.01.2016, amended, SG No. 8/29.01.2016, effective 29.01.2016, amended and supplemented, SG No. 57/22.07.2016, amended, SG No. 59/29.07.2016, effective 1.08.2016, amended and supplemented, SG No. 98/9.12.2016, effective 1.06.2017, SG No. 105/30.12.2016, effective 30.12.2016, amended, SG No. 85/24.10.2017, SG No. 86/27.10.2017, SG No. 96/1.12.2017, effective 1.01.2018, supplemented, SG No. 102/22.12.2017, effective 27.12.2017, amended and supplemented, SG No. 7/19.01.2018, amended, SG No. 15/16.02.2018, effective 16.02.2018, amended and supplemented, SG No. 30/3.04.2018, effective 1.07.2018, SG No. 42/22.05.2018, SG No. 59/17.07.2018, amended, SG No. 77/18.09.2018, effective 1.01.2019, SG No. 91/2.11.2018, amended and supplemented, SG No. 92/6.11.2018, supplemented, SG No. 79/8.10.2019, SG No. 13/14.02.2020, effective 14.02.2020, SG No. 28/24.03.2020, effective 13.03.2020, SG No. 44/13.05.2020, effective 14.05.2020, SG No. 64/18.07.2020, effective 21.08.2020, amended and supplemented, SG No. 104/8.12.2020, effective 12.12.2020, SG No. 107/18.12.2020, amended, SG No. 109/22.12.2020, effective 22.12.2020, amended and supplemented, SG No. 25/29.03.2022, effective 29.03.2022, supplemented, SG No. 51/1.07.2022, amended, SG No. 58/23.07.2022, effective 1.01.2023, amended and supplemented, SG No. 62/5.08.2022, effective 1.08.2022, amended, SG No. 104/30.12.2022, effective 1.01.2023, supplemented, SG No. 11/2.02.2023, effective 1.07.2024, amended and supplemented, SG No. 14/10.02.2023, supplemented, SG No. 66/1.08.2023, effective 1.09.2023, amended, SG No. 84/6.10.2023, effective 6.10.2023, amended and supplemented, SG No. 85/10.10.2023, effective 1.06.2025, SG No. 106/22.12.2023, effective 1.01.2024, SG No. 27/29.03.2024, amended, SG No. 39/1.05.2024, effective 1.05.2024, SG No. 66/6.08.2024, SG No. 67/9.08.2024, SG No. 70/20.08.2024, effective from the date stipulated in the Council Decision of the European Union on the adoption by the Republic of Bulgaria of the euro, adopted in accordance with Article 140(2) of the Treaty on the Functioning of the European Union, and in the Council Regulation adopted in accordance with Article 140(3) of the Treaty on the Functioning of the European Union

Text in Bulgarian: Кодекс на труда

INTRODUCTION

(Repealed, SG No. 100/1992)

Chapter One

GENERAL PROVISIONS

Subject Matter and Purpose

Article 1

(Amended, SG No. 100/1992)

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

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

employment relationships only.

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

Social Dialogue

Article 2

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

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

Bilateral Co-operation

Article 2a

(New, SG No. 107/2020)

(1) The state shall encourage social dialogue and bilateral cooperation between the trade union organisations and the organisations of employers on the matters determined in Article 2.

(2) The representative organisations of workers and employees and of employers at a national level shall make efforts to develop social dialogue and cooperation contributing to:

1. strengthening mutual trust;
2. mutual respect of interests;
3. strengthening collective bargaining;
4. raising the awareness of workers and employees;
5. the motivation of workers and employees to participate actively in the work process;
6. development and strengthening of corporate social responsibility.

Tripartite Co-operation

Article 3

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

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

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

(3) (New, SG No. 54/2015, effective 17.07.2015) Agreements may be executed between workers and employees' and employers' representative organisations in regard to the adoption of normative acts on issues within the scope of Paragraph (1), where:

1. such an agreement was executed by their request following an evaluation by the state;
2. the proposal to execute such an agreement was made by the state.

(4) (New, SG No. 54/2015, effective 17.07.2015) Fulfillment of the agreements under Paragraph (3) shall be performed by the state.

National Council for Tripartite Co-operation

Article 3a

(New, SG No. 25/2001)

(1) (Supplemented, SG No. 107/2020) The National Council for Tripartite Co-operation shall discuss and give pinions on bills, drafts of secondary legislation and decisions of the Council of Ministers and on other matters under Article 3.

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

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

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

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

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

Article 3b

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

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

(2) The industry, branch, regional and municipal councils for tripartite co-operation shall

comprise two representatives, each of: the relevant ministry, another central government department, regional or municipal administration, representative organisations of workers and employees and of the employers.

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

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

Functions of Councils for Tripartite Co-operation

Article 3c

(New, SG No. 25/2001)

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

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

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

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

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

Meetings of Councils for Tripartite Co-operation

Article 3d

(New, SG No. 25/2001)

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

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

also move the agenda of the meeting.

Work Organisation and Decision-Making of Councils for Tripartite
Co-operation
Article 3e

(New, SG No. 25/2001)

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

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

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

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

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

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

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

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

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

Framework and Financing of Activities of Councils for Tripartite
Co-operation
Article 3f

(New, SG No. 25/2001)

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

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

Association of Workers and Employees

Article 4

(Amended, SG 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 workers and employees' interests before state bodies and employers as regards the issues of industrial and social-security relations and living standards through collective bargaining, participation in tripartite co-operation, organisation of strikes and other actions within the law.

Association of Employers

Article 5

(Amended, SG No. 100/1992)

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

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

General Meeting of Workers and Employees

Article 6

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

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

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

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

General Meeting Procedure

(Heading amended, SG No. 25/2001)

Article 6a

(New, SG No. 2/1996)

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

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

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

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

Participation of Workers and Employees' in Enterprise Management

Article 7

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

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

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

Representatives for Worker and Employee Information and Consultation

Article 7a

(New, SG No. 48/2006)

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

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

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

working time thereof, including workers and employees commissioned by an enterprise providing temporary employment.

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

1. applicable to enterprises with 50 to 250 workers and employees: not fewer than three and not more than five;

2. applicable to enterprises with more than 250 workers and employees: not fewer than five and not more than nine;

3. applicable to organisationally and economically self-contained divisions: not fewer than one and not more than three.

(5) Candidates for election of workers and employees' representatives referred to in Paragraph (1) may be nominated by individual workers or employees, by groups of workers and employees, as well as by trade union organisations.

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

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

Workers and Employees' Representatives: Credentials

Article 7b

(New, SG No. 48/2006)

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

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

(2) (Supplemented, SG No. 108/2008) In the cases of Article 123 (1), if the enterprise, activity or a part of an enterprise or activity preserve their self-contained nature, the workers and employees' representatives under Article 7 (2) and Article 7a shall retain the status and functions thereof under the same conditions, of the same type and in the same volume as before the change until the election of new representatives but for not more than one year reckoned from the date of the change. If the enterprise, activity or part of an enterprise do not preserve their self-contained nature, the credentials of the workers and employees' representatives shall be terminated, and the workers and employees who

have transferred to the new employer shall be represented by the workers and employees' representatives at the enterprise of their new employment.

Workers and Employees' Representatives: Rights and Obligations
Article 7c

(New, SG No. 48/2006)

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

1. to be informed by the employer in a manner enabling them to assess the possible impact of the measures envisaged by the competent authorities;

2. to require that the employer provide them with the necessary information, if this has not been done within the established time limits;

3. to participate in consultation procedures with the employer and to express the opinion thereof on the measures envisaged by the competent authorities, which shall be taken into account upon decision-making;

4. to require to meet with the employer in the cases where they have to inform the employer of the questions raised by the workers and employees;

5. to have access to all workplaces in the enterprise or division;

6. to be enrolled in training necessary for the performance of the functions thereof.

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

1. to inform the workers and employees of the information received under Items 1 and 2 of Paragraph (1) and of the results of the consultations and meetings held under Items 3 and 4 of Paragraph (1);

2. not to disclose and not to use for their benefit and for the benefit of third parties any information under Items 1 and 2 of Paragraph (1) which has been provided thereto in confidence, until they are workers and employees' representatives, as well as after the discontinuance of the functions thereof.

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

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

Liability for Disclosure of Confidential Information

Article 7d

(New, SG No. 48/2006)

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

Exercise of Labour Rights and Duties

Article 8

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

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

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

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

Article 9

(Repealed, SG No. 100/1992).

Law Applicable to Employment Relationships

Article 10

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

(1) (Amended, SG No. 107/2020) This Code shall apply to labour relationships between an employer and a worker or employee whose place of work is in the Republic of Bulgaria, unless foreseen otherwise in an act or in an international treaty, which is in force for the Republic of Bulgaria.

(2) (Amended, SG No. 107/2020) This Code shall apply to labour relationships between a Bulgarian employer and a worker or employee whose place of work is outside of the Republic of Bulgaria, unless foreseen otherwise in an act or in an international treaty, which is in force for the Republic of Bulgaria.

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

governed by the legislation of another State.

(4) (Amended, SG No. 107/2020) The application of Paragraphs (1), (2) and (3) shall not deprive the worker or employee of the protection ensured thereto by the mandatory standards of the legislation of a state on the territory of which or from which the work is habitually performed, where the said standards are more favourable for the worker or employee.

Recognition of Labour Rights Acquired Abroad

Article 11

(Amended, SG No. 100/1992)

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

Chapter Two
WORKING COLLECTIVE
(Repealed, SG No. 100/1992)

Article 12

(Repealed, SG No. 100/1992).

Article 13

(Repealed, SG No. 100/1992).

Article 14

(Repealed, SG No. 100/1992).

Article 15

(Repealed, SG No. 100/1992).

Article 16

(Repealed, SG No. 100/1992).

Article 17

(Repealed, SG No. 100/1992).

Article 18

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

Article 19

(Repealed, SG No. 100/1992).

Article 20

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

Article 21

(Repealed, SG No. 100/1992).

Article 22

(Repealed, SG No. 100/1992).

Article 23

(Repealed, SG No. 100/1992).

Article 24

(Repealed, SG No. 100/1992).

Article 25

(Repealed, SG No. 100/1992).

Article 26

(Repealed, SG No. 100/1992).

Article 27

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

Article 28

(Repealed, SG No. 100/1992).

Article 29

(Repealed, SG No. 100/1992).

Article 30

(Repealed, SG No. 100/1992).

Article 31

(Repealed, SG No. 100/1992).

Article 32

(Repealed, SG No. 100/1992).

Chapter Three

TRADE UNION ORGANISATIONS AND EMPLOYERS' ORGANISATIONS

(Heading amended, SG No. 100/1992)

Autonomy

Article 33

(Amended, SG No. 100/1992)

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

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

Representative Organisations of Workers and Employees

Article 34

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

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

1. (amended, SG No. 8/2016, effective 29.01.2016) have at least 50,000 members;
2. have organisations of workers and employees in more than one-fourth of the industries designated by a code up to the second digit in the Classification of Economic Activities endorsed by the National Statistical Institute, with at least 5 per cent of the people engaged in each economic activity being members therein, or at least 50 organisations with at least 5 members in each economic activity;
3. have local chapters in more than one-fourth of the municipalities in Bulgaria and a national governing body;
4. possess the capacity of a legal person, acquired in accordance with the procedure established by Article 49 (1) at least two years prior to the submission of the request for recognition of representativity.

Representative Organisations of Employers

Article 35

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

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

1. (declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 49/2012; amended, SG No. 8/2016, effective 29.01.2016) have at least:

(a) 1500 members and a total of no less than 50 000 workers and employees in all members of the employment organisation, or

(b) 100 000 workers and employees hired with employment contract in all members of the employment organisation;

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

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

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

5. (declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 49/2012)

not perform activities exclusively assigned to them by a law or statutory instrument.

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

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

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

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

Recognition of Representative Organisations

Article 36

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

(1) Organisations of workers and employees and of employers shall be recognised by the Council

of Ministers as representative at the national level upon their request for a term of 4 years.

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

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

(4) (Amended, SG No. 61/2011) Organisations of workers and employees and of employers, wishing to be recognised as representative, shall submit their applications within four months of publication of the announcement under Paragraph (3).

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

1. equal treatment when evaluating the criteria for representativity and the existence of a social mandate;

2. transparency of the procedure for verification of compliance with the criteria for representativity under Articles 34 and 35;

3. guaranteeing the reliability of primary information;

4. mutual control in the course of verifying compliance with the criteria for representativity.

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

(7) (Amended, SG No. 77/2018, effective 1.01.2019) Any rejection by the Council of Ministers to recognize any organisation of workers and employees or of employers as representative, shall be substantiated and notified to the stakeholder organization within 7 days of adopting it. The stakeholder organization can appeal before the relevant administrative court following the procedure set out in the Administrative Procedure Code.

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

Verification of Requirements for Representativity

Article 36a

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

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

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

1. withdraw the capacity of any organisation of workers and employees or of employers as representative at the national level;

2. confirm the representativity of such organisation according to the procedure established by Article 36 (5) and (6).

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

Participation in Drafting of Internal Regulations of Enterprise

Article 37

(Amended, SG No. 100/1992)

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

Article 38

(Repealed, SG No. 100/1992).

Article 39

(Repealed, SG No. 100/1992).

Article 40

(Repealed, SG No. 100/1992).

Article 41

(Repealed, SG No. 100/1992).

Participation in Discussion of Industrial and Social-Security Issues

Article 42

(Amended, SG No. 100/1992)

The national leaderships of trade union organisations and of the employers' organisations, or bodies or persons designated thereby, shall be entitled to participate in the discussion of issues concerning the industrial and social-security relations of workers and employees of the ministries, other

central-government departments, enterprises and local government bodies.

Article 43

(Repealed, SG No. 100/1992).

Article 44

(Repealed, SG No. 100/1992).

Representation before Court

Article 45

(Amended, SG No. 100/1992) (1) (Previous text of Article 45, SG No. 105/2016, effective 30.12.2016) Trade union organisations and their divisions shall be entitled, upon the request of workers and employees, to represent them as authorised representatives before the court. They may not conclude settlements, acknowledge legal actions, waive, withdraw or reduce the demands of workers and employees, or collect any amounts for the account of the persons represented, unless they have been expressly authorised to do so.

(2) (New, SG No. 105/2016, effective 30.12.2016) Paragraph (1) shall also apply with regard to the workers and employees referred to in Article 121a.

Co-operation for Implementation of Activities of Trade Union Organisations and of Workers and Employees' Representatives

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

Article 46

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

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

Article 47

(Repealed, SG No. 100/1992).

Article 48

(Repealed, SG No. 100/1992).

Legal Personality

Article 49

(Amended, SG No. 100/1992)

(1) (Amended, SG No. 2/1996, SG No. 59/2018) Trade union organisations and employers' organisations shall acquire the status of a legal person upon the recording thereof in a register of trade union and employers' organisations kept with the relevant district court having jurisdiction over their registered office.

(2) (Amended, SG No. 59/2018) Any division of an organisation registered in accordance with Paragraph (1) shall acquire the status of a legal person according to its statute.

(3) (New, SG No. 59/2018) The registrations shall be made under the terms and according to the procedure established by Chapter Fifty-Five of the Code of Civil Procedure.

(4) (New, SG No. 59/2018) The following circumstances shall be entered in the register of trade union and employer's organisations:

1. the type and name of the organisation;
2. the seat and address;
3. the statute of the organisation;
4. the bodies, the names of the members of the managing body, the names and positions of the persons representing the organisation;
5. the dissolution of the organisation;
6. transformation;
7. names, company name, respectively, and addresses of liquidators;
8. the deletion of the organisation.

(5) (New, SG No. 59/2018) Subject to entry shall also be the changes in the circumstances under Paragraph (4).

(6) (New, SG No. 59/2018) The circumstances and the acts under Paragraph (4) shall be filed for entry and announcement accordingly in the register of trade union and employers' organisations kept by the relevant district court within one month from the date of their occurrence, change accordingly.

(7) (Renumbered from Paragraph (3), SG No. 59/2018) Property relations between the members of a trade union organisation which has been dissolved, as well as of an employers' organisation which has been dissolved, shall be regulated conforming to the provisions of their statutes.

Chapter Four **(Amended, SG No. 100/1992)** **COLLECTIVE AGREEMENT**

Subject

Article 50

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

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

Levels of Collective Bargaining

Article 51

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

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

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

Collective Agreement in Enterprises

Article 51a

(New, SG No. 25/2001)

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

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

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

Collective Agreement at Industry and Branch Levels

Article 51b

(New, SG No. 25/2001)

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

employers.

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

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

(4) (Renumbered from Paragraph (3), SG No. 120/2002, amended, SG No. 107/2020) Based on a joint request of the parties to the collective agreement executed on an industry or branch level, the Minister of Labour and Social Policy may extend the application of the agreement or of individual clauses thereof to all enterprises of that industry or branch, after all organisations of the workers and employees and of employers recognised as representative at a national level have expressed their written consent.

(5) (New, SG No. 107/2020) The extended collective agreement or of individual clauses thereof shall apply to the workers and employees working in enterprises covered by the relevant industry or branch.

(6) (New, SG No. 107/2020) The extension of the collective agreement or of separate clauses thereof shall be carried out by an order of the Minister of Labour and Social Policy, which shall be promulgated in the unofficial section of the State Gazette.

(7) (New, SG No. 107/2020) The extended collective agreement or individual clauses thereof shall be published on the website of General Labour Inspectorate Executive Agency within three days of the publishing of the order under Paragraph (6).

Collective Agreements by Municipality

Article 51c

(New, SG No. 25/2001)

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

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

Obligations to Negotiate and to Provide Information

(Heading amended, SG No. 25/2001)

Article 52

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

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

2. to make available to the workers and employees' representatives:

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

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

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

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

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

Conclusion and Recording

Article 53

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

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

(3) (Amended, SG No. 107/2020) The collective agreement shall be recorded in a register at the labour inspectorate in the area where the employer's registered office is located. Industry or branch collective agreements shall be registered with the General Labour Inspectorate Executive Agency.

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

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

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

Entry into Force and Duration

Article 54

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

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

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

Extension of Effect of Collective Agreement

Article 55

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

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

Amendment

Article 56

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

(2) Articles 53 and 54 shall apply to amendments to the collective agreement.

Effect with Regard to Persons

Article 57

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

(2) (Supplemented, SG No. 2/1996, amended, SG No. 25/2001, SG No. 107/2020) The workers and employees who are not members of a trade union organisation which is party to a collective agreement may accede to a collective agreement concluded by their employer by applications in writing submitted to the said employer or to the leadership of the trade union organisation which has concluded the agreement.

(3) (New, SG No. 107/2020) The terms and conditions for accession under Paragraph (2), including the payment of a monetary accession contribution, shall be determined between the parties to the agreement, so as not to contravene or circumvent the law or violate moral or ethical standards.

Obligation to Provide Information

Article 58

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

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

Legal Actions upon Non-performance

Article 59

(Amended, SG No. 25/2001)

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

Nullity Action

Article 60

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

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

Chapter Five FORMATION AND MODIFICATION OF EMPLOYMENT RELATIONSHIP

Section I EMPLOYMENT CONTRACT

Conclusion

Article 61

(Amended, SG No. 100/1992)

(1) (Supplemented, SG No. 120/2002) An employment contract shall be concluded between the

worker or employee and the employer before beginning of work.

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

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

Form

Article 62

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

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

(3) (New, SG No. 120/2002, amended, SG No. 105/2005, supplemented, SG No. 108/2008, amended, SG No. 85/2023, effective 1.06.2025) Within three days after the conclusion or modification of an employment contract and within seven days after its termination, the employer or a person authorised thereby shall be obligated to enter the data in the employment register. The National Revenue Agency shall provide empowered persons of Labour Inspection Directorates with electronic access in real time to the employment register and, upon request, shall send a copy of the data for the relevant entry within three working days.

(4) (New, SG No. 100/2010, effective 1.01.2011, amended, SG No. 85/2023, effective 1.06.2025) After the term under Paragraph (3), entry shall be made only after a statutory prescription of the labour inspectorate supervisory authorities has entered into force.

(5) (New, SG No. 120/2002, amended, SG No. 105/2005, effective 29.12.2005, renumbered from Paragraph (4), SG No. 100/2010, effective 1.01.2011, amended, SG No. 85/2023, effective 1.06.2025) The procedure and the particulars required for the entry shall be determined by an ordinance of the Council of Ministers on a motion by the Minister of Labour and Social Policy, co-ordinated with the Executive Director of the National Revenue Agency and the President of the National Statistical Institute.

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

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

Commencement of Performance

(Heading amended, SG No. 100/1992)

Article 63

(1) (New, SG No. 120/2002, amended, SG No. 105/2005, SG No. 85/2023, effective 1.06.2025) Before beginning work, the employer shall be obligated to provide the worker or employee with a copy of the employment contract as concluded, signed by both parties, as well as with a copy of the entry of the commencement of the employment relationship under Article 62 (3), certified by the territorial directorate of the National Revenue Agency.

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

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

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

Article 64

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

Article 65

(Repealed, SG No. 21/1990).

Content

Article 66

(Amended, SG No. 100/1992)

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

1. the place of work;
2. the position title and the nature of work;
3. the date of its conclusion and the starting date of its performance;
4. the duration of the employment contract;

5. the amount of basic and extended paid annual leave and of additional paid annual leaves;

6. equal length of the period of notice to be observed by both parties upon termination of the employment contract;

7. the basic and supplementary labour remunerations of a permanent nature, as well as the frequency of their payment;

8. the duration of the working day or week.

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

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

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

(5) (New, SG No. 48/2006, renumbered from Paragraph (4), SG No. 58/2010, effective 30.07.2010, amended, SG No. 62/2022, effective 1.08.2022) Upon any change in the employment relationship, the employer shall be obligated, not later than the entry into effect of the change, to provide the worker or employee with the necessary information in writing containing details of the changes as effected.

Duration

Article 67

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

1. as a contract of an indefinite duration;

2. as a fixed-term employment contract.

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

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

Fixed-Term Employment Contracts
(Heading amended, SG No. 24/2001)
Article 68

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

1. (amended, SG No. 100/1992) for a definite period which may not be longer than three years, insofar as a law or an act of the Council of Ministers does not provide otherwise;

2. (amended, SG No. 100/1992) until completion of specific work;

3. for temporary replacement of a worker or employee who is absent from work;

4. (repealed, renumbered from Item 5, amended, SG No. 100/1992) for work in a position which is to be occupied through a competitive examination: for the time until the position is occupied on the basis of a competitive examination;

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

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

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

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

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

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

mission of the Republic of Bulgaria abroad under the Diplomatic Service Act.

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

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

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

Article 69

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

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

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

Employment Contract for Trial Period

Article 70

(1) (Amended and supplemented, SG No. 100/1992, supplemented, SG No. 62/2022, effective 1.08.2022) Where the work requires testing of the ability of the worker or employee to perform it, his or her final appointment may be preceded by a contract providing for a trial period of up to six months, and when the work is for a fixed period shorter than one year, the trial period shall be up to one month. Such a contract may also be concluded where the worker or employee wishes to verify whether the work is suitable for him or her.

(2) (New, SG No. 25/2001) The contract under Paragraph (1) shall specify the party to whose benefit the trial period is agreed. Where this is not specified in the contract, the trial period shall be presumed to be agreed to the benefit of both parties.

(3) (Renumbered from Paragraph (2), SG No. 25/2001) During the trial period, the parties shall have all rights and duties as under a final employment contract.

(4) (Supplemented, SG No. 100/1992, renumbered from Paragraph (3), SG No. 25/2001) The trial period shall not include the time during which the worker or employee has been on a statutory leave, or has not performed the work for which the contract has been concluded for other valid reasons.

(5) (New, SG No. 25/2001) An employment contract for a trial period may be concluded with one and the same worker or employee for one and the same type of work at one and the same enterprise only once.

Termination of Contract for Trial Period

Article 71

(1) Until expiry of the trial period, the party to whose benefit it has been agreed may terminate the contract without notice.

(2) The employment contract shall be presumed finally concluded if it is not terminated under the foregoing paragraph prior to the expiry of the trial period.

(3) (Repealed, SG No. 21/1990).

Article 72

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

Article 73

(Repealed, SG No. 100/1992).

Nullity

Article 74

(1) (Amended, SG No. 100/1992) An employment contract, which is in conflict with the law or with a collective agreement, or circumvents them, shall be void.

(2) (Amended, SG No. 100/1992) The employment contract shall be declared void by the court according to the procedure established by Chapter Eighteen. In case the employment contract is void due to the appointment of a worker or employee who has not attained the age admissible under this Code, the nullity shall be declared by the labour inspectorate.

(3) (Amended, SG No. 100/1992) In the cases where a control authority or another competent body determines that the employment contract is void on any of the grounds mentioned in Paragraph (1), the said body shall immediately approach the court for ruling on the validity of the employment contract.

(4) Individual provisions of the employment contract may be declared void according to the procedure established by the first sentence of Paragraph (2). The relevant mandatory provisions of the law or of the collective agreement shall apply in lieu of any such provisions.

(5) The parties shall not invoke nullity of the employment contract or of individual provisions thereof prior to declaration of the nullity and prior to service of the judgment declaring the said nullity on the parties.

(6) (Amended, SG No. 100/1992) The nullity shall not be declared in case the defect of the employment contract lapses or is cured. The employer may not invoke a curable defect in the employment contract.

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

Relations between Parties to Void Employment Contract

Article 75

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

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

Applicability of Provisions on Nullity of Employment Contract

Article 76

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

Section II **(Repealed, SG No. 100/1992)** **FINDING A JOB FOR YOUNG SPECIALISTS**

Article 77

(Repealed, SG No. 100/1992).

Article 78

(Repealed, SG No. 100/1992).

Article 79

(Repealed, SG No. 100/1992).

Article 80

(Repealed, SG No. 100/1992).

Article 81

(Repealed, SG No. 100/1992).

Article 82

(Repealed, SG No. 100/1992).

Section III ELECTION

Beginning of Work on Basis of Election

Article 83

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

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

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

Nomination of Candidates for Elective Office

Article 84

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

own candidacy.

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

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

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

Conduct of Election

Article 85

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

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

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

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

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

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

Formation of Employment Relationship

Article 86

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

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

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

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

(5) In case the same person is elected in then new election, the employment relationship therewith

shall be extended for a new term.

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

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

Disputes as to Legal Conformity of Election

Article 87

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

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

Application of Other Provisions to Election

(Heading amended, SG No. 100/1992)

Article 88

(Amended, SG No. 100/1992)

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

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

Section IV

TENDERING PROCEDURE

Occupation of Positions on Basis of a Competitive Examination

Article 89

(Amended, SG No. 100/1992)

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

Specifying Positions Requiring Competitive Examination **Article 90**

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

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

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

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

Announcement of Competitive Examination **Article 91**

(1) (Amended, SG No. 100/1992) A competitive examination shall be announced by the employer through the national or the local press. If necessary, a competitive examination may be announced in another appropriate way as well.

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

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

2. (amended, SG No. 100/1992) the manner of conduct of the competitive examination;

3. (amended, SG No. 100/1992) the required documents, the place and deadline for submission of the said documents, which may not be shorter than one month.

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

Entry in Competitive Examination **Article 92**

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

(2) (Repealed, renumbered from Paragraph (3), amended, SG No. 100/1992) The candidate shall be entitled to an unpaid leave for the days of participation in the competitive examination, and up to

two days for travel, in case the competitive examination is conducted in another nucleated settlement. This leave shall be assimilated to the length of employment service.

Admission to Competitive Examination

Article 93

(Amended, SG No. 100/1992)

(1) Candidates shall be admitted to a competitive examination by a commission appointed by the employer.

(2) The candidates who are not admitted shall be notified in writing of the grounds for the rejection. Within seven days after receipt of the communication, they may lodge an objection with the employer who has announced the competitive examination. Within three days after receipt of any such objection, the employer shall settle the matter conclusively.

(3) The candidates who are admitted shall be notified in writing of the date, starting time and venue of conduct of the competitive examination.

Commission to Conduct Competitive Examination

Article 94

(Amended, SG No. 100/1992)

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

Conduct of Competitive Examination

Article 95

(Amended, SG No. 100/1992)

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

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

Formation of Employment Relationship

Article 96

(Amended, SG No. 100/1992)

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

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

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

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

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

Inapplicability to Competitive Examinations for Appointment to Academic Positions

Article 97

(Amended, SG No. 101/2010)

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

Section V
(Repealed, SG No. 100/1992)
JOB PLACEMENT BY LABOUR AND SOCIAL AFFAIRS
OFFICE

Article 98

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

Article 99

(Repealed, SG No. 100/1992).

Article 100

(Repealed, SG No. 100/1992).

Article 101

(Repealed, SG No. 100/1992).

Article 102

(Repealed, SG No. 100/1992).

Section VI
(Repealed, SG No. 100/1992)
JUDGMENT OF COURT

Article 103

(Repealed, SG No. 100/1992).

Article 104

(Repealed, SG No. 100/1992).

Section VII
(Repealed, SG No. 100/1992)
MEMBERSHIP IN PRODUCERS' COOPERATIVE

Article 105

(Repealed, SG No. 100/1992).

Article 106

(Repealed, SG No. 100/1992).

Section VIII

ADDITIONAL CONDITIONS FOR CERTAIN EMPLOYMENT RELATIONSHIPS

Stipulating Additional Conditions upon Formation of Employment Relationship

Article 107

(Amended, SG No. 100/1992)

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

Additional Requirements for Persons Working in State Administration under Employment Relationship

Article 107a

(New, SG No. 95/2003)

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

1. (supplemented, SG No. 94/2008, effective 1.01.2009) would thus come in a hierarchical relationship of direction and control with a spouse, with anyone wherewith such person factually resides, with a lineal relative up to any degree of consanguinity, a collateral relative up to the fourth degree of consanguinity inclusive, or an affine up to the fourth degree of affinity inclusive;

2. (amended, SG No. 94/2008, effective 1.01.2009) is a sole trader, an unlimited partner in a commercial corporation, a managing director, a business attorney, a representative, procurator, commercial mediator, a liquidator or a trustee in bankruptcy, a member of a management or supervisory body of a commercial business or corporation;

3. any person who is a National Representative;

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

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

(2) (New, SG No. 94/2008, effective 1.01.2009, supplemented, SG No. 82/2012, SG No. 79/2019, amended and supplemented, SG No. 104/2020, effective 12.12.2020) The employee may represent the State or a municipality on the management or supervisory bodies of any legal entities established by a law, on boards, committees, audit committees, commissions, working or expert groups, management or supervisory bodies of funds, accounts and others, which have no legal personality, for which the said employee shall not receive any compensation. The employee may represent the State or the municipality on the management or supervisory bodies of the commercial companies with state or

municipal participation in the capital, of the state enterprises, established by special laws on the grounds of Article 62, Paragraph 3 of the Commerce Act, as well as on the management or supervisory bodies of their subsidiaries, for which the said employee shall receive remuneration.

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

(4) (New, SG No. 94/2008, effective 1.01.2009, amended, SG No. 15/2012) Upon conclusion of the employment contract the employee shall be obliged to declare his or her property status to the person referred to in Paragraph (6).

(5) (New, SG No. 15/2012, supplemented, SG No. 38/2012, effective 1.07.2012, amended, SG No. 7/2018, SG No. 84/2023, effective 6.10.2023) Upon entry into employment and annually by the 15th day of May, the employee shall be obliged to submit to the person referred to in Paragraph (6) a declaration of assets and interests under Article 49 of the Counter-Corruption Act. This obligation shall not apply to the employees who hold technical positions. A servant who is a senior public office holder shall submit a declaration of assets and interests solely according to the procedure established by the Counter-Corruption Act.

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

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

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

(9) (New, SG No. 57/2016) Employees working under an employment relationship in the state administration may be assigned by order of the employer, with their consent and against additional remuneration, additional duties in connection with the implementation and/or management of:

1. projects cofinanced by European structural and investment funds, of which the administration is a beneficiary, under the terms and conditions of Article 49 (3) of the Management of Funds from the European Structural and Investment Funds Act;

2. (supplemented, SG No. 13/2020, effective 14.02.2020) projects and programmes financed by other international financial institutions and donors, of which the corresponding administration is a beneficiary or a service provider.

(10) (Renumbered from Paragraph (4), SG No. 24/2006, renumbered from Paragraph (5), SG No. 94/2008, effective 1.01.2009, renumbered from Paragraph (8), SG No. 15/2012, amended, SG No. 38/2012, effective 1.07.2012, renumbered from Paragraph (9), supplemented, SG No. 57/2016) The minimum and maximum amounts of the basic salaries according to level and grade, the amounts of the supplementary remunerations specified in Items 1 through to 5 of Paragraph (14), as well as the

procedure for the receipt thereof, shall be fixed by an ordinance of the Council of Ministers and may not be lower than those laid down in labour legislation.

(11) (New, SG No. 38/2012, effective 1.07.2012, renumbered from Paragraph (10), SG No. 57/2016) The specific amount of the basic salary shall be determined individually depending on the level of the position occupied, the qualifications and the professional experience.

(12) (New, SG No. 38/2012, effective 1.07.2012, renumbered from Paragraph (11), SG No. 57/2016) The individual basic salary of the servant may be increased:

1. on the basis of the annual evaluation of the execution of office;
2. upon return to work after a period of pregnancy and maternity leave or child-care leave;
3. after expiry of the probationary period;
4. upon return from a leave or a secondment of a duration exceeding one year or upon reinstatement of a discharged servant;
5. upon appointment to another position at a higher level of the basic salary.

(13) (New, SG No. 38/2012, effective 1.07.2012, renumbered from Paragraph (12), amended, SG No. 57/2016) The individual amount of the basic salary of the civil servant shall be fixed and increased according to the procedure established by the ordinance referred to in Paragraph (10).

(14) (New, SG No. 38/2012, effective 1.07.2012, renumbered from Paragraph (13), SG No. 57/2016) Additional remunerations of employees working under an employment relationship in the state administration include:

1. supplementary remuneration for night work;
2. supplementary remuneration for overtime work;
3. supplementary remuneration for work on public holidays;
4. supplementary remuneration for on-call time;
5. supplementary remuneration for results achieved.
6. (new, SG No. 57/2016) additional remuneration for implementation and/or management of projects and programs under Paragraph (9).

(15) (New, SG No. 38/2012, effective 1.07.2012, renumbered from Paragraph (14), amended, SG No. 57/2016) The supplementary remuneration referred to in Item 5 of Paragraph (14) shall be fixed for an accurate and prompt fulfilment of the assignments and shall be paid on four occasions during the year: in the month of April, July and October for the current year and in the month of January for the last preceding year, on the basis of an evaluation according to a procedure established by the ordinance referred to in Paragraph (10). The amount of the supplementary remuneration referred to in Item 5 of Paragraph (14), which a civil servant may receive, may not exceed 80 per cent of the basic salaries charged thereto for the relevant year.

(16) (New, SG No. 38/2012, effective 1.07.2012, amended, SG No. 15/2013, effective 1.01.2014,

renumbered from Paragraph (15), amended, SG No. 57/2016) The expenditures on the supplementary remunerations covered under Items 1 through to 5 of Paragraph (14) shall amount to not more than 30 per cent of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the budget authorisers.

(17) (New, SG No. 57/2016) The amount of the supplementary remuneration under Item 6 of Paragraph (14), and the terms, conditions and procedure for receiving thereof shall be determined by a statutory instrument of the Council of Ministers.

(18) (New, SG No. 38/2012, effective 1.07.2012, renumbered from Paragraph (16), SG No. 57/2016) Employees working under an employment relationship in the state administration may not be granted additional remunerations on grounds other than those specified in this Code. No other acts may provide for additional remunerations for such employees.

(19) (New, SG No. 38/2012, effective 1.07.2012, renumbered from Paragraph (17), SG No. 57/2016) The remuneration for paid annual leave and the compensations under this Code for employees working under an employment relationship in the state administration shall be determined based on the individual basic monthly salary as at the date when the relevant employee takes a leave or when the grounds for payment of the relevant compensation arise.

(20) (Renumbered from Paragraph (5), SG No. 24/2006, renumbered from Paragraph (6), SG No. 94/2008, effective 1.01.2009, renumbered from Paragraph (9), SG No. 15/2012, renumbered from Paragraph (10), amended, SG No. 38/2012, effective 1.07.2012, renumbered from Paragraph (18), SG No. 57/2016) Any office workers working under an employment relationship in the state administration shall undergo annual performance assessment under terms and according to a procedure established by the Council of Ministers.

(21) (Renumbered from Paragraph (6), SG No. 24/2006, renumbered from Paragraph (7), SG No. 94/2008, effective 1.01.2009, renumbered from Paragraph (10), SG No. 15/2012, renumbered from Paragraph (11), SG No. 38/2012, effective 1.07.2012, renumbered from Paragraph (19), SG No. 57/2016) Upon fulfilment of their labour duties, office workers must comply with the rules of the Code Of Conduct Of State Administration Employees.

Section VIIIa

(New, SG No. 33/2011)

Additional Conditions for Work at Home

Home Work

Article 107b

(New, SG No. 33/2011)

(1) An employment contract may provide that work obligations related to the manufacture of products and/or provision of services may be performed in return for remuneration at the employee's home or on other premises of his/her choice outside the employer's work location, the employee using his/her own and/or the employer's equipment, materials and other accessory means.

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

home.

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

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

Work-at-Home Employment Contract

Article 107c

(New, SG No. 33/2011)

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

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

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

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

Article 107d

(New, SG No. 33/2011)

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

1. the conditions for performing the work, as the latter was determined upon the start of the employment relationship;
2. payment and treatment equal to those which the employer has provided to employees working at the enterprise;
3. healthy and safe working conditions;
4. qualification, re-qualification and training;

5. social and health insurance subject to conditions and in accordance with a procedure provided for by law;

6. opportunity for trade union association, participation in the general meeting of employees in the enterprise, information and advice, and participation in a collective agreement in the enterprise;

7. social, welfare and cultural services.

Obligations When Working At Home

Article 107e

(New, SG No. 33/2011)

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

1. to observe the rules for health and safety at work;

2. give the employer and the supervisory authorities access to the premises where the workplace is located for inspection purposes;

3. not engage in activities or acts disturbing the rest of the owners or tenants to a degree greater than the usual one under the Condominium Ownership Management Act, where the workplace is in or near a residential building.

Working Time and Rest

Article 107f

(New, SG No. 33/2011)

(1) Employees working at home shall be free to choose the starting and end time and the distribution of their working time, subject to observing its statutory length.

(2) Employees working at home shall be free to choose the periods of rest within a working day, between working days, and within a week.

(3) Concerning employees working at home, no open-ended working hours or overtime terms and conditions may be established.

(4) Employees shall inform their employer in writing of the circumstances referred to in Paragraphs (1) and (2) within 7 days after the employment contract is concluded.

Application of Other Provisions on Home Work

Article 107g

(New, SG No. 33/2011)

Any issues not provided for in this Section shall be treated in accordance with the general

provisions of this Code.

Section VIIIb **(New, SG No. 82//2011)** **Additional Conditions for Remote Work**

Additional Conditions for Remote Work

Article 107h

(New, SG No. 82/2011)

(1) Remote work is a form of organised work outsourced from the employers' premises and performed under an employment contract through the use of information technology, which was, or could have been, performed on the employers' premises before it was outsourced.

(2) Working remotely shall be voluntary.

(3) The terms and procedure for remote work shall be laid down in a collective agreement or an individual employment contract. An individual employment contract shall lay down all specific conditions, rights and obligations of the parties thereto with regard to the remote work and the performance thereof.

(4) An employer may propose to a worker or employee to switch from working on the employers' premises to working remotely by an additional agreement under the individual employment contract. A worker or employee's refusal to do so may not lead to adverse consequences for him/her.

(5) An employer may propose to a worker or employee to switch from working on the employers' premises to working remotely by an additional agreement under the individual employment contract. A worker or employee's refusal to do so may not lead to adverse consequences for him/her.

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

1. combined working modes, as well as the terms and procedure for the application thereof;

2. possibilities and conditions for switching from remote work to work on the employers' premises.

(7) (Amended, SG No. 27/2024) The place and the specific nature of remote work and the conditions and procedure for such work shall be defined in the individual employment contract.

(8) (New, SG No. 27/2024) More than one place of work can be agreed in the employment contract referred to in Paragraph (7). The employer may change the place of work for not more than 30 working days per year at the written request of the worker or employee under the conditions and

according to the procedure laid down in the employment contract and/or in internal regulations of the enterprise.

(9) (Renumbered from Paragraph (8), amended, SG No. 27/2024) The individual employment contract and/or the collective agreement, or internal regulations of the employer shall lay down rules regarding:

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

(10) (New, SG No. 27/2024) When remote work is assigned and reported through an information system, the employer shall provide the worker or employee with written information about the type and volume of work-related data that is collected, processed and stored in the system.

(11) (New, SG No. 27/2024) When an information system for algorithmic management of remote work is used, the employer shall provide the worker or employee with written information about the manner of decision-making.

(12) (New, SG No. 27/2024) At the written request of the worker or employee, the employer or an official designated by it is obliged to check the decision of the algorithmic management system and notify the worker or employee of the final decision.

Workplace. Technical Equipment and Maintenance of the Workplace

Article 107i

(New, SG No. 82/2011)

(1) (Amended, SG No. 27/2024) The worker or the employee working remotely shall provide a workplace outside the enterprise for performing remote work on the date of formation or modification of the employment relationship.

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

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

1. the equipment needed to perform the remote work, as well as the supplies needed for its operation;
2. the software needed;
3. preventive maintenance and technical support;
4. devices intended for communication with the worker or employee working remotely, including Internet connectivity;
5. data protection;
6. (new, SG No. 27/2024) information regarding the minimum requirements for safety and health protection for the workplace where remote work is carried out;
7. (renumbered from Item 6, SG No. 27/2024) information on and requirements for operating the equipment and keeping it in good repair, and the legal requirements and rules, including those of the enterprise in the field of data protection for data to be used in the course of the remote work;
8. (renumbered from Item 7, SG No. 27/2024) a surveillance system, where it is necessary to install one at the workplace and the worker or employee's written consent thereto has been obtained; in

such cases his/her right to personal space should be respected;

9. (renumbered from Item 8, SG No. 27/2024) other technical or documentary means in accordance with the individual employment contract and/or the collective agreement.

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

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

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

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

Organisation of Remote Work and Health and Safety at Work

Article 107j

(New, SG No. 82/2011)

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

(2) (New, SG No. 27/2024) A worker or employee working remotely is obliged to provide the employer with written information about the characteristics of the workplace provided by him/her for performing remote work.

(3) (Renumbered from Paragraph (2), amended, SG No. 27/2024) The employer is obliged to take measures to ensure that as at the date of commencement or modification of the employment relationship the remote workplaces satisfy the minimum requirements for health and safety at work set out in the Health and Safety at Work Act and the instruments on its implementation.

(4) (Renumbered from Paragraph (3), SG No. 27/2024) The employer shall be responsible for the safe and healthy conditions at the workplaces of workers and employees working remotely, and shall be under the obligation to inform them of the requirements on the organisation of work and of the safe and healthy working conditions in accordance with the legal regulations, the applicable collective agreements, the internal rules of the enterprise, the enterprise's policy on health and safety at work, and all requirements and rules on the organisation of work and on working with video displays.

(5) (Renumbered from Paragraph (4), SG No. 27/2024) A worker or employee working remotely shall be responsible for adhering to the relevant enterprise's policy on the organisation of work and on

health and safety at work, as well as to its prescribed rules and standards on health and safety at work.

(6) (New, SG No. 27/2024) A worker or employee working remotely is obliged immediately notify the employer, his/her immediate supervisor or another authorised person of any accident at the workplace in accordance with a procedure and in a manner agreed in advance.

(7) (Renumbered from Paragraph (5), SG No. 27/2024) The application and observance of the requirements and standards on health and safety at work shall be controlled as follows:

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

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

(8) (Renumbered from Paragraph (6), SG No. 27/2024) Workers and employees working remotely shall not have the right to deny access to the workplace without reason, within the established working time and/or within the limits stipulated in the individual employment contract and/or the collective agreement.

Work Hours Rests and Leaves Accounting for Working Time

Article 107k

(New, SG No. 82/2011)

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

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

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

3. (repealed, SG No. 27/2024).

(2) The individual employment contract can explicitly exclude the opportunity for:

1. overtime;

2. night work;

3. work on national holidays.

(3) (Amended, SG No. 27/2024) Subject to the conditions set out in Paragraphs (1) and (2), a worker or employee working remotely shall organise his/her own working time in such a way as to be available and to work at the time when the employer and third parties communicate with each other.

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

(5) The actual time worked shall be recorded on a monthly basis in a standard-form document

endorsed by the employer. The worker or employee working remotely shall be responsible for the authenticity of the data.

(6) (New, SG No. 27/2024) The actual time worked can also be reported through an automated system for reporting of the working time. The employer is obliged, upon request, to provide the worker or the employee working remotely with access to the data in the system for the working time worked by him/her.

(7) (Renumbered from Paragraph (6), SG No. 27/2024) Workers and employees working remotely shall:

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

2. take leave subject to a procedure and of a type and length in accordance with the provisions of the Labour Code, the secondary legislation, and the arrangements in the individual employment contract and/or the collective agreement.

Labour Remuneration

Article 107l

(New, SG No. 82/2011)

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

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

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

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

Article 107m

(New, SG No. 82/2011)

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

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

(3) Workers and employees working remotely shall have the right to participate in the organisational and social life of the enterprise trade union organisation whereof they are members.

(4) The employer shall provide opportunities for:

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

(a) creating conditions for periodic working or social meetings on the employer's premises/offices;

(b) possibly creating a corporate virtual space - a chat room, forum or other kinds of media, through which workers and employees working on the employers' premises and those working remotely can freely communicate;

2. access to corporate and professional information of the enterprise related to performing the remote work;

3. participation of the workers and employees working remotely in the organisational and social life of the enterprise trade union organisation whereof they are members.

(5) The conditions subject whereof the opportunities under Paragraphs (1) to (4) are to be provided shall be laid down in the individual employment contract and/or the collective agreement or regulated by the enterprise's internal working rules.

Qualification, Re-qualification, Training

Article 107n

(New, SG No. 82/2011)

(1) Workers and employees working remotely shall have the same access to training and career development opportunities as are available to those working on the employers' premises, and shall be subject to the same assessment policy.

(2) Workers and employees working remotely shall be entitled to appropriate training in conformity with the technical equipment provided to them and with the characteristics of this form of work organisation.

(3) Where necessary, the supervisor of workers and employees working remotely and other officials shall have the right to be trained for this working mode and for managing it.

Application of Other Provisions on Remote Work

Article 107o

(New, SG No. 82/2011)

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

Section VIIIc
(New, SG No. 7/2012, effective 5.12.2011)
Additional Conditions for Work through an Enterprise
Providing Temporary

Work Employment Contract with an Enterprise Providing Temporary Work
Article 107p

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

(1) An employment contract with an enterprise providing temporary work shall stipulate that the worker or employee concerned is to be commissioned for temporary work at a user undertaking, such work being supervised and controlled by such user undertaking.

(2) The total number of workers and employees commissioned by an enterprise providing temporary work at a user undertaking may not exceed 30 per cent of the workers and employees employed by such enterprise.

(3) An employment contract under Paragraph (1) may not be concluded for the purpose of commissioning someone to work:

1. under the conditions of first- and second-category labour;
2. at enterprises involved in national security and defence;
3. at enterprises where a strike is underway.

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

1. until completion of a particular work;
2. for replacement of a factory or office worker who is absent from work.

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

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

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

Obligations of Enterprises Providing Temporary Work

Article 107q

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

(1) (Amended, SG No. 85/2023, effective 1.06.2025) The enterprise providing temporary work shall be under the obligation to make an entry in the employment register in accordance with the procedure laid down in Article 62(3).

(2) (Amended, SG No. 85/2023, effective 1.06.2025) The commissioning referred to in Article 107q(1) shall be effected through a written instrument of the enterprise providing temporary work, after the worker or employee is provided with a copy of the employment contract concluded and a copy of the entry of the commencement of the employment relationship referred to in Article 62(3), as certified by the territorial directorate of the National Revenue Agency. Such instrument shall state the date when the worker is to appear at the user undertaking, the exact address of the user undertaking, the job location, the workplace, the position title and the nature of work at the user undertaking, the official in the user undertaking before whom the worker or employee is to appear, as well as the type of initial training to be conducted at the user undertaking. The instrument shall be delivered to the worker or employee, which the latter shall confirm by affixing his/her signature, at least one working day prior to the date fixed for his/her starting the job at the user undertaking, the date of such delivery being indicated therein.

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

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

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

1. to charge the labour remuneration of the worker or employee on a payroll;
2. to pay the labour remuneration due to the worker or employee;
3. upon a written request by the worker or employee, to issue and provide to him./her an abstract of the documents concerning the employment remuneration and compensation amounts paid or outstanding;
4. to insure the worker or employee under terms and according to a procedure stipulated by the Social Insurance Code and the Health Insurance Act;

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

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

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

Obligations of User Undertakings

Article 107r

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

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

1. to designate the workplace where the work is to be performed;

2. prior to the commencement of the assignment, to deliver to the worker or employee a job description, which the latter shall confirm by affixing his/her signature, and indicate the date of such delivery therein;

3. to instruct the worker or employee to perform the assignment in a safe and healthy manner;

4. to record the time worked and inform the enterprise providing temporary work and the worker or employee thereof, which they shall confirm by affixing their signatures;

5. to determine the amount of the basic and additional labour remuneration due, including for overtime and night-time work, and inform the enterprise providing temporary work and the worker or employee thereof, which they shall confirm by affixing their signatures;

6. upon a written request by the worker or employee, to issue and provide to him./her the necessary documents certifying facts related to the performance of the assignment, within 14 days of such request;

7. to inform the enterprise providing temporary work of the conditions whereunder the rest of the workers and employees perform the same or similar work in the same or a similar position, and of any changes in such conditions;

8. to provide the worker or employee with information in accordance with the requirements of the Health and Safety at Work Act and the statutory instruments concerning the implementation thereof;

9. to insure the worker or employee at its own expense under the terms and in accordance with the procedure provided for in Article 52 of the Health and Safety at Work Act;

10. to make available, in due time and at a suitable location within the undertaking, written information on the vacant jobs and positions, with a view to facilitating the worker or employee's access to permanent employment;

11. to take steps to facilitate the worker or employee's access to training, with a view to improving his/her career advancement opportunities and professional mobility;

12. to conduct initial and continuing training of the worker or employee in accordance with the position and the nature of work at the user undertaking.

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

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

(4) (New, SG No. 107/2020) Upon a request of the user undertaking, the commissioned worker or employee may be seconded under the terms and procedure of Article 121 and 121a by the enterprise providing temporary work, in order to perform their labour obligations outside of their place of permanent work. The request shall be sent by the user undertaking to the enterprise providing temporary work, 5 days prior to secondment of the worker or employee.

(5) (Renumbered from Paragraph (4), SG No. 107/2020) Where a commissioned worker or employee commits a breach of discipline, the user undertaking shall immediately inform the enterprise providing temporary work, and describe the breach, the time and place whereat it was committed and the circumstances related thereto.

(6) (Renumbered from Paragraph (5), SG No. 107/2020) The user undertaking may submit to the enterprise providing temporary work a substantiated proposal to impose disciplinary sanctions on the commissioned worker or employee and to commission another worker or employee in his/her place.

Relations Between Enterprises

Article 107s

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

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

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

1. the position titles and the nature of work for the performance whereof workers or employees are to be commissioned;

2. the period for which workers or employees are to be commissioned;

3. the obligations of the workers or employees regarding the enterprise providing temporary work;

4. the procedure applicable to leave of absence;

5. the obligations of the workers or employees regarding the user undertaking;

6. the procedure applicable to the exchange of information between the enterprise providing temporary work and the user undertaking concerning the salary structure and organisation, the types of additional labour remuneration and their amounts at the undertaking, as well as the collective employment contract concluded at the user undertaking, if any;

7. the procedure through which and the time limits within which the user undertaking shall inform the enterprise providing temporary work of the working time and the determined amount of basic and additional labour remuneration due, including for overtime and night-time work performed by the worker or employee;

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

9. the liability in case of default;

10. other terms related to the performance of the temporary work.

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

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

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

Duties of employee

Article 107t

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

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

(2) The worker or employee shall be under the obligation to perform, in respect of the user undertaking, all obligations arising from the performance of the work assigned.

Rights of the employee

Article 107u

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

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

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

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

Commencement and Termination of the Assignment

Article 107v

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

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

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

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

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

Article 107w

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

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

Section IX

ADDITIONAL WORK UNDER EMPLOYMENT CONTRACT

Article 108

(Repealed, SG No. 100/1992).

Article 109

(Repealed, SG No. 100/1992).

Additional Work for Same Employer

Article 110

(Amended, SG No. 100/1992)

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

Additional Work for Another Employer

Article 111

(Amended, SG No. 100/1992, SG No. 25/2001, SG No. 62/2022, effective 1.08.2022)

The worker or employee may furthermore conclude employment contracts with other employers as well for performance of work outside the working time fixed for him or her under his or her principal employment relationship (external concurrent employment), unless a prohibition is provided for in his or individual employment contract under his or her principal employment relationship to protect a trade secret and/or to prevent conflict of interest.

Prohibition of Performance of Additional Work

Article 112

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

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

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

Working Time under Employment Contract for Additional Work

Article 113

(Supplemented, SG No. 52/2004, amended,
SG No. 27/2005, SG No. 48/2006)

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

1. 40 hours: for workers and employees who have not attained the age of 18 years;
2. 48 hours: for any other workers and employees.

(2) With their express written consent, the workers and employees under Item 2 of Paragraph (1) may work more than 48 hours.

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

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

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

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

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

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

Employment Contract for Work on Particular Days of the Month (Title amended, SG No. 15/2010)

Article 114

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

(1) (Previous text of Article 114, SG No. 107/2020) An employment contract may furthermore be concluded for work on particular days of the month, which shall be acknowledged as length of employment service.

(2) (New, SG No. 107/2020) The worker or employee may conclude an employment contract under Paragraph (1) with the employer for whom he works for the performance of work beyond the scope of his or her labour duties, outside the working time fixed for him or her.

Short-term Seasonal Farm Employment Contract

Article 114a

(New, SG No. 54/2015, effective 17.07.2015)

(1) (Supplemented, SG No. 107/2020) A short-term seasonal farm employment contract may be executed between a worker and a registered farmer or a tobacco producer for an individual day's work, which time shall not be acknowledged as length of employment service.

(2) (Amended, SG No. 67/2024) Such employment contracts may be executed with the same worker for a total of up to 120 days in one calendar year.

(3) (Amended, SG No. 107/2020) The employment contract under Paragraph (1) may be executed for professions, not requiring special qualifications, in the Crop Farming basic economic activity – only for cultivating the plantations and collecting the harvest of fruits, vegetables, rose-leaf, lavender and tobacco.

(4) (Amended, SG No. 42/2018) The employment contract under Paragraph (1) shall contain data regarding the parties thereto, the work location, the position title, the amount of work remuneration, the date of performance of the work, the duration, starting and closing hour of the working day. The normal duration of working time shall be 8 hours, and the parties of the employment contract can negotiate work for half of the prescribed duration.

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

(6) In instances of execution and termination of the employment contract under Paragraph (1) the provisions of Article 62 (3) and (4), Article 127 (1), item 4 and Article 128a (3) shall not apply.

(7) The terms and procedure for submission, registration and reporting of the employment contracts to the labour inspectorate shall be established by an ordinance of the Minister of Labour and Social Policy, agreed with the Governor of the National Social Security Institute and the Executive Director of the National Revenue Agency. A template of the employment contract under Paragraph (1) shall also be approved by that ordinance.

(8) Workers who function under Paragraph (1) shall be entitled to social insurance under terms and according to a procedure established by the Social Insurance Code and the Health Insurance Act.

Content

Article 115

(Amended, SG No. 100/1992)

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

Article 116

(Repealed, SG No. 100/1992).

Social Insurance

Article 117

(Amended, SG No. 100/1992)

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

Section X

MODIFICATION OF EMPLOYMENT RELATIONSHIP

Prohibition of Unilateral Modification of Employment Relationship

Article 118

(1) Neither the employer nor the worker or employee may modify unilaterally the content of the employment relationship, with the exception of the cases and according to the procedure established in the law.

(2) The transfer of a worker or employee to another job within the same enterprise, without changing the specified place of work, the position and the amount of the basic wage of the worker or employee, shall not be treated as a modification of the employment relationship.

(3) (New, SG No. 25/2001) The employer may unilaterally increase the labour remuneration of the worker or employee.

Modification of Employment Relationship by Mutual Consent

Article 119

(1) (Previous text of Article 119, SG No. 62/2022, effective 1.08.2022) The employment relationship may be modified by written consent between the parties for a fixed term or an indefinite duration.

(2) (New, SG No. 62/2022, effective 1.08.2022) When the employment contract is for a fixed term and/or for part-time work, the worker or employee shall have the right to propose to the employer in writing that said contract be transformed into an employment contract for an indefinite duration and/or for full-time work.

(3) (New, SG No. 62/2022, effective 1.08.2022) When a trial period has been agreed upon, the worker or employee may propose an amendment to the employment relationship under Paragraph (2) after the expiration of the trial period.

(4) (New, SG No. 62/2022, effective 1.08.2022) When the employer refuses to amend the employment relationship under Paragraph (2), it shall be obliged to provide the worker or employee with a reasoned written answer within a period of up to one month, unless the proposal is made more than twice in a period of one year.

Change of Place and Nature of Work by Employer

(Heading amended, SG No. 100/1992)

Article 120

(Amended, SG No. 100/1992)

(1) The employer may, where production so requires, as well as in the case of idling, to assign to the worker or employee, without his or her consent, to temporarily perform another work in the same or in another enterprise, but in the same nucleated settlement, for a period of up to 45 calendar days within one calendar year, and in the case of idling, for the duration of the idling.

(2) The change under the foregoing paragraph shall be effected in accordance with the qualifications and the health condition of the worker or employee.

(3) The employer may assign the worker or employee work of a different nature, even though it does not correspond to his or her qualifications, where this is necessitated by insuperable reasons.

Assignment with an Institution of the European Union

Article 120a

(New, SG No. 43/2008)

(1) A worker or employee can be assigned a position with a European Union institution for a period of up to four years.

(2) (Amended, SG No. 15/2010) While holding a position at an institution of the European Union, the worker or employee shall retain the employment relationship thereof and shall continue to receive the relevant basic labour remuneration from their employer.

(3) When performing their duties, the worker or employee shall be guided solely by the interest of the institution to which they have been sent and shall not undertake operations for the employer.

(4) Upon expiry of the period of assignment to a position at an institution of the European Union, as well as in the cases of early termination, the worker or employee shall re-occupy the previous position thereof within 15 days, and if the said position has been eliminated, shall occupy another equivalent position.

(5) The terms and procedure for the assignment of workers and employees to the fulfilment of positions at an institution of the European Union shall be established by an ordinance of the Council of Ministers.

Assigning Work from Home and Teleworking under Declared State of Emergency or Emergency Epidemic Situation

(Heading supplemented, SG No. 44/2020, effective 14.05.2020)

Article 120b

(New, SG No. 28/2020, effective 13.03.2020)

(1) (Supplemented, SG No. 44/2020, effective 14.05.2020) When a state of emergency or an emergency epidemic situation has been declared, the employer may assign work from home or teleworking to the factory or office worker without the consent thereof. In such case, only the place of work shall be changed, without modifying the rest of the conditions under the employment contract.

(2) The change under Paragraph (1) shall be effected by an order of the employer which shall lay down the conditions under Article 107c (2) and/or Article 107i (2).

Discontinuing of operations where a state of emergency or an emergency epidemic situation has been declared

(Heading supplemented, SG No. 44/2020, effective 14.05.2020)

Article 120c

(New, SG No. 28/2020, effective 13.03.2020)

(1) (Supplemented, SG No. 44/2020, effective 14.05.2020) When a state of emergency or an emergency epidemic situation has been declared, the employer may issue an order discontinuing the work of the enterprise, of part of the enterprise or of individual factory and office workers for the entire period or for a part of the said period until the lifting of the state of emergency.

(2) (Supplemented, SG No. 44/2020, effective 14.05.2020) Where, in the case that a state of emergency or an emergency epidemic situation has been declared, the work of the enterprise or of a part thereof is discontinued by an order of a State body, the employer shall be bound to bar the access of factory or office workers to the workplaces thereof for the period indicated in the order.

Secondment of Workers or Employees

(Heading supplemented, SG No. 100/1992)

Article 121

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

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

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

(3) (New, SG No. 15/2010, effective 28.08.2010, repealed, SG No. 105/2016, effective 30.12.2016).

(4) (New, SG No. 7/2012, repealed, SG No. 105/2016, effective 30.12.2016).

(5) (New, SG No. 82/2011, renumbered from Paragraph 4, supplemented, SG No. 7/2012, repealed, SG No. 105/2016, effective 30.12.2016).

Posting and secondment of workers and employees in the framework of the provision of services

Article 121a

(New, SG No. 105/2016, effective 30.12.2016)

(1) Secondment of workers and employees in the framework of the provision of services occurs when:

1. a Bulgarian employer second a worker or employee to the territory of another EU Member State, a State party to the Agreement on the European Economic Area, or the Swiss Confederation:

a) on its account and under its direction, under a contract concluded between that employer and the party for whom the services are intended;

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

2. an employer registered under the legislation of another EU Member State, a State party to the Agreement on the European Economic Area, the Swiss Confederation, or a third country second a worker or employee to the territory of the Republic of Bulgaria:

a) on its account and under its direction, under a contract concluded between that employer and the party for whom the services are intended;

b) to an undertaking from the same group of undertakings.

(2) Posting of workers and employees in the framework of the provision of services occurs when:

1. a temporary employment undertaking registered under the Bulgarian legislation posts a worker or employee to a user undertaking established the territory of another EU Member State, a State party to the Agreement on the European Economic Area, or the Swiss Confederation;

2. a temporary employment undertaking registered under the legislation of another EU Member State, a State party to the Agreement on the European Economic Area, the Swiss Confederation, or a third country posts a worker or employee to work in a user undertaking established in the territory of the Republic of Bulgaria.

(3) A worker or employee may be seconded or posted pursuant to Paragraphs (1) and (2) above, provided there is an employment relationship between the worker or employee and the seconding or posting employer during the entire period of secondment or posting.

(4) In the cases referred to in item 1 of Paragraph (1) and item 1 of Paragraph (2) for the period of secondment or posting the worker or employee shall be entitled to at least the same minimum working conditions as those customary for workers and employees performing the same or similar work in the host state.

(5) In the cases referred to in item 2 of Paragraph (1) and item 2 of Paragraph (2) for the period of secondment or posting the worker or employee shall be entitled to at least the same minimum working conditions as those customary for workers and employees performing the same or similar work in the Republic of Bulgaria.

(6) (Amended, SG No. 107/2020) Where in line with the requirements under Paragraph (5), the employer under Paragraph (1), Item 2 and the enterprise providing temporary work under Paragraph 2, Item 2 does not charge and pay a labour remuneration in line with the Bulgarian legislation, the worker or employee shall be entitled to:

1. any outstanding remuneration which is due pursuant to the terms and conditions under Paragraph (5);

2. any entitlements or other amounts resulting from the employment relationship, due by law;

3. a refund of taxes and/or social security contributions unduly withheld from their salaries;

4. a refund of excessive costs, in relation to the remuneration or to the quality of the accommodation, deducted from the worker's or employee's remuneration for accommodation provided by the employer.

(7) A worker or employee who brings action against the employer for failing to ensure the minimum working conditions referred to in Paragraphs (4) or (5) shall not be treated unfavourably by the employer on those grounds.

(8) The terms and procedure for secondment and posting referred to in Paragraphs (1) and (2) shall be laid down with an ordinance issued by the Council of Ministers.

Article 122

(Repealed, SG No. 100/1992).

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

Article 123

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

(1) The employment relationship with the worker or employee shall not be terminated in the event

of a change of employer as a result of:

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

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

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

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

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

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

Non-termination of Employment Relationship upon Rental or Lease of Enterprise or Self-Contained Part Thereof as Well as Upon Award of Concession

(Heading amended, SG No. 96/2017, effective 1.01.2018)

Article 123a

(New, SG No. 48/2006)

(1) (Amended, SG No. 96/2017, effective 1.01.2018) The employment relationship with the factory or office worker shall not be terminated upon change of employer in the cases of rental or lease

of the enterprise or of a self-contained part thereof. The employment relationship with a factory or office worker shall not be terminated, either, upon the award of a concession the subject-matter whereof includes activities related to the nature of the work subject to the employment contract, or the site where the workplace is located is included in the object of the concession.

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

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

(4) (Amended, SG No. 96/2017, effective 1.01.2018) Upon expiry of the contract for rental, lease or the concession contract, the employment relationships with the workers and employees shall not be terminated but shall revert to the old employer thereof.

Chapter Six **(Amended, SG No. 100/1992)** **MAJOR OBLIGATIONS OF PARTIES TO EMPLOYMENT** **RELATIONSHIP**

Section I **(New, SG No. 48/2006)** **MAJOR OBLIGATIONS UPON PROVISION OF LABOUR** **FORCE**

Content of Employment Relationship **Article 124**

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

Obligation to Perform in Good Faith **Article 125**

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

Obligations upon Performance of Work Assigned

Article 126

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

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

Employer's Obligations to Provide Working Conditions

Article 127

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

1. the work which specified upon formation of the employment relationship;
2. a job and conditions in accordance with the nature of work;
3. health and safety at work;
4. (new, SG No. 25/2001, amended, SG No. 52/2004, supplemented, SG No. 108/2008) a job description, a copy of which shall be delivered to the worker or employee upon conclusion of the employment contract upon signed acknowledgement, and the date of delivery shall be noted;
5. (renumbered from Item 4, amended, SG No. 25/2001, supplemented, SG No. 62/2022, effective 1.08.2022) instructions on the procedure and manner of execution of the labour duties and exercise of the labour rights, including familiarisation with the internal works rules, with the internal salary rules and with the rules for health and safety at work;
6. (new, SG No. 62/2022, effective 1.08.2022) information on the terms and conditions for termination of the employment contract according to the provisions of this Code;
7. (new, SG No. 62/2022, effective 1.08.2022) information about training provided by the employer and related to maintaining and increasing professional qualifications and improving professional skills.

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

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

(4) (New, SG No. 48/2006, amended, SG No. 105/2016, effective 30.12.2016) Where the employer second a worker or employee to work abroad for more than one month, the employer shall be obligated, before the departure, to inform the said worker in writing of:

1. the duration of the employment;
2. the currency to be used for the payment of remuneration;
3. (amended, SG No. 105/2016, effective 30.12.2016) the additional labour remuneration in relation to his/her secondment abroad to be paid in cash or in kind, if any;
4. the conditions governing the worker's repatriation.

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

1. the duration of the employment;
2. the currency to be used for the payment of remuneration;
3. the additional labour remuneration in relation to his/her commissioning abroad to be paid in

cash or in kind, if any;

4. the conditions governing the worker's repatriation.

Employer's Obligation to Charge and Pay Labour Remuneration

Article 128

(Amended, SG No. 52/2004)

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

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

Employer's Obligation to Issue Documents

Article 128a

(New, SG No. 108/2008)

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

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

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

Employer's Obligation to Keep Employment Files of Workers or Employees

Article 128b

(New, SG No. 54/2015, effective 17.07.2015)

(1) The employer shall be under the obligation to keep an employment file for each worker or employee.

(2) The employment file of the worker or employee shall be created upon taking up of employment and must contain all documents in connection with the establishment, existence, modification and termination of the employment relationship.

(3) (New, SG No. 105/2016, effective 1.01.2017) Some of the documents referred to in Paragraph (2) may be created and stored as electronic documents. The types of documents and the requirements for creating and storing such documents shall be laid down with an act of the Council of Ministers.

(4) (Renumbered from Paragraph 3, SG No. 105/2016, effective 1.01.2017) The worker or employee shall be entitled to receive certified copies of the documents, kept under the procedure of Article 128a.

Employer's Obligation to Insure Workers or Employees **Article 129**

(Amended, SG No. 82/2011)

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

Section II **(New, SG No. 48/2006)** **COMMON RULES FOR INFORMATION AND CONSULTATION**

Employer's Obligation to Inform and Consult **Article 130**

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

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

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

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

(4) Workers and employees shall be entitled to prompt, reliable and intelligible information about

the economic and financial situation of the employer, which is relevant to their labour rights and duties.

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

Right to Information upon Collective Dismissal

Article 130a

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

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

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

1. the reasons for the projected dismissals;
2. the number of workers and employees to be dismissed, and the principal economic activities, groups of occupations and positions to which they belong;
3. the number of workers and employees employed in the principal economic activities, groups of occupations and positions at the enterprise;
4. the specific criteria for application of the criteria under Article 329 for the selection of the workers and employees to be dismissed;
5. the period over which the dismissals are to be effected;
6. the compensations due in connection with the dismissals.

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

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

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

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

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

Obligation to Inform and Consult upon Change of Employer

Article 130b

(New, SG No. 48/2006)

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

1. the projected change and the date of carrying out the said change;
2. the reasons for the change;
3. the possible legal, economic and social implications of the change for the workers and employees;
4. the measures envisaged in relation to the workers and employees, including such measures envisaged for fulfilment of the obligations under Article 123 (4) and Article 123a (3).

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

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

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

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

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

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

Obligation to Inform upon Development of Enterprise's Activities,
Economic Situation and Work Organisation
Article 130c

(New, SG No. 48/2006)

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

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

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

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

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

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

enterprise or the legitimate interests of the employer.

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

Information and Consultation Timing

Article 130d

(New, SG No. 48/2006)

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

1. the content of the information and the time whereat the said information is to be provided to the said representatives;

2. the time whereat the workers and employees' representatives are to formulate their opinion on the information provided;

3. the timing and the subject of consultation;

4. the employer's representatives designated to inform and to consult.

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

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

2. the information regarding the situation, structure and probable development of employment within the enterprise and on any anticipatory measures envisaged shall be provided within one month before such measures are undertaken;

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

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

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

(4) In case the employer fails to provide information within the time limits under Paragraphs (1) or

(2), the workers and employees' representatives shall have the right to request the said information therefrom in writing, and upon refusal to provide information, the said representatives shall have the right to alert the General Labour Inspectorate Executive Agency of a non-observance of labour legislation.

Article 131

(Repealed, SG No. 100/1992).

Article 132

(Repealed, SG No. 100/1992).

Article 133

(Repealed, SG No. 100/1992).

Article 134

(Repealed, SG No. 100/1992).

Article 135

(Repealed, SG No. 100/1992).

Chapter Seven
WORKING TIME AND REST

Section I
NORMAL WORKING TIME

Normal Duration of Working Time

Article 136

(Amended, SG No. 100/1992)

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

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

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

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

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

Extension of Working Time

Article 136a

(New, SG No. 25/2001)

(1) (Amended, SG No. 48/2006, SG No. 54/2015, effective 17.07.2015) For production reasons the employer may, by an order in writing, extend the working time on some working days and compensate the said working time on other working days by the respective reduction thereof after advance consultation with the trade union organisations' representatives and the workers and employees' representatives under Article 7 (2).

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

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

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

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

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

Reduced Working Time

Article 137

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

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

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

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

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

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

Part-Time Work

Article 138

(Amended, SG No. 100/1992)

(1) (Previous text of Article 138, SG No. 25/2001) The parties to the employment contract may agree on work for a part of the statutory working time (part-time work). In such case, the said parties shall specify the duration and allocation of the working time.

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

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

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

Introduction of Part-Time Work by Employer

Article 138a

(New, SG No. 48/2006)

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

(2) (New, SG No. 28/2020, effective 13.03.2020, supplemented, SG No. 44/2020, effective 14.05.2020) At the enterprise or at a unit thereof, the employer may establish part-time work for the entire period of a declared state of emergency or a declared emergency epidemic situation or for a part of said period for the factory and office workers who work on a full-time basis.

(3) (Renumbered from Paragraph (2), supplemented, SG No. 28/2020, effective 13.03.2020) The duration of the working time under Paragraphs (1) and (2) may not be less than half of the statutory duration for the period of calculation of the working time.

(4) (Renumbered from Paragraph (3), SG No. 28/2020, effective 13.03.2020) With a view to creating a possibility for transfer from full-time to part-time work or vice versa, the employer:

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

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

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

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

Allocation of Working Time

Article 139

(1) The allocation of working time shall be established by the internal works rules of the enterprise.

(2) (Amended, SG No. 100/1992) Flexible working time may be established at enterprises where the organisation of work so allows. The time during which the worker or employee must mandatorily be present for work at the enterprise, as well as the manner of accounting for the said time, shall be specified by the employer. Outside the time of the mandatory presence thereof, the worker or employee shall have discretion to determine the commencement of the working time thereof.

(3) (New, SG No. 54/2015, effective 17.07.2015) In the cases under Paragraph (2) outside the hours of mandatory presence the worker or employee may actually work any unfulfilled daytime working hours in the next following or in other days of the same working week. The manner of reporting of the working time shall be determined by the internal works rules of the enterprise.

(4) (Amended, SG No. 100/1992, SG No. 25/2001, repealed, SG No. 48/2006, renumbered from Paragraph 3, SG No. 54/2015, effective 17.07.2015) Depending on the nature of work and the work organisation, the working day may be divided into two or three parts.

(5) (Amended, SG No. 100/1992, SG No. 107/2020, effective 1.01.2021) For some positions, due to the specific nature of the work, an obligation to be on duty or at the employer's availability during a certain 24-hour period may be introduced. The procedure for establishing the obligation to be on duty and at the employer's availability, the maximum duration and the procedure for reporting it, shall be determined in an ordinance of the Council of Ministers.

Open-Ended Working Hours

Article 139a

(New, SG No. 48/2006)

(1) Owing to the special nature of work, the employer, after consultation with the trade union organisations' representatives and with the workers and employees' representatives under Article 7 (2), may establish open-ended working hours for certain positions.

(2) (New, SG No. 108/2008) Open-ended working hours may not be established for workers and employees at reduced working time.

(3) (Renumbered from Paragraph (2), SG No. 108/2008) The list of positions for which open-ended working hours are established shall be determined by an order of the employer.

(4) (Renumbered from Paragraph (3), SG No. 108/2008) Workers and employees at open-ended working hours shall be obligated, where necessary, to perform the labour duties thereof even after expiry of the normal working time.

(5) (Renumbered from Paragraph (4), SG No. 108/2008, amended, SG No. 107/2020) In the cases under Paragraph (4), the workers and employees shall be entitled, in addition to the rest breaks under Article 151, also to a rest break of not less than 15 minutes after expiry of the normal working time.

(6) (Renumbered from Paragraph (5), SG No. 108/2008, amended, SG No. 107/2020) In the cases under Paragraph (4), the aggregate duration of the working time may not interfere with the minimum uninterrupted daily and weekly rest period as established by this Code.

(7) (Renumbered from Paragraph (6), SG No. 108/2008) The work in excess of the normal working time on working days shall be compensated by additional paid annual leave, and the work on weekends and holidays shall be compensated by an increased remuneration for overtime.

Night Work **Article 140**

(1) (Amended, SG No. 25/2001) The normal duration of the weekly working time at night for a five-day working week shall be up to 35 hours. The normal duration of the working time at night for a five-day working week shall be up to seven hours.

(2) (Amended, SG No. 25/2001, amended and supplemented, SG No. 54/2015, effective 17.07.2015) Night work shall be the work performed between 10:00 p.m. and 6:00 a.m. and for workers and employees who have not attained the age of 16 years, the work performed between 8:00 p.m. and 6:00 a.m.

(3) (Amended, SG No. 100/1992, SG No. 107/2020) The employer shall be obligated to provide the workers and employees with free food, refreshing beverages and other facilities for the effective performance of night work.

(4) Night work shall be prohibited for:

1. (supplemented, SG No. 100/1992) workers and employees who have not attained the age of 18 years;

2. (supplemented, SG No. 100/1992, amended, SG No. 52/2004, supplemented, SG No. 103/2009, effective 29.12.2009) pregnant female workers and employees, as well as female workers and employees in an advanced stage of in vitro treatment;

3. (amended, SG No. 52/2004) mothers of children who have not attained the age of 6 years, as well as mothers who take care of children with disabilities irrespective of the age of the said children, except with their written consent;

4. (supplemented, SG No. 100/1992) occupational-rehabilitatee workers and employees, except with their own consent, and only when such work will not affect adversely their health according to a conclusion of the health authorities;

5. (supplemented, SG No. 100/1992) workers and employees who pursue their studies without interruption of employment, except with their own consent.

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

Special Rules for Performance of Night Work **Article 140a**

(New, SG No. 48/2006)

(1) Workers and employees whereof the normal working time includes at least three hours of night work under Article 140 (2), as well as workers and employees who work in shifts whereof one includes at least three hours of night work, shall be treated as workers and employees who perform night work.

(2) Workers and employees who perform night work shall be employed only after a

pre-employment medical examination for the account of the employer.

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

(4) Where a health authority ascertains that the health condition of a worker or employee has deteriorated as a result of the performance of night work, the said worker shall be transferred to a suitable day work or shall become an occupational rehabilitee.

(5) The employer wherewith the workers and employees perform night work shall be obligated, when requested to do so by the General Labour Inspectorate Executive Agency, to provide the said Agency with information on the number of such workers, the night hours worked, as well as the measures undertaken to provide safety and health at work.

Shift Work

Article 141

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

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

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

(4) (Supplemented, SG No. 100/1992) The work shifts of the workers and employees who pursue their studies without interruption of employment, as well as of students who work in their free time, shall be specified depending on the organisation of the educational process.

(5) Assigning work during two successive work shifts shall be prohibited.

(6) (Supplemented, SG No. 100/1992) For enterprises with a continuous working process, the worker or employee may not discontinue work before the arrival of the worker or employee taking the next shift without the permission of his immediate superior. In such cases the immediate superior shall be obligated to take the necessary measures for the arrival of a worker or employee to take the next shift.

Accounting for Working Time

Article 142

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

(2) (Amended, SG No. 100/1992, SG No. 25/2001, SG No. 48/2006, SG No. 107/2020, effective

1.01.2021) The employer may establish a summary calculation of the working time under conditions and a procedure, determined by an ordinance of the Council of Ministers.

(3) (New, SG No. 107/2020, effective 1.01.2021) In the cases under Paragraph (2), the employer shall determine a period, for which summary calculation of the working time is established, with a duration from 1 to 4 months.

(4) (New, SG No. 107/2020, effective 1.01.2021) The collective agreement under Article 51b may determine a period for summary calculation of the working time up to 12 months. The industries and branches, in which a period of summary calculation of working time may be determined up to 12 months shall be set forth in the ordinance under Paragraph (2).

(5) (Amended, SG No. 100/1992, renumbered from Paragraph (3), SG No. 107/2020, effective 1.01.2021) Calculation of working time on a weekly or longer basis shall not be allowed for workers and employees at open-ended working hours.

(6) (Amended, SG No. 100/1992, supplemented, SG No. 52/2004, renumbered from Paragraph (4), SG No. 107/2020, effective 1.01.2021) The maximum duration of a work shift upon calculation of working time on a weekly or longer basis may be up to 12 hours, while the total duration of the working week may not exceed 56 hours and for workers and employees at reduced working time it may be up to one hour beyond their reduced working time.

Section II

OVERTIME WORK

Definition and Prohibition

Article 143

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

(2) Overtime work shall be prohibited.

Admissibility as Exception

Article 144

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

1. for performance of work related to national defence;
2. (new, SG No. 42/2018) for performance of work by Ministry of Interior officials in connection with the conduct of elections, the drawing up of expert opinions and psychological support in operative-search activities and the handling of critical situations, as well as for other work related to security and protection of public order;
3. (supplemented, SG No. 100/1992, amended, SG No. 19/2005, supplemented, SG No. 102/2006, amended, SG No. 35/2009, effective 12.05.2009, renumbered from item 2, SG No. 42/2018) for the prevention, management and mitigation of the effects of disasters;

4. (amended, SG No. 100/1992, renumbered from item 3, SG No. 42/2018) for performance of urgent publicly necessary work to restore water and electricity supply, heating, sewerage, transport and communication links, and for provision of medical care;

5. (amended, SG No. 100/1992, renumbered from item 4, SG No. 42/2018) for performance of emergency repair on working premises, of machinery or of other equipment;

6. (amended, SG No. 100/1992, SG No. 108/2008, renumbered from item 5, SG No. 42/2018) for completion of work which cannot be performed within the normal working time;

7. (new, SG No. 100/1992, renumbered from item 6, SG No. 42/2018) for performance of intensive seasonal work.

Procedure for Performance

Article 145

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

Duration

Article 146

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

(2) (New, SG No. 107/2020, effective 1.01.2021) A longer duration of the overtime work under Paragraph (1) may be agreed in the collective agreement under Article 51b, but not longer than 300 hours in one calendar year.

(3) (Renumbered from Paragraph (2), SG No. 107/2020, effective 1.01.2021) The duration of overtime work may not exceed:

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

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

3. 3 hours of day work, or 2 hours of night work during two successive working days.

(4) (Amended, SG No. 42/2018, renumbered from Paragraph (3), amended, SG No. 107/2020, effective 1.01.2021) The restrictions laid down in Paragraph 1 and 3 shall not apply to the cases falling under Article 144, Item 1 - 4.

Inadmissibility of Overtime Work

(Heading amended, SG No. 100/1992)

Article 147

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

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

1. workers or employees who have not attained the age of 18 years;

2. (amended, SG No. 52/2004, supplemented, SG No. 103/2009, effective 29.12.2009) pregnant female workers or employees, as well as female workers and employees in an advanced stage of in vitro treatment;

3. (amended, SG No. 52/2004) mothers of children who have not attained the age of 6 years, as well as mothers who take care of children with disabilities irrespective of the age of the said children, except with their written consent;

4. occupational-rehabilitatee workers or employees, except with their consent, and only when such employment will not affect adversely the health thereof according to a conclusion by the health authorities;

5. workers or employees who pursue their studies without interruption of employment, except with their consent.

(2) (Amended, SG No. 83/2005, SG No. 42/2018) With the exception of the cases under Items 1 to 4 of Article 144, overtime work shall not be permitted for workers and employees for whom reduced hours of work have been established under Item 1 of Article 137 (1).

Refusal to Work Overtime

Article 148

(Amended, SG No. 100/1992)

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

Accounting for Overtime Work

Article 149

(Amended, SG No. 100/1992)

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

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

Pay for Overtime Work

Article 150

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

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

Section III

REST

Rest Breaks during Working Day

Article 151

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

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

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

Daily Rest Period

Article 152

(Supplemented, SG No. 100/1992)

Workers or employees shall be entitled to an uninterrupted daily rest period which may not be shorter than 12 hours.

Weekly Rest Period

Article 153

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

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

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

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

Legal Holidays

Article 154

(1) (Supplemented, SG No. 6/1988, amended, SG No. 30/1990, SG No. 27/1991, SG No. 104/1991, supplemented, SG No. 88/1992, amended, SG No. 2/1996, supplemented, SG No. 22/1998, SG No. 56/1998, SG No. 108/1998, SG No. 15/2010, SG No. 107/2020) The public holidays shall be: the 1st day of January - New Year; the 3rd day of March - Day of the Liberation of Bulgaria from Ottoman Domination, National Day; the 1st day of May - Labour and International Workers - Solidarity Day; the 6th day of May - St. George's Day - Day of Valour and of the Bulgarian Armed Forces; the 24th day of May - Day of the Holy Brothers Cyril and Methodius, of the Bulgarian Alphabet, Education and Culture and of Slav Literature; the 6th day of September - Bulgaria - Rumelia Union Day; the 22nd day of September - Bulgaria Independence Day; the 1st day of November - National Awakeners Day (non-study day for all educational establishments); the 24th day of December - Christmas Eve; the 25th and 26th day of December - Christmas; Good Friday, Holy Saturday and Easter (Easter Sunday and Monday) as determined for Easter celebrations in the relevant year.

(2) (New, SG No. 105/2016, effective 1.01.2017) Where public holidays under Paragraph (1), except for Easter, coincide with a Saturday and/or Sunday, the first working day or two working days thereafter, as the case may be, shall be a non-working day or non-working days.

(3) (Supplemented, SG No. 52/2004, amended, SG No. 15/2010, renumbered from Paragraph 2, amended, SG No. 105/2016, effective 1.01.2017) The Council of Ministers may occasionally also declare other non-working days to pay public homage to important historical, political, cultural or other events of particular significance, as well as days in honour of certain professions or days of expression of appreciation.

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

Article 154a

(New, SG No. 48/2006)

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

Right to Uninterrupted Break

Article 154b

(New, SG No. 27/2024)

A worker or employee is not obliged to respond to communication initiated by the employer during the rest periods between working days and the weekly rest periods, except when conditions are agreed upon in the individual employment contract and/or the collective agreement, under which this is permissible.

Chapter Eight LEAVES

Section I TYPES OF LEAVES

Basic and Extended Paid Annual Leave
(Heading amended, SG No. 100/1992)

Article 155

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

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

(2) (New, SG No. 52/2004, amended, SG No. 107/2020) In case of beginning work for the first time, the worker or employee may use his or her paid annual leave after acquiring at least four months' length of employment service.

(3) (New, SG No. 52/2004, amended, SG No. 107/2020) Upon termination of the employment relationship before acquiring four months' length of employment service, the worker or employee shall be entitled to compensation for unused paid annual leave, calculated according to the procedure established by Article 224 (1).

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

(5) (Amended, SG No. 25/2001, renumbered from Paragraph (3), SG No. 52/2004) Certain categories of workers and employees, depending on the special nature of work, shall be entitled to extended paid annual leave, which shall include the leave under Paragraph (4). The categories of such workers and employees, and the minimum amount of such leave shall be determined by the Council of Ministers.

Additional Paid Annual Leave

Article 156

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

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

2. for work at open-ended working hours: not less than five working days.

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

Agreeing on Longer Amounts of Leaves

Article 156a

(New, SG No. 100/1992)

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

Leave for Performance of Civic, Public and Other Duties

(Heading amended, SG No. 52/2004)

Article 157

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

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

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

(2) (New, SG No. 52/2004, supplemented, SG No. 103/2009, effective 29.12.2009) The employer shall be obligated to excuse from work a pregnant female worker or employee, as well as a female worker or employee in an advanced stage of in vitro treatment for medical examinations, where it is

necessary that such examinations be performed during working time. For any such period of time, the pregnant female worker or employee, as well as a female worker or employee in an advanced stage of in vitro treatment shall be paid compensation by the employer in the amount under Article 177.

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

1. under Items 1 to 3: as provided for in the collective agreement or as agreed between the worker or employee and the employer;

2. (amended, SG No. 57/2006) under Items 5a and 6: by the employer, in the amount under Article 177;

3. in the rest of the cases: according to the provisions of the special laws.

Leave of absence during active and temporary duty in the volunteer reserve

Article 158

(Amended, SG No. 25/2001, SG No. 35/2009, effective 12.05.2009, SG No. 20/2012, effective 10.06.2012, SG No. 109/2020, effective 22.12.2020)

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

(2) Should such active duty in the volunteer reserve continue for more than 25 calendar days, the employee shall be entitled to two calendar days of unpaid leave prior to departure and upon return.

(3) For the time of the active duty in the volunteer reserve, the employee shall be entitled to two calendar days of unpaid leave prior to departure and upon return.

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

Trade Union Activists' Leave

Article 159

(Amended, SG No. 100/1992)

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

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

(3) The trade union activist shall choose the time of use of the leave under Paragraph (1) and shall

promptly notify the employer of this. The time and duration of the leave used shall be accounted for in a special register with the employer.

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

Unpaid Leave

Article 160

(Amended, SG No. 100/1992)

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

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

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

Service and Sabbatical Leaves

Article 161

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

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

(2) (New, SG No. 54/2015, effective 17.07.2015) The time of unpaid service or sabbatical leaves under Paragraph (1) shall count as length of employment service.

(3) (Renumbered from Paragraph 2, SG No. 54/2015, effective 17.07.2015) Unless otherwise stipulated in a collective agreement, the salaried elected trade union activists shall be considered to be on unpaid leave for the time during which they hold the respective trade union position.

(4) (New, SG No. 57/2006, renumbered from Paragraph 3, SG No. 54/2015, effective 17.07.2015) Any workers or employees, who is member of a representative body in a European Company or a European Cooperative Society, shall be entitled to a leave for training necessary for the performance of the functions thereof. The length of the said leave and the remuneration due during the time of use thereof shall be bargained in a collective agreement or by agreement between the parties to the employment relationship.

Temporary Disability Leave

Article 162

(1) (Supplemented, SG No. 52/2004, amended, SG No. 58/2022, effective 1.01.2023) The worker or employee shall be entitled to leave for temporary disability through general sickness or occupational disease, employment injury, for sanatorial treatment or for urgent medical examination or tests, quarantine, suspension from work prescribed by the health authorities, attendance of a sick or quarantined member of the family, urgent need to accompany a sick member of the family to a medical examination, test or treatment, as well as for taking care of a healthy child aged up to 12 years dismissed from a children's establishment or school by reason of a quarantine imposed at the establishment at the school, or on an individual group or class in it, or by reason of a quarantine imposed on the child.

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

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

Pregnancy and Child-Birth Leave

(Title amended, SG No. 30/2018, effective 1.07.2018)

Article 163

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

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

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

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

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

(6) (Amended, SG No. 48/2006, repealed, SG No. 30/2018, effective 1.07.2018).

(7) (New, SG No. 98/2016, effective 1.06.2017, amended, SG No. 30/2018, effective 1.07.2018) A female worker or employee, with whom a child is placed according to the procedure established by Article 26, Paragraph (1) of the Child Protection Act, shall be entitled to a leave under Paragraph (1) in an amount equal to the difference between the child's age on the day when it was placed with her and the expiry of the period of child-birth leave to which the said worker is entitled. Such leave may not be used simultaneously with the leave under Paragraph (1).

(8) (New, SG No. 108/2008, effective 1.01.2009, renumbered from Paragraph 7, SG No. 98/2016, effective 1.06.2017) Where the mother and father are married or share a household, the father shall be entitled to a 15-day leave upon the birth of a child as from the date of discharge of the child from the medical-treatment facility.

(9) (New, SG No. 98/2016, effective 1.06.2017, repealed, SG No. 30/2018, effective 1.07.2018).

(10) (New, SG No. 108/2008, effective 1.01.2009, amended, SG No. 109/2008, effective 2.01.2009, renumbered from Paragraph 8, supplemented, SG No. 98/2016, effective 1.06.2017, amended, SG No. 30/2018, effective 1.07.2018, SG No. 104/2022, effective 1.01.2023) With the consent of the mother, the father or either of the parents of the mother or the father may use the leave under Paragraph (1) for the balance to 410 days instead of her after the child's attainment of the age of six months, where they work under an employment relationship.

(11) (New, SG No. 98/2016, effective 1.06.2017, repealed, SG No. 30/2018, effective 1.07.2018).

(12) (New, SG No. 98/2016, effective 1.06.2017) Where the child is placed according to the procedure established by Article 26 of the Child Protection Act with spouses, with the consent of the female factory or office worker, her husband may use the balance to 410 days instead of her after the child's attainment of the age of six months.

(13) (New, SG No. 108/2008, effective 1.01.2009, renumbered from Paragraph 9, amended, SG No. 98/2016, effective 1.06.2017, amended, SG No. 30/2018, effective 1.07.2018) For the time in which a leave under Paragraph (10) or 12 is used, the leave of the mother or the female worker or employee, with which a child is placed according to the procedure established by Article 26 of the Child Protection Act, shall be terminated.

(14) (Renumbered from Paragraph (7), amended, SG No. 108/2008, effective 1.01.2009, supplemented, SG No. 15/2010, renumbered from Paragraph 10, amended, SG No. 98/2016, effective 1.06.2017, SG No. 30/2018, effective 1.07.2018) During the time of leave under Paragraphs (1) to (12), a cash benefit shall be paid under terms and in amounts specified in a separate law. Such leave shall be assimilated to the length of employment service.

(15) (New, SG No. 98/2016, effective 1.06.2017, amended, SG No. 30/2018, effective 1.07.2018) In the cases where no leave under Paragraph (1) is used, or where the person under Paragraph (10) using such leave stops using it, a mother working under an employment relationship shall be paid a cash compensation from the public social security.

(16) (New, SG No. 68/2006, renumbered from Paragraph (8), SG No. 108/2008, effective 1.01.2009, renumbered from Paragraph 11, SG No. 98/2016, effective 1.06.2017, amended, SG No. 30/2018, effective 1.07.2018) The procedure and manner of use of the leave under Paragraphs (1), (7), (8), (10) and (12) shall be determined by an Ordinance of the Council of Ministers.

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

(Heading amended, SG No. 25/2001)

Article 164

(1) (Amended, SG No. 54/2015, effective 17.07.2015) After use of the pregnancy, child-birth or adoption leave, if the child has not been placed in a child-care establishment, the female worker or employee shall be entitled to an additional child-care leave until the child's attainment of the age of 2 years.

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

(3) (Amended, SG No. 25/2001) With the consent of the mother (female adopter), the leave under

Paragraph (1) shall be granted to the father (male adopter) or to one of their parents where they work under an employment relationship.

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

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

Child-Care Leave upon Placement for Raising with Extended and Immediate Family or with Foster Family

Article 164a

(New, SG No. 52/2004)

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

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

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

(4) (Supplemented, SG No. 30/2018, effective 1.07.2018) The leave under Paragraphs (1) and (2) may not be used simultaneously with a leave under Article 164 and Article 164b.

Leave upon Adoption of a Child up to 5 Years of Age

Article 164b

(New, SG No. 104/2013, effective 1.01.2014, amended, SG No. 30/2018, effective 1.07.2018)

(1) A female worker or employee who has adopted a child aged up to 5 years shall be entitled to a leave for a period of 365 days as of the day when the child was delivered for adoption, but not later than the child's fifth birthday.

(2) (Amended, SG No. 104/2022, effective 1.01.2023) When the child is adopted by spouses, with the consent of the female adopter the leave under Paragraph (1) may be used instead of her by the male adopter or by either of the parents of the female adopter or the male adopter upon expiry of six months as of the day when the child was delivered for adoption, but not later than the child's fifth birthday, where they work under an employment relationship.

(3) For the period during which the male adopter uses the leave under Paragraph (2), the leave of the female adopter shall be suspended. With the consent of the female factory or office worker who has

adopted a child alone, upon expiry of six months as of the day when the child was delivered for adoption one of her parents can use instead of her the leave referred to in Paragraph (1) when such parent works under an employment relationship.

(4) For the time when a leave under Paragraph (2) or (3) is used, the leave of the female adopter shall be suspended.

(5) The worker or employee shall also be entitled to a leave under the terms and in the periods under Paragraph (1) if he/she has adopted the child alone. With his/her consent, upon expiry of six months as of the day when the child was delivered for adoption one of his/her parents can use instead of him/her the leave referred to in Paragraph (1) when such parent works under an employment relationship.

(6) In the cases where no leave under Paragraph (1) or (5) is used or the person using such leave suspends such use, the female or male adopter working under an employment relationship shall be paid monetary compensation from the public social insurance.

(7) After the leave under Paragraphs (1), (2), (3) and (5) have been used, where the child has not reached the age of 2 years and is not placed in a child-care establishment, the female adopter, the male adopter or the person responsible for raising the child shall be entitled to additional child-care leave until the child's attainment of the age of 2 years under Article 164.

(8) Where the female and the male adopter are married, the male adopter shall be entitled to a 15-day leave for adoption of a child aged up to 5 years from the date when the child was delivered for adoption, but not later than the child's fifth birthday.

(9) The leave under Paragraphs (1), (2), (3), (5) and (8) may not be used in case of the child's demise, of termination of the adoption, as well as if the child is admitted to a child-care facility, including a creche or an educational establishment.

(10) The leave under Paragraphs (1), (2), (3), (5) and (8) may not be used simultaneously with any leave under Articles 163, 164 and 164a.

(11) During the time of leave under Paragraphs (1), (2), (3), (5) and (8), a cash benefit shall be paid under terms and in amounts specified in a separate law. Such leave shall be assimilated to the length of employment service.

(12) The procedure and manner of using the leave under Paragraphs (1), (2), (3), (5) and (8) shall be determined by an Ordinance of the Council of Ministers.

Child-Care Leave for the Father (Adoptive Father) until Child's Attainment of 8 Years of Age

Article 164c

(New, SG No. 62/2022, effective 1.08.2022)

(1) The father (adoptive father) has the right to child-care leave until the child's attainment of 8 years of age in the amount of two months, when he has not used leave under Article 163, Paragraph

(10), Article 164, Paragraph (3), Article 164b, Paragraphs (2) and (5) or Article 167, Paragraph (1).

(2) Where the father (adoptive father) has used leave under Article 163, Paragraph (10), Article 164, Paragraph (3), Article 164b, Paragraphs (2) and (5) or Article 167, Paragraph (1) for a period shorter than two months, he has the right to the leave according to Paragraph (1) in the amount of the difference between two months and the used leave.

(3) The leave under Paragraph (1) may be used in a single uninterrupted period or in a piecemeal way.

(4) The father (adoptive father) who wishes to use leave under Paragraph (1) shall inform the his employer of this at least ten days in advance.

(5) The leave shall not be used in the event of the death of the child, when the father is deprived of his parental rights or said rights have been limited, the child is given up for adoption, the adoption is terminated, as well as when the child is placed in a fully public-financed child-care institution or is placed in accordance with Article 26 of the Child Protection Act.

(6) During the child-care leave until the child's attainment of 8 years of age the father (the adoptive father) shall be paid monetary compensation under the conditions and in the amounts specified in a separate law. Such leave shall be assimilated to the length of employment service.

(7) The procedure and manner of use of the leave shall be established by an ordinance of the Council of Ministers.

Article 165

(Amended, SG No. 25/2001, SG No. 52/2004, repealed, SG No. 54/2015, effective 17.07.2015).

Nursing and Baby-Feeding Breaks

Article 166

(1) A female worker or employee who breastfeeds her child on her own shall be entitled to a paid nursing break until the child attains the age of eight months: one hour twice a day or, with her consent, two hours in a single uninterrupted period. For a female worker or employee who works at working time reduced to seven hours or less, the duration of this break shall be one hour daily. After the child attains the age of eight months, the duration of the said break shall be one hour daily and shall be granted to the female worker or employee at the discretion of the health authorities, so long as it may be necessary for nursing the child.

(2) Where the female worker or employee has twins or a premature child, the duration of the break under the foregoing paragraph shall be three hours daily until the child's attainment of the age of eight months and two hours daily thereafter, as long as it may be necessary for breastfeeding at the discretion of the health authorities. In such cases, if the female worker or employee works at working time reduced to seven hours or less, the initial duration of the nursing break shall be two hours, and after the child attains eight months of age, one hour daily. The break under this Paragraph shall be available in two periods or, with the consent of the female worker or employee, in a single uninterrupted period.

(3) A break under the terms and of the duration specified in this Article shall be also granted to

the female adopter and to the step-mother.

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

Leave upon parent's or adopter's death or severe illness, upon forfeited child custody or where the exercise of child custody has been awarded to the father (male adopter)

(Title amended, SG No. 30/2018, effective 1.07.2018, SG No. 66/2024)

Article 167

(1) (Amended, SG No. 52/2004, supplemented, SG No. 98/2016, effective 1.06.2017, amended, SG No. 30/2018, effective 1.07.2018, SG No. 66/2024) Where the mother of a child who has not attained the age of 2 years or the female adopter of a child who has not attained the age of 5 years dies or contracts a severe illness which prevents her from taking care of the child, or has forfeited child custody, or the exercise of child custody has been awarded to the father (male adopter) according to the established procedure, the balance of the child-birth, adoption and child-care leaves shall be used by the father (male adopter). With his consent, these leaves may be used by either of his parents, or by either of the parents of the mother (female adopter) of the child, if the said person works under an employment relationship.

(2) (New, SG No. 98/2016, effective 1.06.2017, amended, SG No. 30/2018, effective 1.07.2018) Where the mother of a child who has not attained the age of two years or the female adopter of a child who has not attained the age of 5 years contracts a severe illness which prevents her from taking care of the child, and the father (male adopter) has died, the balance of the child-birth, adoption and child-care leaves shall be used by either of the parents of the mother (female adopter) or the father (male adopter), if the said person works under an employment relationship.

(3) (New, SG No. 98/2016, effective 1.06.2017, amended, SG No. 30/2018, effective 1.07.2018) Where the mother of a child who has not attained the age of two years dies or contracts a severe illness which prevents her from taking care of the child, and the father is unknown, the balance of the child-birth and child-care leaves shall be used by either of her parents, if the said person works under an employment relationship.

(4) (New, SG No. 98/2016, effective 1.06.2017, amended, SG No. 30/2018, effective 1.07.2018) Where a person who has adopted on their own a child aged up to 5 years dies or contracts a severe illness which prevents them from taking care of the child, the balance of the child-birth, adoption and child-care leave until the child's attainment of 2 years of age shall be used by either of their parents, if the said person works under an employment relationship.

(5) (Amended, SG No. 52/2004, renumbered from Paragraph (2), SG No. 98/2016, effective 1.06.2017, amended, SG No. 30/2018, effective 1.07.2018) Where both parents of a child who has not attained the age of two years or both adopters of a child who has not attained the age of 5 years die, and if the child is not placed in a child-care facility, including a creche or an educational establishment, or in a fully public-financed child-care institution, the balance of the leaves under Paragraphs (1), (2), (3) and (4) shall be used by the child's guardian or, with the said guardian's consent, by either of the parents of the child's mother or father, respectively the child's female or male adopter, if the said person works under an employment relationship.

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

Article 167a

(New, SG No. 52/2004)

(1) (Supplemented, SG No. 7/2012, amended, SG No. 54/2015, effective 17.07.2015, supplemented, SG No. 30/2018, effective 1.07.2018) After use of the leaves under Article 164 (1) and Article 164b (1), (2), (3) and (5), each of the parents (adopters), if working under an employment relationship and the child has not been placed in a fully public-financed child-care institution, shall be entitled upon request to use unpaid child-care leave in the amount of six months until the child's attainment of the age of eight years. Each parent (adopter) may use up to 5 months of the other parent's (adopter's) leave, subject to the other parent's (adopter's) consent.

(2) (Amended, SG No. 98/2016, effective 1.06.2017) In the cases under Article 167 (5), the tutor shall be entitled to leave under Paragraph (1) in the amount of twelve months. With the guardian's consent, a leave in the amount of up to twelve months or the balance of the unused leave up to this amount may be used by any of the parents of the child's mother or father.

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

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

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

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

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

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

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

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

Rights of the Worker or Employee to Reconcile Work-related and Family Responsibilities

(Heading amended, SG No. 62/2022, effective 1.08.2022)

Article 167b

(New, SG No. 7/2012)

(1) (Amended, SG No. 62/2022, effective 1.08.2022) A worker or an employee who is a parent (adoptive parent) of a child up to 8 years of age shall have the right to propose in writing to the employer to have the duration and distribution of his/her working hours changed for a certain period of time, to switch to remote work and to make other changes to the employment relationship that facilitate the reconciliation of work-related and family responsibilities.

(2) (New, SG No. 62/2022, effective 1.08.2022) A worker or employee who takes care of a parent, child, spouse, brother, sister and a parent of the other spouse or other direct relatives due to serious medical reasons shall also have the right to propose to the employer the changes specified in Paragraph (1).

(3) (Renumbered from Paragraph (2), amended, SG No. 62/2022, effective 1.08.2022) Any change to the employment relationship in accordance with Paragraph (1) or (2) shall be carried out by mutual agreement of the parties, expressed in writing, when such a possibility exists in the enterprise. The worker or employee may, before the expiration of the specified time, request that his/her employment relationship continue according to the conditions immediately preceding the change.

(4) (New, SG No. 62/2022, effective 1.08.2022) When the employer refuses to change the employment relationship, it is obliged to provide the worker or employee with a reasoned written answer within 14 days.

(5) (New, SG No. 62/2022, effective 1.08.2022) In case of beginning work for the first time in the enterprise, the worker or employee shall be entitled to use the rights set out in Paragraphs (1) and (2) after acquiring at least four months' length of employment service.

(6) (Renumbered from Paragraph (3), SG No. 62/2022, effective 1.08.2022) The worker or employee and the employer may agree to change the employment relationship under Article 119 even while the worker is on leave as provided for by Articles 163 - 167a.

Paid Leave for Two and More Living Children

Article 168

(Amended, SG No. 100/1992)

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

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

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

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

Paid Study Leave

(Heading amended, SG No. 100/1992)

Article 169

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

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

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

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

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

Leave for Entrance Examination at Educational Establishment

Article 170

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

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

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

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

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

Unpaid Study Leave **Article 171**

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

1. for preparation and sitting for an examination: up to 20 working days per academic year;

2. (Amended, SG No. 25/2001) for preparation and sitting for an entrance, matriculation or state final certification examination, including for preparation and defence of a thesis or a graduation project in secondary educational establishments: up to 30 working days;

3. for preparation and sitting for a state final certification examination, including for preparation and defence of a thesis or a graduation project in higher educational establishments: up to four months;

4. for preparation and defence of a dissertation by extramural doctoral candidates or part-time doctoral candidates: up to four months.

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

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

Use of Study Leave **Article 171a**

(New, SG No. 25/2001)

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

Section II **USE OF PAID ANNUAL LEAVE**

Manner of Use

Article 172

(Amended, SG No. 100/1992, SG No. 25/2001, SG No. 58/2010, effective 30.07.2010, SG No. 54/2015, effective 17.07.2015)

Paid annual leave shall be granted to the worker or employee in a single uninterrupted period or in a piecemeal way.

Procedure for Use

Article 173

(Supplemented, SG No. 26/1992, amended and supplemented, SG No. 100/1992, SG No. 25/2001, amended, SG No. 58/2010, SG No. 18/2011, effective 1.03.2011, SG No. 54/2015, effective 17.07.2015)

(1) Paid annual leave shall be used by the worker or employee on a written authorisation by the employer.

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

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

(4) The employer shall be entitled to grant the paid annual leave to the worker or employee even without the latter's written request or consent during an idling of more than 5 working days, where all workers or employees use leaves simultaneously, as well as in the cases, where the worker or employee, following an invitation by the employer, would have failed to request his/her leave by the end of the calendar year for which it is due.

(5) The worker or employee shall use his/her leave by the end of the calendar year for which it is due. The employer shall be obliged to authorise the use of the paid annual leave of the worker or employee by the end of the respective calendar year, unless the use of the said leave has been deferred in accordance with the procedure of Article 176. days for the religious holidays of the religions other than Eastern Orthodox Christianity shall be determined by the Council of Ministers on a motion by the official leadership of the relevant religious denomination. In such a case an opportunity shall be ensured for the worker or employee to use not less than one half of the paid annual leave, to which he/she is entitled for the respective calendar year.

Use of leave where a state of emergency or an emergency epidemic situation has been declared

(Heading supplemented, SG No. 44/2020, effective 14.05.2020)

Article 173a

(New, SG No. 28/2020, effective 13.03.2020)

(1) (Supplemented, SG No. 44/2020, effective 14.05.2020, amended, SG No. 62/2022, effective 1.08.2022) Where, by reason of a declared state of emergency or a declared emergency epidemic situation, the work of the enterprise, of part of the enterprise or of individual factory and office workers by an order of the employer or by an order of a State body, the employer shall have the right to grant the paid annual leave to the factory or office worker even without the consent thereof, including to a factory or office worker who has not acquired an four months' length of employment service.

(2) (Supplemented, SG No. 44/2020, effective 14.05.2020) The employer shall be bound to allow the following factory or office workers to use a paid annual leave or an unpaid leave in the case of a declared state of emergency or a declared emergency epidemic situation:

1. any pregnant female factory or office worker, as well as any female factory or office worker in an advanced stage of in vitro fertilisation treatment;

2. any mother or female adopter of a child up to 12 years of age or of a disabled child irrespective of the age thereof;

3. any male factory or office worker who is a single father or male adopter of a child up to 12 years of age or of a disabled child irrespective of the age thereof;

4. a factory or office worker who has not attained the age of 18 years;

5. any factory or office worker who has lost 50 per cent and more than 50 per cent of the working capacity thereof;

6. a factory or office worker entitled to protection against dismissal under Items 2 and 3 of Article 333 (1).

(3) The time during which a leave under Paragraphs (1) and (2) is used shall be assimilated to the length of employment service.

Use of Leave by Minors and by Mothers

(Heading amended, SG No. 100/1992)

Article 174

(Supplemented, SG No. 100/1992, amended, SG No. 18/2011, effective 1.03.2011, SG No. 54/2015, effective 17.07.2015)

Workers and employees who have not attained the age of 18 years, and mothers of children who have not attained the age of seven years shall use their leave during the summer or, if they so wish, during any other time of the year, except in the cases under Article 173(4).

Interruption of Use of Leave

Article 175

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

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

(2) (New, SG No. 100/1992) Beyond the cases under the foregoing paragraph, the leave of the

worker or employee may be interrupted by mutual consent of the parties expressed in writing.

Postponement of Use of Leave

Article 176

(Amended, SG No. 100/1992, amended and supplemented, SG No. 25/2001, amended, SG No. 58/2010, effective 30.07.2010, amended and supplemented, SG No. 18/2011, effective 1.03.2011, amended, SG No. 54/2015, effective 17.07.2015)

(1) Use of the paid annual leave may be postponed for the following calendar year by:

1. the employer - for important production reasons under the condition of Article 173 (5), sentence three;

2. the worker or employee - by using an alternative type of leave or upon his request with the consent of the employer.

(2) If the leave was postponed or was not used by the end of the calendar year, to which it relates, the employer shall be obliged to ensure its use in the next calendar year, but not later than 6 months as of the end of the calendar year, for which the leave is due.

(3) In case the employer would not have authorised the use of the leave in the cases and within the terms under Paragraph (2) the worker or employee would be entitled to determine himself the time of its use, by notifying the employer thereof in writing at least 14 days in advance.

Expiry of the entitlement to use

Article 176a

(New, SG No. 18/2011)

(1) Where the paid annual leave or a part thereof is not used until expiration of two years after the end of the year for which the said leave is due, regardless of the reasons therefor, the entitlement to use such leave shall be extinguished by prescription.

(2) (Amended, SG No. 54/2015, effective 17.07.2015) If the paid annual leave would be postponed under the terms and procedure of Article 176(1), the right of worker or employee to use it shall expire by lapse of time upon expiry of two years as of the end of the year, in which the reason not to use it would have ceased to exist.

Pay

Article 177

(1) (Amended, SG No. 100/1992, previous text of Article 177 and amended, SG No. 108/2008) For the time of paid annual leave, the employer shall pay the worker or employee a remuneration calculated on the basis of the average daily gross remuneration charged at the same employer for the last calendar month preceding the use of the leave, during which the worker or employee has worked at least ten working days.

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

agreed in the employment contract.

Prohibition of Cash Compensation

Article 178

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

Chapter Nine WORK DISCIPLINE

Section I GENERAL PROVISIONS

Article 179

(Repealed, SG No. 100/1992).

Article 180

(Repealed, SG No. 100/1992).

Internal Works Rules

Article 181

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

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

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

Section II
(Repealed, SG No. 100/1992)
AWARDS

Article 182

(Repealed, SG No. 100/1992).

Article 183

(Repealed, SG No. 100/1992).

Article 184

(Repealed, SG No. 100/1992).

Article 185

(Repealed, SG No. 100/1992).

Section III
DISCIPLINARY LIABILITY

Breach of Work Discipline

Article 186

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

Types of Work Discipline Breaches

Article 187

(1) (Previous text of Article 187, SG No. 105/2016, effective 30.12.2016) The following shall constitute breaches of work discipline:

1. reporting for work late, leaving early, being absent from work or failing to utilise working time efficiently;

2. (supplemented, SG No. 100/1992) reporting of the worker or employee for work in a state which prevents him from fulfilling the tasks assigned thereto;

3. non-execution of the work assigned, non-observance of the technical and technological rules;

4. production of inferior-quality output;

5. non-observance of the rules for health and safety at work;

6. (repealed, SG No. 100/1992);

7. (amended, SG No. 100/1992) non-execution of the lawful orders of the employer;

8. abusing the confidence and damaging the reputation of the enterprise, as well as disclosure of data which is confidential in respect of the enterprise;

9. (amended, SG No. 100/1992) damaging the employer's property and squander of prime and raw materials, energy and other resources;

10. non-fulfilment of other labour duties provided for by laws and other statutory instruments, by the internal works rules, the collective agreement or established upon the formation of the employment relationship.

(2) (New, SG No. 105/2016, effective 30.12.2016, amended, SG No. 15/2018, effective 16.02.2018, supplemented, SG No. 64/2020, effective 21.08.2020, amended and supplemented, SG No. 25/2022, effective 29.03.2022, supplemented, SG No. 51/2022) The filing of a complaint, a signal or a notification to the Financial Supervision Commission for violation of the Implementation Measures against Market Abuse with Financial Instruments Act, the Collective Investment Schemes and Other Undertakings for Collective Investments Act, the Markets in Financial Instruments Act, of the Insurance Code, of the Social Insurance Code, 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, L 257/1 of 28 August 2014,) of Regulation (EU) No. 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No. 648/2012 (OJ, L 176/1 of 27 June 2013), of Regulation (EU) No. 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No.

648/2012 (OJ, L 173/84 of 12 June 2014), Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC (OJ L 168, 30.6.2017), Regulation (EU) 2020/1503 of the European Parliament and of the Council of 7 October 2020 on European crowdfunding service providers for business, and amending Regulation (EU) 2017/1129 and Directive (EU) 2019/1937 (OJ, L 347/1 of 20 October 2020), Regulation (EU) 2017/1129 and Directive (EU) 2019/1937 (OJ, L 347/1 of 20 October 2020), Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No. 1093/2010, (EU) No. 575/2013, (EU) No. 600/2014 and (EU) No. 806/2014 (OJ, L 314/1 of 5 December 2019) or of their implementing instruments, by an employee shall not be a violation under Paragraph (1), Item 8, except for the cases where the employee intentionally reports false information. The first sentence shall apply accordingly to an employee against whom a notification of violation has been submitted.

Types of Disciplinary Sanctions

Article 188

(Amended, SG No. 100/1992)

Disciplinary sanctions shall be the following:

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

Criteria for Imposition and Singularity of Disciplinary Sanction

(Heading amended, SG No. 100/1992)

Article 189

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

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

Dismissal for Breach of Discipline

Article 190

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

1. reporting for work late or leaving early on three occasions, each of not less than one hour, within one calendar month;
 2. being absent from work in the course of two consecutive working days;
 3. systematic breaches of work discipline;
 4. (amended, SG No. 25/2001) abusing the employer's confidence or disclosing data which is confidential in respect of the employer;
 5. inflicting detriment on members of the public by workers or employees in distributive trade and services through overcharging, shortweighting, or supplying goods or services of quality inferior to the stated quality;
 6. (new, SG No. 51/1999) participation in games of chance through telecommunication facilities of the enterprise, and the costs incurred shall be restored in full amount;
 7. (renumbered from item 6, SG No. 51/1999) other grave breaches of the work discipline.
- (2) (New, SG No. 25/2001) A dismissal for breach of discipline under Paragraph (1) shall be imposed in compliance with the criteria under Article 189 (1).

Article 191

(Repealed, SG No. 100/1992).

Authorities which Impose Disciplinary Sanctions

Article 192

(1) (Amended, SG No. 100/1992, SG No. 54/2015, effective 17.07.2015) Disciplinary sanctions shall be imposed by the employer or by an official with managerial functions, designated by it or by another authority empowered by a law.

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

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

Employer's Obligations Prior to Imposing Disciplinary Sanction

(Heading amended, SG No. 100/1992)

Article 193

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

(1) Prior to imposing a disciplinary sanction, the employer shall give the worker or employee a

hearing or shall accept the written explanations thereof and shall gather and assess the specified evidence.

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

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

Time Limits for Imposition of Sanction

Article 194

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

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

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

(4) (Repealed, SG No. 100/1992, new, SG No. 107/2020) The time limits under Paragraph (1) shall not run during the period from submission of the request until receipt of the opinion of the labour expert medical committee and/or of the advance authorisation for dismissal under Article 333, Paragraph (1).

Disciplinary Sanction Order

(Heading amended, SG No. 100/1992)

Article 195

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

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

(3) (Supplemented, SG No. 100/1992) The disciplinary sanction shall be considered imposed as from the day of service of the order on the worker or employee or as from the day of receipt of the said

order, where sent by registered mail with advice of delivery.

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

Article 196

(Repealed, SG No. 100/1992).

Striking of Disciplinary Sanctions

Article 197

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

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

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

Early Striking of Disciplinary Sanction

Article 198

(Amended, SG No. 100/1992)

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

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

Suspension from Work

Article 199

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

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

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

Chapter Ten

FINANCIAL LIABILITY AND OTHER TYPES OF COMPENSATION

Section I

FINANCIAL LIABILITY OF EMPLOYER

(Heading amended, SG No. 100/1992)

Financial Liability of the Employer for Death or Injured Health of Workers or Employees
(Heading amended and supplemented, SG No. 100/1992)

Article 200

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

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

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

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

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

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

Exclusion or Reduction of Liability
(Heading amended, SG No. 100/1992)

Article 201

(Amended, SG No. 100/1992)

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

(2) (Amended, SG No. 27/2024) The employer's liability can be reduced where:

1. the injured party has contributed towards the employment injury by committing gross negligence;

2. in the case of remote work, the injured party has not followed the prescribed rules and standards on health and safety at work.

Recourse Action

Article 202

(Amended, SG No. 100/1992)

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

Section II

FINANCIAL LIABILITY OF WORKERS OR EMPLOYEES

(Heading supplemented, SG No. 100/1992)

Scope of Financial Liability

Article 203

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

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

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

Exclusion of Liability

Article 204

(Amended, SG No. 100/1992)

A worker or employee shall not be financially liable for any detriment resulting from a normal

manufacturing and business risk.

Compensable Detriment

Article 205

(1) A worker or employee shall be liable for the loss sustained but shall not be liable for the lost profit.

(2) The extent of the detriment shall be determined at the day of the occurrence thereof, or if the said day cannot be determined, at the day of discovery of the detriment.

Extent of Liability

Article 206

(Amended, SG No. 100/1992)

(1) For any detriment inflicted on the employer by negligence upon or in connection with the execution of the labour duties, the worker or employee shall be liable up to the extent of the said detriment, but not more than the agreed monthly labour remuneration.

(2) Where the detriment is caused by a manager, including by an immediate superior, upon or in connection with the exercise of the managerial functions thereof, the liability shall be up to the extent of the said detriment but not more than the treble amount of the agreed monthly labour remuneration.

(3) The liability shall be up to the extents under the foregoing paragraphs where the employer has compensated third parties for detriment caused by the worker or employee under the same conditions.

Extent of Liability for Detriment Caused upon Activities Involving Accountability for Assets

Article 207

(Amended, SG No. 100/1992)

(1) A worker or employee who has been assigned, as a labour duty, to collect, keep, expend or account for pecuniary or physical assets shall be liable to the employer:

1. up to the extent of the detriment, but not more than the triple amount of the agreed monthly labour remuneration;

2. for deficiency: to the full extent, with legal interest from the day of infliction of the detriment and, if this date cannot be established, from the day of discovery of the deficiency.

(2) Persons who have received a benefit without cause from the inflictor of the detriment or who have availed themselves of the detriment under Item 1 of the foregoing paragraph shall owe, jointly with the inflictor of the detriment, restoration of the benefit received up to the extent of the enrichment, except in the cases under Article 271 (1). The said persons shall also owe the restoration of any benefit received from the inflictor of the detriment as a gift when the gift is on means derived from the

detriment inflicted.

(3) Actionability under Item 2 of Paragraph (1) and under Paragraph (2) shall be extinguished upon the lapse of a ten-year prescription period reckoned from the day of infliction of the detriment.

(4) Other cases of full financial liability may be established by law.

Liability for Detriment Caused by Several Workers or Employees

(Heading supplemented, SG No. 100/1992)

Article 208

(Supplemented, SG No. 100/1992) Where the detriment has been caused by several workers or employees, they shall be held liable for:

1. in the cases of limited liability: in proportion to the part of each of them in the causing the detriment, and where each one's part cannot be established, in proportion to the agreed labour monthly remuneration thereof. The sum total of the compensations due therefrom may not exceed the extent of the detriment;

2. in the cases of full liability: jointly.

Work-Team Liability

Article 209

(1) (Amended and supplemented, SG No. 100/1992) The work-team liability for a deficiency may be assumed by a written contract signed between the employer and the workers or employees who occupy a position of accountability for assets working together or in shifts. Where the specific inflictor of the detriment cannot be identified, the compensation shall be allocated among the workers and employees who have signed the contract, in proportion to the gross wage received for the period of time for which the deficiency has been established.

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

Enforcement of Limited Financial Liability

Article 210

(1) (Amended and supplemented, SG No. 100/1992) In cases of limited financial liability the employer shall issue an order determining thereby the grounds for and the extent of the worker or employee's liability. Where the detriment has been caused by the employer, the order shall be issued by the competent superior authority, and there is no such authority, by the collective management body of the enterprise.

(2) The order shall be issued within one month after discovery of the detriment or after payment of the amount to a third party, but not later than one year after the infliction of the said detriment; and

where the detriment has been caused by a manager or in execution of a position of accountability for assets, within three months after discovery of the said detriment but not later than five years after the infliction of the said detriment. These time limits shall not run if proceedings for enforcement of full financial liability have been instituted, until the said proceedings are pending.

(3) (Amended and supplemented, SG No. 100/1992) If the worker or employee contests in writing the grounds or the extent of the liability within one month after service of the order, the employer may bring a legal action against the said worker before the court.

(4) (Amended and supplemented, SG No. 100/1992) If the worker or employee does not contest the grounds or the extent of the liability within the time limit under the foregoing paragraph, the employer shall deduct the sum due from the remuneration of the worker or employee in the amounts specified in the Code of Civil Procedure.

(5) (Amended, SG No. 100/1992, SG No. 59/2007) In the cases where, as a result of termination of the employment relationship or for other reasons the sum due cannot be collected through deductions according to the procedure established by the foregoing paragraph, on the grounds of the order issued by the employer or the authority referred to in the second sentence of Paragraph (1) the employer shall have the option to move for the issuance of an enforcement order under Article 410 (1) of the Code of Civil Procedure, regardless of the amount of the claim.

(6) (Amended, SG No. 100/1992, repealed, SG No. 12/1996).

Enforcement of Full Financial Liability

Article 211

Full financial liability shall be enforced by a judicial procedure. In such cases, deductions may be made only on the basis of an effective judgment of court.

Application of Civil Law

Article 212

The civil law shall apply to any matters related to the employer's financial liability for causing death or health injury to a worker or employee, as well as to the worker or employee's liability to the employer, which are not regulated in this chapter.

Section III

OTHER FORMS OF COMPENSATION

Compensation for Non-Admission to Work

Article 213

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

(1) Upon of unlawful non-admission to work of a worker or employee wherewith an employment relationship has been created according to the procedure established by Chapter Five, the employer or the blameworthy officials shall be jointly liable for payment to the worker or employee of the gross labour remuneration for the relevant position from the day when the said worker reported to begin work until the actual admission of the said worker to work.

(2) The joint liability of the employer and the blameworthy officials for payment of compensation to the worker or employee who has been unlawfully denied admission to work shall apply for the duration of the performance of the employment relationship. The said compensation shall amount to the gross labour remuneration of the worker or employee for the time of unlawful non-admission to work.

Compensation for Suspension from Work

Article 214

(Redesignated from Paragraph (1), amended and supplemented, SG No. 100/1992)

(1) A worker or employee, who has been unlawfully suspended from work by the employer or the immediate superior, shall be entitled to compensation amounting to the gross labour remuneration of the said worker for the time of the unlawful suspension. The employer and the blameworthy officials shall be jointly liable for payment of the said compensation.

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

Secondment Allowance

Article 215

(1) (Previous text of Article 215, supplemented, SG No. 105/2016, effective 30.12.2016) In case of secondment pursuant to Article 121(1), the worker or employee shall be entitled, in addition to his or her gross labour remuneration, to travel, per diem and accommodation expenses under terms and in amounts determined by the Council of Ministers.

(2) (New, SG No. 105/2016, effective 30.12.2016) In case of secondment pursuant to Article 121a, Paragraph (1), item 1 and in case of posting pursuant to Article 121a, Paragraph (2), item 1, in addition to the gross remuneration, the worker or employee shall also be entitled to travel expenses under terms and conditions set out in the ordinance referred to in Article 121a, Paragraph (8).

Relocation Allowance

Article 216

(Amended, SG No. 100/1992)

(1) A worker or employee, who is transferred to work in another nucleated settlement, may be paid by agreement with the employer:

1. the travelling expenses for the said servant and for the family members thereof;
2. the expenses on the moving of the household furnishings thereof;
3. a remuneration for the days of travel plus two extra days.

(2) A worker or employee whereof employment relationship has been terminated not through his or her fault or not on his or her initiative with notice may be paid by agreement with the employer the expenses under Items 1 and 2 of the foregoing paragraph for the return of the said worker and the family thereof to the place of permanent residence thereof.

(3) A worker or employee shall be entitled to the allowance under the foregoing paragraphs where, according to a procedure established by a law, is being or has been transferred to permanent work in another nucleated settlement not upon his or her own request. When the distance to the nucleated settlement where the new work is located exceeds 100 kilometers and the transfer is for a period exceeding one year, the worker or employee shall furthermore be paid the agreed monthly remuneration for the new work and a remuneration amounting to one-fourth of the same amount for each dependent member of the factory or office worker's family. The allowance shall be paid by the employer wherewith the worker or employee is transferred for work.

Compensation upon Occupational Rehabilitation

Article 217

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

(1) (Amended, SG No. 41/2009, effective 1.07.2009) The employer shall owe the worker or employee who is subject to occupational rehabilitation a compensation to the amount of the said worker's gross labour remuneration from the day of receipt of the occupational rehabilitation prescription until fulfilment of the said prescription.

(2) A worker or employee, who without valid reasons refuses to accept the occupational rehabilitation work assigned in the same or another enterprise, shall not be entitled to the compensation under the foregoing paragraph.

Compensation in Disaster

(Heading amended, SG No. 100/1992, SG No. 19/2005, SG No. 35/2009, effective 12.05.2009)

Article 218

(1) (Amended, SG No. 100/1992, SG No. 19/2005, supplemented, SG No. 102/2006, amended, SG No. 35/2009, effective 12.05.2009) Where in an disaster a worker or employee is prevented from reporting for work, the said worker shall be paid compensation amounting to 50 per cent of the gross labour remuneration thereof for the time during which the said worker was prevented from working but not less than 75 per cent of the national minimum wage.

(2) (Amended and supplemented, SG No. 100/1992, amended, SG No. 19/2005, supplemented,

SG No. 102/2006, amended, SG No. 35/2009, effective 12.05.2009) If the worker or employee has taken part in rescue operations in disaster, the said worker shall be paid the full amount of the gross labour remuneration.

(3) (Amended, SG No. 100/1992) The compensation under the foregoing paragraphs shall be paid by the employer for whom the worker or employee works.

(4) The reasons for non-reporting to work and the participation in rescue work shall be certified by the mayoralty, by the municipal council or by any other state body.

Compensation upon A Worker's or Employee's Lawful Refusal to Execute Work

Article 219

(1) Any worker or employee who, acting on a legal ground, has refused to execute work or has discontinued work because of the exposure of his or her life and health to a serious and immediate hazard, shall be entitled to a compensation amounting to the gross labour remuneration thereof for the period during which the said worker has not worked.

(2) The right to compensation under the foregoing paragraph shall furthermore be enjoyed by a worker or employee who refuses to execute work assigned thereto which does not fall within the cases admissible under this Code of unilateral change of the place and nature of work, if the said worker is prevented from executing the work thereof under the pre-existing conditions.

Compensation for Unobserved Notice Period

Article 220

(Amended, SG No. 100/1992)

(1) The party who is entitled to terminate the employment relationship with notice may terminate the said relationship even before the expiry of the notice period, in which case the said party shall owe the other party compensation amounting to the worker or employee's gross labour remuneration for the unobserved notice period.

(2) The party who has been given notice of termination of the employment relationship may terminate the said relationship even before the expiry of the notice period, in which case the said party shall owe the other party compensation amounting to the worker or employee's gross labour remuneration for the unobserved notice period.

Compensation for Termination of Employment Relationship without Notice

Article 221

(Amended, SG No. 100/1992)

(1) (Amended, SG No. 52/2004, supplemented, SG No. 58/2010, effective 30.07.2010) Upon termination of the employment relationship by a worker or employee without notice in the cases of

Items 2, 3 and 3a of Article 327 (1), the employer shall owe the said worker compensation amounting to the gross labour remuneration for the notice period in case of an employment relationship of an indefinite duration; and amounting to the actual detriment in case of a fixed-term employment relationship.

(2) Upon dismissal for breach of discipline, the worker or employee shall owe the employer compensation amounting to the workers' gross labour remuneration for the notice period in case of an employment relationship of an indefinite duration; and amounting to the actual detriment in case of a fixed-term employment relationship.

(3) The foregoing paragraph shall furthermore apply where the worker or employee is dismissed under Article 330 (1) by reason of conviction for a criminal offence which also constitutes a breach of the labour duties.

(4) The actual detriment under the foregoing paragraphs shall be calculated on the basis of the gross labour remuneration of the worker or employee as follows:

1. in the cases under Paragraph (1): for the period during which the worker or employee was unemployed, but not more than the remainder of the term of the employment relationship;

2. in the cases under Paragraphs (2) and (3): for the period during which the employer has been left without a worker or employee for the same work, but not more than the remainder of the term of the employment relationship.

Compensation for Dismissal on Other Grounds

(Heading amended, SG No. 100/1992)

Article 222

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

(1) (Amended, SG No. 1/2002, SG No. 108/2008) Upon dismissal by reason of closure of the enterprise or of a part thereof, downsizing of personnel, reduction in the volume of work, idling for more than 15 working days, upon refusal of the worker or employee to follow the enterprise or a division thereof, in which the worker works, when the said enterprise or division relocates to another nucleated settlement or locality, or where the position occupied by the worker or employee must be vacated for reinstatement of a wrongfully dismissed worker or employee who previously occupied the same position, the worker or employee shall be entitled to compensation from the employer. The said compensation shall amount to the worker's gross labour remuneration for the period of unemployment but not more than one month. A compensation for a longer period may be provided for by an act of the Council of Ministers, by a collective agreement or by the employment contract. If the worker or employee begins work paying a lower labour remuneration during the said period, the worker shall be entitled to the difference for the said period.

(2) (Supplemented, SG No. 58/2010, effective 30.07.2010, amended, SG No. 7/2012) Upon termination of the employment relationship by reason of illness (Item 9 of Article 325 (1) and Item 1 of Article 327 (1)), the worker or employee shall be entitled to compensation from the employer amounting to the worker's gross labour remuneration for a period of two months, provided that the said

worker his a length of employment service of at least five years and has not received compensation on the same grounds during the last five years of employment service.

(3) (Amended, SG No. 2/1996, SG No. 25/2001, SG No. 107/2020) Upon termination of the employment relationship, after the worker or employee has acquired entitlement to a contributory-service and retirement-age pension, irrespective of the grounds for the termination, the said worker shall be entitled to compensation from the employer amounting to the worker's gross labour remuneration for a period of two months; and where the worker or employee has acquired with the same employer or in the same group of undertakings 10 years length of employment service during the past 20 years, the compensation shall amount to the worker's gross labour remuneration for a period of six months. Compensation under this paragraph shall be payable on a single occasion only.

(4) (New, SG No. 98/2015, effective 1.01.2016) Paragraph (3) shall also apply where at the time of termination of the employment relationship the worker or employee meets the conditions for being granted a contributory-service and retirement-age pension in a reduced amount in accordance with Article 68a of the Social Insurance Code.

Article 223

(Repealed, SG No. 100/1992).

Compensation for Unused Paid Annual Leave

Article 224

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

(1) (Amended, SG No. 58/2010, effective 30.07.2010, amended, SG No. 18/2011; declared unconstitutional by Constitutional Court of the Republic of Bulgaria - SG No. 91/2010, in the part "for the current calendar year in proportion to the time assimilated to the length of employment service and for any unused leave deferred in accordance with the procedure set out in Article 176")

Upon termination of the employment relationship, the worker or employee shall be entitled to a cash compensation for any unused paid annual leave for the current calendar year in proportion to the time assimilated to the length of employment service and for any unused leave deferred in accordance with the procedure set out in Article 176, the right to which has not lapsed by prescription.

(2) The compensation under the foregoing paragraph shall be calculated according to the procedure established by Article 177 as of the date of termination of the employment relationship.

(3) The paid study leave of students and of doctoral candidates without interruption of employment and for an entrance examination at an educational establishment, when unused, shall not be compensated in cash.

Compensation for Wrongful Dismissal and for Non-Admission to Work of Reinstated Workers or

Employees

(Heading supplemented, SG No. 100/1992)

Article 225

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

(1) Upon wrongful dismissal, the worker or employee shall be entitled to compensation from the employer amounting to the worker's gross labour remuneration for the period of unemployment caused by reason of the said dismissal, but not more than six months.

(2) When during the period under the foregoing paragraph the worker or employee has worked in a lower paid job, the said worker shall be entitled to the difference between the wages. The same entitlement shall apply to a worker or employee who has been wrongfully transferred to another, lower paid job.

(3) Where a wrongfully dismissed worker or employee is reinstated to work and after reporting to the enterprise to take the work to which he or she has been reinstated, is not admitted to the execution of the said work, the employer and the blameworthy officials shall be jointly liable to the worker or employee for payment of an amount equal to the worker's gross labour remuneration from the day of reporting to the day of actual admission to work.

Employer's Liability for Other Detriment Caused to a Worker or Employee

Article 226

(1) The employer and the blameworthy officials shall be jointly liable for any detriment caused to a worker or employee because of:

1. a failure to issue or late issuing of documents needed by the said worker, certifying facts related to the employment relationship;
2. entry of false particulars in the said documents.

(2) (Amended, SG No. 85/2023, effective 1.06.2025) The employer and the blameworthy officials shall be jointly liable to the worker or employee for the detriment sustained thereby as a result of a failure to register the termination of the employment contract in accordance with the procedure laid down in Article 62 (3) after termination of the employment relationship thereof.

(3) (Amended, SG No. 85/2023, effective 1.06.2025) The compensation under Paragraph (1) shall cover all detriments sustained by the worker or employee, including personal injury. The compensation under Paragraph (2) shall amount to the worker's gross labour remuneration from the day of termination of the employment relationship until the registration of the termination of the employment contract in accordance with the procedure laid down in Article 62 (3).

Recourse Liability

Article 227

(Amended, SG No. 94/1990, SG No. 100/1992)

The amount of the compensations paid under Articles 213, 214, 225 (3) and 226 shall be recoverable by the employer from the officials through whose fault the said compensations had to be

paid in accordance with the rules of Section II of this Chapter.

Gross Labour Remuneration as Basis for Calculation of Compensations and payout period
(Heading supplemented, SG No. 102/2017, effective 22.12.2017)

Article 228

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

(1) The gross labour remuneration as a basis for calculation of the compensations under this Section shall be the gross labour remuneration received by the worker or employee for the month preceding the month in which the grounds for the relevant compensation occurred, or the last monthly gross labour remuneration received by the worker or employee, unless otherwise provided.

(2) The amounts of the compensations under Articles 215, 218, 222 and 225 shall apply as long as no greater amounts are provided for in an act of the Council of Ministers, in a collective agreement or in the employment contract.

(3) (New, SG No. 102/2017, effective 22.12.2017) The compensations under this section payable upon termination of the employment relationship shall be paid no later than the last day of the month following the month in which the employment relationship is terminated, unless another time limit is agreed in the collective agreement. After the expiration of this period, the employer shall pay the compensation together with the statutory interest.

Chapter Eleven **(Amended, SG No. 100/1992)** **VOCATIONAL-TRAINING INSURANCE**

Employer's Obligations to Maintain and Upgrade Workers and Employees' Professional Qualification

Article 228a

(New, SG No. 108/2008)

(1) The employer shall be obligated to ensure conditions for the maintenance and upgrading of the professional qualification of workers and employees for the effective performance of the obligations thereof under the employment relationship in accordance with the requirements of the work performed and the future professional development thereof.

(2) (New, SG No. 62/2022, effective 1.08.2022) Where by virtue of a statutory instrument, a collective agreement or an agreement to the individual employment contract the employer is obliged to provide training to maintain and improve the professional qualifications of workers and employees for the effective performance of their duties in accordance with the requirements of the work performed, the training time shall be counted as working time. Whenever possible, the training shall take place within the worker's or employee's established working hours. All costs related to the training shall be covered by the employer.

(3) (Renumbered from Paragraph (2), SG No. 62/2022, effective 1.08.2022) In case of a

prolonged absence of the worker or employee from work, the employer shall be obligated to ensure the said worker with conditions to familiarise himself or herself with the novelties in the work which has occurred during the absence thereof and to attain the qualification level necessary for the effective fulfilment of the labour duties thereof.

Worker or Employee Obligation to Maintain and Upgrade Professional Qualification
Article 228b

(New, SG No. 108/2008)

The worker or employee shall be obligated to participate in the forms of training for the maintenance and upgrading of the professional qualification thereof and for the improvement of the professional skills thereof, which are organised or financed by the employer, as well as to make efforts to upgrade the qualification level thereof in accordance with the nature of the work performed.

Contract for Attainment of Qualification
Article 229

(1) The employer may conclude a contract for attainment of qualification with a person who is entering or has entered an educational establishment.

(2) By a contract under to the foregoing paragraph, the employer shall undertake:

1. to provide the trainee with maintenance and other facilities in connection with the training;
2. upon completion of the training, to employ the trainee in a work suitable for the qualification attained for the period agreed between the parties, which may not be longer than six years.

(3) By a contract under Paragraph (1), the trainee shall undertake:

1. to complete the training thereof in the agreed qualification without undue delay;
2. to work for the employer for the agreed period of time.

(4) Upon culpable non-fulfilment of the obligations under Paragraphs (2) and (3), save as otherwise agreed, the party at fault shall be held liable according to the civil law.

On-The-Job Training Employment Contract
(Title amended, SG No. 27/2014, SG No. 107/2020)
Article 230

(1) (Amended, SG No. 27/2014, SG No. 54/2015, effective 17.07.2015, supplemented, SG No. 92/2018, amended, SG No. 107/2020) By an on-the-job training employment contract, the employer shall undertake to train the worker or employee in the process of work in a specified occupation or

speciality; and the worker or employee shall undertake to master the said occupation or speciality. Such contract with the same worker or employee in the same enterprise for training in the same occupation can be concluded only once, except in cases of learning by doing (dual system of instruction), organized under the terms and procedure of the Vocational Education and Training Act.

(2) (Amended, SG No. 61/2014, supplemented, SG No. 54/2015, effective 17.07.2015, amended, SG No. 79/2015, effective 1.08.2016, SG No. 92/2018) The contract shall specify the forms, the place and the duration of training, the compensation, which the parties owe each other in case of non-performance, as well as any other matters related to the provision of the training. The duration of training may not exceed 6 months except in cases of learning by doing (dual system of instruction), organized under the terms and procedure of the Vocational Education and Training Act in which case its duration shall be determined by the curricula concerned.

(3) (New, SG No. 54/2015, effective 17.07.2015, amended, SG No. 59/2016, effective 1.08.2016, SG No. 92/2018, SG No. 107/2020) The on-the-job training employment contract for students in cases of learning by doing (dual system of instruction) shall be concluded under the procedure of Chapter Fifteen, Section I.

(4) (Amended, SG No. 27/2014, renumbered from Paragraph 3, amended, SG No. 54/2015, effective 17.07.2015) By the contract, the parties shall furthermore specify the period during which the worker or employee undertakes to work for the employer after the successful completion of the training, and the employer undertakes to provide work to the apprentice conforming to the qualifications attained. That period may not be longer than three years.

(5) (Amended, SG No. 27/2014, renumbered from Paragraph 4, amended, SG No. 54/2015, effective 17.07.2015) During the training, the worker or employee shall receive labour remuneration in proportion to the work done, but not less than 90 per cent of the national minimum salary.

(6) (New, SG No. 92/2018) During on-the-job training students in the dual system of instruction shall receive remuneration in the following amounts: for XI grade – not less than the double amount of, and for XII grade – not less than the triple amount of the maximum monthly scholarship determined in accordance with the procedure established by Article 171(3) of the Pre-school and School Education Act.

Training Completion

(Title amended, SG No. 27/2014)

Article 231

(Amended, SG No. 27/2014)

(1) (Amended, SG No. 54/2015, effective 17.07.2015) The results of the training under the contract under Article 230, Paragraph (1) shall be established by an examination of the worker or employee, which shall be held under terms and according to a procedure established by the employer. In case of professional qualification training, the examination shall be held under terms and according to a procedure established by the Vocational Education and Training Act.

(2) (Supplemented, SG No. 61/2014, amended, SG No. 54/2015, effective 17.07.2015) Upon successful passing of the examination, a document shall be issued to the worker or employee, which certifies the knowledge and skills gained by him/her. In instances of education for earning vocational qualifications the training results shall be certified under the terms and procedure of the Vocational Education and Training Act.

(3) (Amended, SG No. 54/2015, effective 17.07.2015) Upon completion of the training, the worker

or employee shall be entitled to a paid leave for preparation and taking of an examination in an amount agreed with the employer, but not less than 5 working days. For a second sitting for an examination, the worker or employee shall be entitled to unpaid leave of 5 working days, which shall count as length of employment service.

Obligation for Work and Liability for Non-Performance of an On-The-Job Training Employment Contract

(Title amended, SG No. 27/2014, SG No. 107/2020)

Article 232

(1) (Amended, SG No. 27/2014, SG No. 61/2014, SG No. 54/2015, effective 17.07.2015, SG No. 79/2015, effective 1.08.2016) After successful completion of the training according to the contract under Article 230, Paragraph (1), except for the cases of learning by doing (dual system of instruction), organized under the terms and procedure of the Vocational Education and Training Act, the employer shall be obligated to employ the worker or employee in a position, corresponding to the qualifications earned and the worker or employee shall be obligated to take up the position and to work during the agreed period.

(2) (Amended, SG No. 27/2014, SG No. 54/2015, effective 17.07.2015) If the employer fails to provide an worker or employee who has successfully completed the training with work corresponding to the qualifications attained, the employer shall owe the apprentice the gross labour remuneration for the relevant position for the time during which the employer has failed to provide such work, but not more than 6 months, save as otherwise agreed.

(3) (Amended, SG No. 27/2014, SG No. 54/2015, effective 17.07.2015) If the worker or employee fails to complete the training without valid reasons or, having completed the training, fails to begin the work provided thereto by the employer, or quits before the expiry of the agreed period, the apprentice shall owe the employer compensation in proportion to the non-performance in an amount agreed between the parties but not more than six times the amount of the gross salary for the respective position.

(4) (New, SG No. 61/2014, amended, SG No. 79/2015, effective 1.08.2016) The provisions of Paragraphs (2) and (3) shall not apply to contracts under Article 230, Paragraph (1), executed for learning by doing (dual system of instruction), organized under the terms and procedure of the Vocational Education and Training Act. In case of culpable non-performance of the obligations, unless agreed otherwise, the party at fault shall be liable in accordance with applicable legislation.

Applicability of Labour Legislation to On-The-Job Training Employment Contracts

(Heading amended, SG No. 107/2020)

Article 233

(Amended, SG No. 27/2014, SG No. 107/2020)

The effective labour legislation shall apply to the relationships between the parties to an on-the-job training employment contract for the period of training.

Traineeship

Article 233a

(New, SG No. 27/2014)

(1) Traineeship shall mean working under the guidance of the employer or a designee thereof - a mentor, for the purpose of practical skills utilization in the acquired profession or specialty.

(2) Mentor can be a person working for the same company, holding qualification in the same or similar profession as the one of traineeship, with no less than three years length of employment or professional experience in the same profession.

(3) The relationship between employer and mentor shall be regulated by additional agreement, where the allocation of working time and other mentorship execution conditions shall be defined.

On-The-Job Training Employment Contract

(Heading amended, SG No. 107/2020)

Article 233b

(New, SG No. 27/2014)

(1) (Amended, SG No. 107/2020) The employer shall be allowed to conclude an On-The-Job Training Employment Contract with a person under 29 years of age, who is a high school or university graduate with no work or professional experience in his/her attained profession or specialty.

(2) The contract under Item 1 shall be concluded for work at a position, consistent with the profession or specialty attained by the person. Such contract may be concluded only once with the same person.

(3) In addition to the requirements of Article 66, Item 1 the contract under Item 1 shall specify the method and form of the practical skill acquisition during the work execution process, the name of the work position and the mentor, the term of the contract, which may not be less than 6 and more than 12 months, as well as other conditions regarding the internship.

Certification of the Training Results

Article 233c

(New, SG No. 27/2014)

Within 14 days of the contract termination under Article 233b, the employer shall issue a recommendation letter to the trainee, certifying the training results and which can be presented before future employers upon employment application.

Contract for Qualification Upgrading and for Re-Training

Article 234

(1) The parties to an employment relationship may conclude a contract for upgrading of the worker or employee's qualification or for attainment of qualifications in another occupation or

speciality (re-training).

(2) The contract under the foregoing paragraph shall specify:

1. the occupation and speciality in which the worker or employee is to be trained;
2. the place, form and duration of the training;
3. the financial, welfare and other conditions for the duration of the training.

(3) The contract under Paragraph (1) may provide for:

1. an obligation of the worker or employee to work for the employer for a specified period, but not longer than five years;
2. liability for non-completion of the training, as well as for non-fulfilment of the obligations under the foregoing item.

Qualification Contract with Non-Working Person

Article 235

A contract for upgrading of qualification or for re-training may furthermore be concluded between an employer and a person who is preparing to start work for the employer upon completion of the training.

Termination of Qualification Contract

Article 236

Each party may terminate the contract under this Chapter by giving the other party a written notice before expiry of the period of the training:

1. by reason of culpable non-fulfilment of the obligations of the other party, allowing the party at fault reasonable time for performance;
2. in other cases agreed in the contract.

Post-Training Employment Contract

Article 237

After completion of the training on the basis of a contract under this Chapter, the industrial relations between the parties shall be regulated by an employment contract or by a relevant modification of the employment contract.

Article 238

(Repealed, SG No. 100/1992).

Article 239

(Repealed, SG No. 100/1992).

Article 240

(Repealed, SG No. 100/1992).

Article 241

(Repealed, SG No. 100/1992).

Chapter Twelve LABOUR REMUNERATION

Section I GENERAL PROVISIONS

Valuable Consideration for Work Performed

Article 242

(Amended, SG No. 100/1992)

Work shall be performed under an employment relationship for a valuable consideration.

Right to Equal Pay

Article 243

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

(1) Women and men shall be entitled to equal pay for equal work or work of equal value.

(2) Paragraph (1) shall apply to all payments under the employment relationship.

Regulation of Minimum Labour Remunerations and Benefits

Article 244

(Amended, SG No. 100/1992)

(1) (Previous text of Article 244, SG No. 14/2023) The Council of Ministers shall determine:

1. (amended, SG No. 14/2023) the national minimum salary for each calendar year;
2. the types and minimum amounts of the additional labour remunerations and of the benefits under an employment relationship, in so far as they are not fixed in this Code.

(2) (New, SG No. 14/2023) The national minimum salary for the next calendar year shall be determined by 1 September of the current year in the amount of 50 per cent of the average gross wage for a period of 12 months, which includes the last two quarters of the previous year and the first two quarters of the current year.

(3) (New, SG No. 14/2023) The national minimum salary determined in accordance with the procedure established by Paragraph (2) cannot be lower than the one determined for the previous year.

Guaranteed Payment of Labour Remuneration

Article 245

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

(1) Upon performance of his or her labour duties in good faith, the worker or employee shall be guaranteed payment of a labour remuneration to the amount of 60 per cent of his or her gross labour remuneration, but not less than the national minimum wage.

(2) The balance to the full amount of the labour remuneration shall remain exigible and shall be paid additionally with legal interest.

(3) (New, SG No. 27/2024) Where the employer is a direct subcontractor under a service contract, the contractor under the contract shall be jointly and severally liable for guaranteeing the payment of the labour remuneration of the workers or employees. The contractor's liability is limited to the worker's or employee's entitlements resulting from the contractual relationship between the contractor and the employer. The contractor shall not be liable when it has performed or is performing accurately and in good faith its obligations under the contract with the employer.

Article 246

(Repealed, SG No. 100/1992).

Section II

SYSTEMS OF PAY FOR WORK (Heading amended, SG No. 100/1992)

Determination of Amount of Labour Remuneration

Article 247

(Amended, SG No. 100/1992)

(1) The amount of the labour remuneration shall be determined according to the duration of work or according to the results of work.

(2) The amount of the labour remuneration per unit produced (work target) shall be agreed between the worker or employee and the employer and may not be less than the relevant provision in the collective agreement.

Article 248

(Repealed, SG No. 100/1992).

Article 249

(Repealed, SG No. 100/1992).

Setting and Revising Work Targets

Article 250

(Amended, SG No. 100/1992)

(1) Work targets shall be set with a view to establishing a normal intensity of work.

(2) Work targets shall be set and revised by the employer after consulting the workers and employees concerned.

Article 251

(Repealed, SG No. 100/1992).

Article 252

(Repealed, SG No. 100/1992).

Article 253

(Repealed, SG No. 100/1992).

Article 254

(Repealed, SG No. 100/1992).

Article 255

(Repealed, SG No. 100/1992).

Article 256

(Repealed, SG No. 100/1992).

Section III
(Renumbered from Section IV, SG No. 100/1992)
ADDITIONAL AND OTHER LABOUR REMUNERATIONS

Article 257

(Repealed, SG No. 100/1992).

Article 258

(Repealed, SG No. 100/1992).

Labour Remuneration for Internal Concurrent Employment
Article 259

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

(1) Where a worker or employee executes a position or work of an absent worker or employee, the said worker shall enjoy the rights attaching to the said position or work, including the labour remuneration, if this is more favourable for the said worker. If the said worker simultaneously executes his or her own work or position as well, the said worker shall be entitled to an additional labour remuneration which shall be agreed between the parties to the employment relationship.

(2) A worker or employee whose position is deputy to the absent worker or employee may not benefit from the rights under the foregoing paragraph.

(3) Replacement under Paragraph (1) shall require the consent of the employer and the worker or employee expressed in writing. Lack of written consent shall not be an impediment for the worker or employee to receive the remuneration for the replacement.

Labour Remuneration for External Concurrent Employment

Article 260

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

A worker or employee who is engaged in external concurrent employment shall receive the full amount of the labour remuneration for the principal work, as well as a remuneration for the external concurrent employment, as agreed between the parties.

Pay for Night Work

Article 261

(Amended, SG No. 100/1992)

Night work performed shall be paid with an increase agreed between the parties to the employment relationship, but not less than the amounts determined by the Council of Ministers.

Pay for Overtime Work

Article 262

(Amended, SG No. 100/1992)

(1) Overtime work performed shall be paid with an increase agreed between the worker or employee and the employer but not less than:

1. 50 per cent: for work on working days;
2. 75 per cent: for work on weekends;
3. 100 per cent: for work on public holidays;
4. 50 per cent: for work at working time calculated on a weekly or longer basis.

(2) Unless otherwise agreed, the increase under the foregoing paragraph shall be calculated on the basis of the labour remuneration fixed by the employment contract.

Pay for Overtime Work in Open-Ended Working Hours

Article 263

(Amended, SG No. 100/1992)

(1) No labour remuneration shall be paid for overtime work performed on working days by workers and employees at open-ended working hours.

(2) Labour remuneration in the amounts under Items 2 and 3 of Article 262 (1) shall be paid for overtime work performed by workers and employees at open-ended working hours on weekends and during the days of public holidays.

Labour Remuneration for Work on Public Holidays

Article 264

(Amended, SG No. 100/1992)

Work on public holidays, regardless of whether this represents overtime work or not, shall be paid to workers or employees as agreed, but not less than the double amount of the said workers' labour remuneration.

Article 265

(Repealed, SG No. 100/1992).

Labour Remuneration upon Non-fulfilment of Work Targets

Article 266

(Amended, SG No. 100/1992)

(1) A worker or employee, who fails to fulfil the work targets thereof through no fault of his or her, shall receive labour remuneration according to the results of work, but not less than the remuneration agreed for complete fulfilment.

(2) Upon non-fulfilment of the work targets through the worker or employee's fault, the said worker shall be entitled to labour remuneration according to the results of work.

Labour Remuneration in Case of Idling and Production Necessity

Article 267

(Amended, SG No. 100/1992)

(1) A worker or employee shall be entitled to the gross labour remuneration for idling not through the fault of the said worker.

(2) A worker or employee shall forfeit the entitlement thereof to labour remuneration for the time of idling where the idling is through the fault of the said worker.

(3) For the time during which a worker or employee executed another work due to production necessity, the said worker shall receive labour remuneration for the work executed, but not less than the gross labour remuneration for the principal work thereof.

Labour remuneration in the case of discontinuing of operations where a state of emergency or an emergency epidemic situation has been declared

(Heading supplemented, SG No. 44/2020, effective 14.05.2020)

Article 267a

(New, SG No. 28/2020, effective 13.03.2020)

For the time of discontinuing work in the cases under Article 120c, the factory or office worker shall be entitled to the gross labour remuneration thereof.

Labour Remuneration for Inferior-Quality Output

Article 268

(Amended, SG No. 100/1992)

(1) In case of production of entirely unfit output through the fault of the worker or employee, the said worker shall not be paid labour remuneration.

(2) Where the output conforms partly to the established quality requirements (partial waste) through the fault of a worker or employee, the amount of the said worker's labour remuneration shall be reduced in proportion to the fitness of the output.

(3) Upon production of unfit output not through the fault of the worker or employee, the said worker shall be entitled to labour remuneration as for a fit output.

Section IV **(Renumbered from Section V, SG No. 100/1992)** **PAYMENT OF LABOUR REMUNERATION**

Payment in Cash and in Kind

Article 269

(1) The labour remuneration shall be paid in cash.

(2) (Amended, SG No. 100/1992) Additional labour remunerations or part thereof may be paid in kind if so provided for in an act of the Council of Ministers, in a collective agreement or in the employment contract.

Place and Time Limits for Payment

Article 270

(1) The labour remuneration shall be paid at the enterprise where the work has been performed.

(2) (Supplemented, SG No. 100/1992) Labour remuneration shall be paid in advance or in a lump sum twice a month, unless otherwise agreed.

(3) (Amended and supplemented, SG No. 100/1992, SG No. 106/2023, effective 1.01.2024) The labour remuneration shall be paid to the worker or employee in person under a payroll or against receipt or, upon a written request by the worker or employee, to his relatives. At the written request of the worker or employee, the labour remuneration thereof shall be credited to his/her payment account. In the case of the payment account being abroad, the fees for the money transfer shall be paid by the worker or the employee.

(4) (New, SG No. 66/2023, effective 1.09.2023, amended and supplemented, SG No. 106/2023, effective 1.01.2024) Notwithstanding paragraph 3, when remuneration is paid by an employer referred to in Item 3 of Article 3(1) of the Limitation of Cash Payments Act, said remuneration shall be paid only via a bank transfer or a deposit into a payment account of the worker or employee. In the case of the payment account being abroad, the fees for the money transfer shall be paid by the worker or the employee.

Receiving Labour Remuneration in Good Faith

Article 271

(1) The worker or employee shall not be obliged to refund any labour remuneration and benefits under an employment relationship received in good faith.

(2) The culpable officials, who have ordered or have suffered a groundless payment of the amounts under the foregoing paragraph, shall incur financial liability.

Deductions from Labour Remuneration

(Heading amended, SG No. 100/1992)

Article 272

(1) (Supplemented, SG No. 100/1992) No deductions may be made from a worker or employee's labour remuneration without the worker's consent, except for:

1. any advances on the salary as received;
2. overcharged sums as a result of technical mistakes;
3. taxes deductible from the labour remuneration under special laws;

4. (new, SG No. 28/1996, effective 1.03.1996) social insurance contributions, which are for the account of the worker or employee who is insured against all social insurance risks;

5. (renumbered from Item 4, SG No. 28/1996, effective 1.03.1996) distraints imposed according to the established procedure;

6. (amended, SG No. 100/1992, renumbered from Item 5, SG No. 28/1996, effective 1.03.1996) deductions in the case under Article 210 (4).

(2) The total amount of the monthly deductions under the foregoing paragraph may not exceed the amount fixed in the Code of Civil Procedure.

Chapter Thirteen

HEALTH AND SAFETY AT WORK

Article 273

(Repealed, SG No. 100/1992).

Article 274

(Repealed, SG No. 100/1992).

Obligation to Provide Health and Safety at Work

Article 275

(Amended, SG No. 100/1992)

(1) (Amended, SG No. 25/2001) The employer shall be obligated to ensure health and safety at work so that any risks to the worker or employee's life and health could be eliminated, restricted or mitigated.

(2) (Amended, SG No. 25/2001) Within the powers thereof, the executive authorities shall

implement the state policy of ensuring health and safety at work.

Statutory Instruments, Uniform and Sectoral Rules
(Heading amended, SG No. 25/2001)

Article 276

(Amended, SG No. 100/1992)

(1) (Amended, SG No. 25/2001) The Minister of Labour and Social Policy shall issue, whether independently or jointly with other ministers, acts ensuring health and safety at work. Where necessary, the Minister of Labour and Social Policy shall designate the authorities and organisations which will participate in the drafting of such acts.

(2) (Amended, SG No. 25/2001) The Minister of Labour and Social Policy and the Minister of Health shall, whether independently or jointly, endorse uniform rules for ensuring health and safety at work, which shall apply to all sectors and activities.

(3) (Amended, SG No. 25/2001) The ministers and the other executive authorities under Article 19 (4) of the Administration Act shall endorse sectoral rules for ensuring health and safety at work in the enterprises and activities of the relevant sector.

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

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

(6) (New, SG No. 28/1996, amended, SG No. 25/2001) The orders endorsing the rules under Paragraphs (2) and (3) shall be promulgated in the State Gazette, and the rules shall be issued by the respective endorsing authority.

Article 277

(Amended, SG No. 100/1992, SG No. 25/2001, repealed, SG No. 54/2015, effective 17.07.2015).

Article 278

(Repealed, SG No. 25/2001).

Article 279

(Repealed, SG No. 25/2001).

Article 280

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

Briefing and Training

Article 281

(1) (New, SG No. 25/2001) All workers and employees shall be briefed and trained in the safe methods of work.

(2) (Supplemented, SG No. 100/1992, renumbered from Paragraph (1), SG No. 25/2001) Workers and employees whereof the work involves the use, servicing and maintenance of machinery and other technical equipment, as well as workers and employees engaged in activities posing a risk to their health and life, shall be mandatorily briefed, trained and shall pass an examination in the rules for ensuring health and safety at work.

(3) (Amended and supplemented, SG No. 100/1992, renumbered from Paragraph (2), SG No. 25/2001) High-risk machinery, other equipment and technological processes shall be serviced only by competent workers and employees. The licensed competence thereof shall be regulated by special ordinances. The list of high-risk equipment and activities shall be endorse by the competent central-government departments.

(4) (Renumbered from Paragraph (3), supplemented, SG No. 25/2001) No persons who do not possess the necessary knowledge and skills provided for in the rules for ensuring health and safety at work shall be admitted to work.

(5) (New, SG No. 100/1992, renumbered from Paragraph (4), amended, SG No. 25/2001) The employer shall be obligated to organise the delivery of periodic training or briefing of the workers and employees in the rules for ensuring health and safety at work under terms and according to a procedure established by an ordinance of the Minister of Labour and Social Policy.

Obligation to Provide Sanitary, Welfare and Medical Services

Article 282

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

The employer shall be obliged to provide sanitary, welfare and medical services to the workers and employees in accordance with the sanitary standards and requirements.

Worker or Employee Refusal to Perform Work Assigned

(Heading amended, SG No. 100/1992)

Article 283

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

A worker or employee shall have the right to refuse the performance or to discontinue work where the life or health thereof is exposed to a serious and immediate hazard, and must forthwith inform the immediate superior thereof. In such cases, resumption of the work shall be admissible solely after the elimination of the hazard, on an order of the employer or the immediate superior.

Special Work Clothes and Personal Protective Equipment

Article 284

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

(1) The employer shall be obligated to provide, free of charge, special work clothes and personal protective equipment to the workers and employees who work with or at machinery, equipment, liquids, gases, molten metals, heated objects and other such objects hazardous or harmful for health and life.

(2) The workers and employees shall be obligated to use the special work clothes and the personal protective equipment for the intended purpose thereof, and then only during work.

(3) The terms and procedure for the provision of special work clothes and personal protective equipment, as well as the type thereof, shall be determined by the Minister of Labour and Social Policy and by the Minister of Health.

(4) (New, SG No. 83/2005) It shall be prohibited to substitute money equivalent for personal protective equipment.

Free Meals

(Heading supplemented, SG No. 25/2001, amended, SG No. 83/2005)

Article 285

(Amended, SG No. 100/1992, supplemented,
SG No. 25/2001, amended, SG No. 83/2005)

(1) Workers and employees who work at enterprises of a specific nature and work organisation shall be ensured by the employer with free food and/or food additives.

(2) The terms and procedure whereunder the free food and/or the additives thereto under Paragraph (1) are provided shall be established by an ordinance of the Minister of Labour and Social Policy and the Minister of Health.

Limited Duration of Work in Harmful or Hazardous Environment

Article 286

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

(1) A maximum number of years shall be determined for work in types of production and work which are particularly harmful and hazardous for health, upon the lapse of which the worker or employee shall be transferred to another suitable work.

(2) The list of types of production and work, as well as the maximum number of years for work in them, shall be endorsed by the Council of Ministers on a motion by the Minister of Health and the Minister of Labour and Social Policy.

Preliminary and Periodical Medical Examinations
(Title amended, SG No. 82/2011)

Article 287

(1) (Amended and supplemented, SG No. 100/1992, previous text of Article 287, SG No. 25/2001, amended and supplemented, SG No. 82/2011) All workers and employees shall be subject to mandatory preliminary and periodical medical examinations. The conditions for performance of preliminary and periodical medical examinations depending on the nature of work, the working conditions and the age of the workers and employees shall be determined by the Minister of Health.

(2) (New, SG No. 25/2001, amended, SG No. 82/2011) The costs for preliminary medical examinations shall be paid by the job applicants, while those for periodical medical examinations shall be paid by the employer.

(3) (New, SG No. 25/2001, amended, SG No. 48/2006) The employer and the officials in the enterprise shall be obligated to respect the confidentiality of the data regarding the health condition of the workers and employees and the information from and on the relevant medical examinations.

Data on Health and Safety at Work

Article 288

(Amended, SG No. 100/1992, repealed, SG No. 18/2003).

Prevention and Reporting of Employment Injuries and Diseases

Article 289

(Amended, SG No. 100/1992)

(1) The employer shall be obligated to take measures for the prevention and reduction of the incidence of employment injuries and of general sicknesses and occupational diseases.

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

Legal Framework of Employment Injuries and Occupational Diseases

Article 290

Occupational injuries, general sicknesses and occupational diseases, as well as the procedure for the establishment thereof and the consequences of the occurrence thereof, shall be regulated by a separate law.

Chapter Fourteen

SOCIAL, WELFARE AND CULTURAL SERVICES IN

ENTERPRISE

Article 291

(Repealed, SG No. 100/1992).

Financing

Article 292

(Amended, SG No. 100/1992)

The social, welfare and cultural services of the workers and employees shall be financed by resources of the employer and from other sources.

Allocation and Use of Resources

Article 293

(1) (Amended, SG No. 100/1992) The manner of use of the resources social, welfare and cultural services shall be determined by resolution of the General Meeting of workers and employees.

(2) The resources for social, welfare and cultural services may not be diverted and used for other purposes.

Ensuring Satisfaction of Social, Welfare and Cultural Requirements

Article 294

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

The employer may independently or jointly with other authorities and organisations, ensure to the workers and employees:

1. organised feeding conforming to the rational standards and the specific conditions of work;
2. shopping and welfare services, by building and maintaining distributive trade establishments and services centres;
3. commuter transport services between the place of residence and the workplace;
4. facilities for short- and long-term recreation, physical culture, sports and tourism;
5. (amended, SG No. 100/1992) facilities for cultural pursuits, clubs, libraries and other such;

6. (supplemented, SG No. 100/1992) assistance to young and to newly appointed workers and employees;

7. satisfaction of other social, welfare and cultural requirements.

Article 295

(Repealed, SG No. 100/1992).

Work Clothes and Uniforms

Article 296

(1) (Amended, SG No. 100/1992, previous text of Article 296, SG No. 25/2001) The employer shall provide to the workers and employees work clothes and uniforms under terms and according to a procedure established by the Council of Ministers or in the collective agreement.

(2) (New, SG No. 25/2001) The worker or employee shall be obligated to wear the work clothes or uniforms during working time and to keep them as property of the employer.

Housing and Workers' Hostels

Article 297

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

(1) (Amended and supplemented, SG No. 25/2001) The employer may take care to provide housing to the workers and employees and the families thereof by using resources from the employer's own funds allocated for this purpose and the efforts of the working collective.

(2) The housing units shall be allocated under criteria established in the collective agreement.

(3) (Supplemented, SG No. 25/2001) The employer may build and maintain workers' hostels.

Article 298

(Repealed, SG No. 100/1992).

Care for the Families of Workers and Employee

(Heading amended, SG No. 100/1992)

Article 299

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

(1) (Supplemented, SG No. 25/2001) The employer may provide assistance for placing of the workers and employees' children in children's establishments by maintaining, building or taking part in the building and maintenance of such establishments on own resources or jointly with other employers and the municipal councils.

(2) (Supplemented, SG No. 25/2001) The employer may place at the disposal of the workers and employees' children the available facilities for recreation, physical culture, sports and tourism, youth activities and cultural pursuits.

(3) The social funds and the forms of social services may be used by the worker or employee's families as well by resolution of the General Meeting (meeting of proxies) and in accordance with the collective agreement.

Care for Retired Workers and Employees

Article 300

(Amended, SG No. 100/1992)

By resolution of the General Meeting of workers and employees, the social funds and the forms of social services may also be used by pensioners who have worked for the same employer.

Chapter Fifteen
SPECIAL PROTECTION OF CERTAIN CATEGORIES OF
WORKERS AND EMPLOYEES
(Heading supplemented, SG No. 100/1992)

Section I
SPECIAL PROTECTION OF MINORS

Minimum Age for Employment

Article 301

(1) The minimum age for employment shall be 16 years. Employment of persons who have not attained the age of 16 years shall be prohibited.

(2) (Supplemented, SG No. 48/2006) As an exception, persons aged between 15 and 16 years may be employed in work which is light and which is not hazardous or harmful to their health and to their proper physical, mental and moral development and whose execution would not be detrimental to

their regular attendance at school or to their participation in vocational guidance or training programmes.

(3) (Amended, SG No. 100/1992) As an exception, girls who have attained the age of 14 years and boys who have attained the age of 13 years may be appointed to apprentice positions at circuses, and persons who have not attained the age of 15 years may be recruited for participation in the shooting of films, in the preparation and performance of theatrical and other productions under relaxed conditions and in conformity with the requirements for their proper physical, mental and moral development. The working conditions in such cases shall be determined by the Council of Ministers.

Employment of Persons who Have not Attained 16 Years of Age

Article 302

(1) Persons who have not attained the age of 16 years shall be employed after a thorough medical examination and a medical conclusion that they are fit to perform the respective work and that the said work will impair their health and impede their proper physical and mental development.

(2) (Amended, SG No. 100/1992) Persons who have not attained the age of 16 years shall be employed by permission of the Labour Inspectorate in each particular case.

Employment of Persons Aged between 16 and 18 Years

Article 303

(1) (Amended, SG No. 48/2006) It shall be prohibited to employ persons who have attained the age of 16 years but have not attained the age of 18 years in work which is hard, hazardous or harmful to the health and to their proper physical, mental and moral development.

(2) Persons who have attained the age of 16 years but have not attained the age of 18 years shall be employed after a thorough pre-employment medical examination and a medical conclusion, which shall establish their fitness to perform the respective work.

(3) (Amended, SG No. 100/1992) Persons who have attained the age of 16 years but have not attained the age of 18 years of age shall be employed by permission of the Labour Inspectorate for each particular case.

(4) (New, SG No. 18/2003, amended and supplemented, SG No. 48/2006) The terms and procedure for granting a permission for work under Paragraph (3), of a permission for work for persons who have not attained the age of 16 years, as well as the obligations of the employer to provide health and safety at work for the persons who have not attained the age of 18 years, shall be established by an ordinance of the Minister of Labour and Social Policy and of the Minister of Health.

Work for Persons who Have not Attained 18 Years of Age

Article 304

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

(1) Minors may not engage in work which is:

1. beyond their physical or psychological capacity;
 2. involving exposure to a harmful physical, biological or chemical impact, and in particular to toxic agents, carcinogens and agents causing heritable genetic or intrauterine damage;
 3. involving hazards which chronically affect human health in any other way whatsoever;
 4. involving exposure to radiation;
 5. at extremely low or high temperatures, noise or vibration;
 6. involving the risk of employment injury which it may be assumed the minor cannot recognise or avoid owing to his or her physical or psychological immaturity.
- (2) (Repealed, SG No. 18/2003).

Special Care of Minors
Article 305

(1) (Amended, SG No. 100/1992) The employer shall take special care of the work of persons who have not attained the age of 18 years by providing alleviated working conditions and opportunities for attainment of professional qualification and for upgrading of the said qualification.

(2) (Repealed, SG No. 100/1992, new, SG No. 25/2001) The employer shall be obligated to inform the underage workers and employees and the parents or curators thereof of the potential risks at work and of the measures taken to ensure health and safety at work.

(3) (Supplemented, SG No. 100/1992, amended, SG No. 25/2001, supplemented, SG No. 48/2006) The working time of workers and employees who have not attained the age of 18 years shall be 35 hours weekly and seven hours daily in conditions of a five-day working week. The time for attainment of professional qualification and for upgrading of the said qualification, where spent under a combined work/training scheme, shall be counted as daily and weekly working time of any such workers.

(4) ((Amended, SG No. 100/1992, supplemented, SG No. 108/2008) Workers and employees who have not attained the age of 18 years shall be entitled to basic paid annual leave in the amount of not less than 26 working days, including during the calendar year when they attain the age of 18 years.

Section II

SPECIAL PROTECTION OF WOMEN

Article 306

(Repealed, SG No. 100/1992).

Protection of Pregnant and of Breastfeeding Women

Article 307

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

(1) (Supplemented, SG No. 103/2009, effective 29.12.2009) The employer may not order, nor obligate pregnant and breastfeeding women, as well as female workers or employees in an advanced stage of in vitro treatment to perform any work which exposes to a hazard or endangers the safety and health thereof.

(2) (Supplemented, SG No. 103/2009, effective 29.12.2009) A pregnant or breastfeeding woman, as well as a female worker or employee in an advanced stage of in vitro treatment may refuse to execute any work which is designated as harmful for the health of the mother or the child or which, after a risk assessment, has been found to pose a substantial risk to the health of the mother or of her child.

(3) The list of works and working conditions under Paragraph (1) shall be determined by an ordinance of the Minister of Social Policy and the Minister of Health.

Rooms for Women

Article 308

(Amended, SG No. 100/1992, supplemented, SG No. 103/2009, effective 29.12.2009)

Any employer who employs 20 or more women shall be obligated to furnish rooms for personal hygiene of women and rooms for rest of pregnant women and female workers or employees in an advanced stage of in vitro treatment according to a procedure established by the Minister of Health.

Occupational Rehabilitation of Pregnant or Breastfeeding Women

Article 309

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

(1) (Amended, SG No. 52/2004, amended and supplemented, SG No. 103/2009, effective 29.12.2009) Where a pregnant woman or a breastfeeding woman, as well as a female worker or employee in an advanced stage of in vitro treatment executes a work unsuitable for her condition, acting at a prescription of the health authorities the employer shall take the necessary measures for temporary adjustment of the working conditions at the workplace and/or the working time, with a view to eliminating the risk for their safety and health. If the adjustment of the working conditions at the workplace and/or of the working time is not technically or objectively feasible or cannot reasonably be required on duly substantiated grounds, the employer shall take the necessary measures for transfer of the female worker or employee to another appropriate work.

(2) (Supplemented, SG No. 52/2004, amended, SG No. 103/2009, effective 29.12.2009) The prescription of the health authorities shall be mandatory for the pregnant, breastfeeding woman, female

worker or employee in an advanced stage of in vitro treatment and for the employer. Pending the fulfilment of the prescription, the female worker shall be excused from the obligation to execute the work unsuitable for her condition, and the employer shall pay her a benefit in the amount of the gross labour remuneration received for the month preceding the date of issuance of the prescription.

(3) (Amended, SG No. 52/2004) In the cases under Paragraph (1), the female worker or employee shall receive labour remuneration for the work executed. When the said remuneration is lower than the labour remuneration for the previous work, she shall be entitled to a cash benefit to the amount of the difference between the labour remunerations according to a separate law.

(4) (Supplemented, SG No. 103/2009, effective 29.12.2009) The employer, jointly with the health authorities, shall annually designate positions and jobs suitable for pregnant and breastfeeding mothers and for female workers or employees in an advanced stage of in vitro treatment.

Secondment of Pregnant Women and Mothers with Children

Article 310

(Amended, SG No. 100/1992, SG No. 25/2001, SG No. 52/2004, supplemented, SG No. 103/2009, effective 29.12.2009)

The employer may not second a pregnant woman, a female worker or employee in an advanced stage of in vitro treatment and a mother of a child who has not attained the age of three years without her written consent.

Article 311

(Repealed, SG No. 100/1992).

Home Work

Article 312

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

(1) A female worker or employee who is the mother of a small child shall be entitled to work at home for the same or for another employer until the child's attainment of the age of six years.

(2) Where a female worker or employee under the foregoing paragraph transfers to home work for the same employer, the said employer shall be obligated, after the said worker ceases to work at home but not later than the child's attainment of the age of six years, to provide the said worker with the work which she previously executed or, if the position has been eliminated, with another suitable work with her consent.

(3) Where the female worker or employee under Paragraph (1) transfers to home work for another employer, the employment relationship with the employer for whom the said worker worked at the date of the transfer shall not be terminated but the female worker or employee shall be on unpaid leave. When she ceases to work at home, but not later than the child's attainment of the age of six years, the unpaid leave shall be terminated. If the position has been eliminated, the employer shall provide he with

another suitable work with her consent.

Use of Mother's Rights by Father

Article 313

(Amended, SG No. 100/1992)

The rights of the mother under Articles 310 and 312 may be used by the father where the mother is not in a position to enjoy the said rights.

Obligation to Notify

Article 313a

(New, SG No. 52/2004)

(1) (Supplemented, SG No. 103/2009, effective 29.12.2009) A pregnant worker or employee, as well as a female worker or employee in an advanced stage of in vitro treatment, shall avail herself of the rights under Item 2 of Article 140 (4), Item 2 of Article 147 (1), Article 157 (2), Articles 307, 309, 310 and 333 (5) after certifying the condition thereof to the employer by a document duly issued by the competent health authorities.

(2) Upon termination of the pregnancy, the female worker or employee under Paragraph (1) shall be obligated to notify the employer within seven days.

(3) The employer and the officials at the enterprise shall be obligated to respect the confidentiality of the circumstances under Paragraphs (1) and (2).

Section III

SPECIAL PROTECTION OF PERSONS WITH REDUCED WORKING CAPACITY

Grounds for Occupational Rehabilitation

Article 314

A worker or employee, who by reason of a disease or employment injury is unable to execute the work assigned thereto, but who may execute another suitable work or the same work under relaxed conditions without hazard to his or her health, shall become an occupational rehabilitee, being transferred to another work or to the same work under suitable conditions at a prescription of the health authorities.

Jobs for Occupational Rehabilitation

Article 315

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

(1) (Amended, SG No. 2/1996, SG No. 41/2009, effective 1.07.2009, SG No. 15/2010) An employer with more than 50 workers and employees shall be obligated to designate annually jobs suitable for occupational rehabilitation, from 4 to 10 per cent of the total number of workers and employees depending on the economic activity.

(2) (New, SG No. 61/2011) The total number of workers and employees for the purposes of Paragraph (1) shall not include any seafarers working in the enterprise.

(3) (Amended, SG No. 15/2010, renumbered from Paragraph 2, SG No. 61/2011) The proportion of the total number of workers and employees under Paragraph (1) by economic activities shall be determined by the Minister of Labour and Social Policy and the Minister of Health.

Specialised Enterprises and Workshops for Persons with Permanently Reduced Working Capacity
(Heading amended, SG No. 25/2001, 41/2009, effective 1.07.2009)

Article 316

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

(1) (Supplemented, SG No. 2/1996, amended, SG No. 41/2009, effective 1.07.2009) The government ministers, the heads of other central-government departments and the municipal councils shall be obligated to establish specialised state-owned (municipal) enterprises, and the employers with more than 300 workers and employees shall be obligated to establish workshops and other units designed for persons with permanently reduced working capacity.

(2) The activities of the specialised enterprises, workshops and units under the foregoing paragraph shall be planned and accounted for separately, and specific rules for work targets, accounting for and pay for work shall be established for the workers and employees there according to a procedure established by the Council of Ministers.

Occupational Rehabilitation of Workers and Employees

(Heading supplemented, SG No. 100/1992)

Article 317

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

(1) (Amended, SG No. 41/2009, effective 1.07.2009) The need to transfer a worker or employee to another suitable work or to the same job under relaxed conditions, the nature of the work done, the working conditions and the period of transfer shall be determined under a prescription of the health authorities.

(2) The occupational rehabilitation prescription issued by the health authorities shall obligate the worker or employee not to execute the work from which he or she is transferring, and the employer not to admit the said worker to the said work.

(3) The employer shall be obligated to transfer the worker or employee to a suitable work

according to the prescription of the health authorities within seven days after receipt of the said prescription.

(4) Upon failure to fulfil the prescription of the health authorities by the employer, the employer shall owe the worker or employee compensation under Article 217.

Article 318

(Repealed, SG No. 100/1992).

Paid Annual Leave

Article 319

(Amended, SG No. 100/1992, SG No. 25/2001, supplemented, SG No. 108/2008, amended, SG No. 41/2009, effective 1.07.2009)

Workers and employees with permanently reduced working capacity 50 per cent and more than 50 per cent shall be entitled to basic paid annual leave in an amount of not less than 26 working days.

Labour Remuneration

Article 320

(1) A worker or employee who is an occupational rehabilitee according to the procedure established by this Section shall receive labour remuneration for the work executed.

(2) (Amended, SG No. 25/2001, SG No. 41/2009, effective 1.07.2009) A worker or employee, who have permanently reduced working capacity less than 50 per cent and who is an occupational rehabilitee for a fixed period and receives a lower labour remuneration for the new work than the remuneration for the previous work, shall be entitled to a cash compensation for the difference between the labour remunerations according to a separate law.

Article 321

(Repealed, SG No. 100/1992).

Section IV

(Repealed, SG No. 100/1992)

SPECIAL PROTECTION OF WORKING PENSIONERS

Article 322

(Repealed, SG No. 100/1992).

Article 323

(Repealed, SG No. 100/1992).

Article 324

(Repealed, SG No. 100/1992).

Chapter Sixteen
TERMINATION OF EMPLOYMENT RELATIONSHIP

Section I
TERMINATION OF EMPLOYMENT CONTRACT

Standard Grounds for Termination of Employment Contract
(Heading amended, SG No. 100/1992)

Article 325

(1) (Previous text of Article 325, SG No. 7/2012) An employment contract shall be terminated without either party being obligated to give notice to the other party:

1. by mutual consent in writing between the parties. The party who has been approached with the offer shall be obligated to take a stand on the said offer and to inform the other party within seven days after receipt of the said offer. Upon failure to do so, rejection of the offer shall be presumed;

2. (amended, SG No. 100/1992) where the dismissal of a worker or employee is pronounced wrongful, or where the worker is reinstated to the previous work thereof by the court, but the said worker fails to report to work within the time limit under Article 345 (1);

3. upon expiry of the agreed term;

4. by the completion of the work as specified;

5. upon return to work of the replaced worker or employee;

6. (amended, SG No. 100/1992) where the position has been designated for occupation by a pregnant woman of an occupational rehabilitee, and an applicant who is entitled to occupy the said position appears;

7. (repealed, SG No. 100/1992);

8. (supplemented, SG No. 100/1992) upon the beginning of work of a worker or employee who has been elected or who has won a competitive examination;

9. (amended and supplemented, SG No. 100/1992, amended, SG No. 41/2009, effective 1.07.2009) if the worker or employee is unable to execute the work assigned thereto by reason of illness which has led to permanently reduced working capacity or because of health contraindications on the basis of a conclusion of the medical expert board for working capacity certification. In such case, termination shall be inadmissible if the employer can provide another work suitable to the state of health of the worker or employee and the said worker agrees to take it;

10. (supplemented, SG No. 100/1992) upon the death of the person wherewith worker or employee has concluded the employment contract intuitu personae;

11. (supplemented, SG No. 100/1992) upon the death of the worker or employee;

12. (new, SG No. 67/1999) owing to the designation of the position for occupation by a civil servant.

(2) (New, SG No. 7/2012) An employment contract as referred to in Article 68 (6) shall be terminated upon the termination of the long-term mission under the Diplomatic Service Act, without either party being under the obligation to give prior notice.

Termination of Employment Contract by Workers or Employees by Notice

(Heading supplemented, SG No. 100/1992)

Article 326

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

(1) A worker or employee may terminate the employment contract by giving the employer a written notice.

(2) (Amended and supplemented, SG No. 108/2008) The period of notice of termination of an employment contract of an indefinite duration shall be 30 days, unless the parties have agreed on a longer period, but not longer than three months. In a collective agreement, the period of notice upon dismissal under Items 1 to 4 and Item 11 of Article 328 (1) may be made contingent on the duration of the length of employment service of the worker or employee for the same employer. The period of notice of termination of a fixed-term employment contract shall be three months, but not more than the remainder of the term of the contract.

(3) Workers and employees who occupy positions of property accountability, in case the property entrusted thereto cannot be handed over within the 30-day period under Paragraph (2), may be allowed an extended time period for hand-over of the said property which, however, may not exceed two months inclusive of the notice period.

(4) The notice period shall begin to run on the day succeeding the receipt of the said notice. A

notice may be withdrawn if the worker or employee communicates this fact before or simultaneously with the receipt of the said notice. With the consent of the employer, a notice may furthermore be withdrawn before expiry of the notice period.

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

Termination of Employment Contract by Workers or Employees without Notice
(Heading supplemented, SG No. 100/1992)

Article 327

(Supplemented, SG No. 100/1992)

(1) (Previous text of Article 327, SG No. 58/2010, effective 30.07.2010) A worker or employee may terminate the employment contract in writing without notice, where:

1. (amended, SG No. 100/1992) the said worker is unable to execute the work assigned thereto by reason of illness and the employer fails to provide the said worker with another suitable work conforming to the prescription of the health authorities;

2. (amended, SG No. 100/1992) the employer delays the payment of the labour remuneration or of a benefit under this Code or under social insurance;

3. (amended, SG No. 100/1992) the employer changes the place or nature of work or the agreed labour remuneration, except in the cases where the employer has the right to make such changes, as well as where the employer fails to fulfil other obligations agreed by the employment contract or by the collective agreement, or established by a statutory instrument;

3a. (new, SG No. 52/2004, supplemented, SG No. 108/2008) as a result of a change effected under Article 123 (1) and Article 123a (1), the working conditions under the new employer deteriorate substantially;

4. (amended, SG No. 100/1992) he/she transfers to a salaried elective office or begins research work on the basis of a competitive examination;

5. (repealed, SG No. 46/2007);

6. he/she pursues the studies thereof as a full-time student at an educational establishment, or enrolls in a full-time doctoral degree course;

7. (supplemented, SG No. 100/1992, amended, SG No. 108/2008) he/she works under a fixed-term employment contract under Item 1 and Item 3 of Article 68 (1) and transfers to another work for an indefinite duration;

7a. (new, SG No. 7/2012) he/she works under an employment contract with an enterprise providing temporary work and concludes another employment contract with another employer which is not an enterprise providing temporary work;

8. is reinstated to work according to the established procedure by reason of pronouncement of the dismissal as wrongful, in order to take the work whereto the said worker has been reinstated;

9. (new, SG No. 67/1999) enters civil service;

10. (new, SG No. 58/2010, effective 30.07.2010) the employer discontinues its operation;

11. (new, SG No. 58/2010, effective 30.07.2010) the employer gives unpaid leave to the worker or employee without the consent thereof;

12. (new, SG No. 54/2015, effective 17.07.2015) he would have become entitled to a pension for social insurance length of service and age.

(2) (New, SG No. 58/2010, effective 30.07.2010, supplemented, SG No. 27/2014, amended, SG No. 85/2017)

In the cases under Paragraph (1), Item 10, where the worker cannot submit his/her written notice of termination of the employment contract because the employer, the person representing it or the person designated to receive the correspondence of the employer cannot be found at the management address specified in the employment contract, the notice can be submitted in the labour inspectorate at the place where the headquarters or the management address of the employer is located. The notice may be forwarded to the labour inspectorate by registered mail or by e-mail, signed with an advanced electronic signature, advanced electronic signature based on a qualified certificate for electronic signatures, or qualified electronic signature pursuant to the requirements of Regulation (EU) No. 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 28.8.2014) and of the Electronic Document and Electronic Trust Services Act. If after an inspection, carried out jointly by the control authorities of the labour inspectorate, the National Social Security Institute and the National Revenue Agency, it is established that the employer has really discontinued operations, the employment contact shall be deemed terminated as from the date of registration of the notice in the labour inspectorate at the place where the headquarters or the management address of the employer is located.

(3) (New, SG No. 58/2010, effective 30.07.2010) The procedure for carrying out the inspection referred to in Paragraph (2) shall be set out in an ordinance of the Minister of Labour and Social Policy, agreed with the Governor of the National Social Security Institute and the Executive Director of the National Revenue Agency.

Termination of Employment Contract by Employer with Notice

Article 328

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

(1) An employer may terminate the employment contract by giving the worker or employee a written notice observing the notice periods under Article 326 (2) in the following cases:

1. upon closure of the enterprise;
2. upon closure of part of the enterprise or downsizing of personnel;
3. upon reduction in the volume of work;
4. (amended, SG No. 25/2001) upon idling for more than 15 working days;
5. where the worker or employee lacks the capacity for efficient execution of the work;
6. where the worker or employee does not possess the educational level or professional qualification required for the work executed;
7. upon refusal of the worker or employee to follow the enterprise or a division thereof, in which the worker works, when the said enterprise or division relocates to another nucleated settlement or locality;
8. where the position occupied by the worker or employee must be vacated for reinstatement of a

wrongfully dismissed worker or employee, who previously occupied the same position;

9. (repealed, SG No. 46/2007);

10. (amended, SG No. 2/1996, supplemented, SG No. 28/1996, amended, SG No. 25/2001, SG No. 101/2010, SG No. 7/2012, SG No. 54/2015, effective 17.07.2015, SG No. 107/2020) upon becoming entitled to a pension for social insurance length of service and age, except for the cases under Article 69c of the Social Insurance Code; when reaching 65-years of age in the case of professors, associate professors or persons holding a doctoral degree, except in the cases under § 11 of the Transitional and Concluding Provisions of the Higher Education Act;

10a. (new, SG No. 98/2015, effective 1.01.2016) where the worker or employee has been granted a contributory-service and retirement-age pension in a reduced amount in accordance with Article 68a of the Social Insurance Code;

10b. (new, SG No. 46/2010, effective 18.06.2010, amended, SG No. 100/2010, effective 1.01.2011, renumbered from Item 10a, SG No. 98/2015, effective 1.01.2016) where the employment relationship has arisen after the worker or employee has acquired and exercised his/her right to pension for social insurance length of service and age;

10c. (new, SG No. 98/2015, effective 1.01.2016) where the employment relationship with a worker or employee has started after the latter has been granted a contributory-service and retirement-age pension in a reduced amount in accordance with Article 68a of the Social Insurance Code;

11. upon change of the requirements for execution of the position, if the worker or employee does not satisfy the said requirements;

12. when performance of the employment contract is objectively impossible.

(2) (Supplemented, SG No. 25/2001) In addition to the cases under Paragraph (1), office workers of the enterprise management may furthermore be dismissed by notice, observing the notice periods under Article 326 (2), by reason of conclusion of an enterprise management contract. Any such dismissal may be effected after the commencement of performance of the management contract, but not later than nine months.

(3) (New, SG No. 46/2010, effective 18.06.2010, supplemented, SG No. 98/2015, effective 1.01.2016) In the cases under Article 1, item 10a, 10b and 10c the employer may acquire ex officio from the National Social Insurance Institute information about an exercised entitlement to pension by the worker or employee. The National Social Security Institute makes the information available free within 14 days upon receipt of the request.

Article 328a

(New, SG No. 100/1992, repealed, SG No. 2/1996).

Article 328b

(New, SG No. 100/1992, repealed, SG No. 2/1996).

Right to Selection

Article 329

(1) (Amended, SG No. 100/1992) Upon closure of part of an enterprise, as well as upon downsizing of personnel or reduction in the volume of work, the employer shall have the right to selection and, acting for the good of production or for the good of the service, may dismiss workers and employees whose positions are not downsized in order to retain in employment workers and employees who possess higher qualifications and work better.

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

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

(4) (New, SG No. 23/1992, renumbered from Paragraph (3), SG No. 100/1992, repealed, SG No. 25/2001).

Termination of Employment Contract by Employer without Notice

(Heading amended, SG No. 100/1992)

Article 330

(1) (Amended, SG No. 100/1992) An employer may terminate without notice an employment contract of a worker or employee who has been detained for execution of a sentence.

(2) (Amended, SG No. 100/1992) An employer shall terminate an employment contract without notice where:

1. (repealed, renumbered from Item 2, SG No. 100/1992) the worker or employee has been disqualified, by a sentence or according to an administrative procedure, from practicing a profession or from occupying the position to which the said worker has been appointed;

2. (renumbered from Item 3, SG No. 100/1992, amended, SG No. 101/2010) the worker or employee is divested of the academic degree, if the contract of employment has been concluded considering the degree awarded;

3. (new, SG No. 83/1998, supplemented, SG No. 46/2005, amended, SG No. 76/2005, SG No. 75/2006, SG No. 91/2018, SG No. 39/2024, effective 1.05.2024) the official has been stricken from the registers of the professional organisations under the Doctors and Dentists Professional Organisations Act, from the register of the professional organisation of masters of pharmacy under the Professional Organisation of Masters of Pharmacy Act, or from the register of the relevant professional organisation under the Professional Organisations of Medical Nurses, Midwives and Associated Medical Specialists, Medical Assistants, Dental Technicians and Assistant Pharmacists Guild Act;

4. (renumbered from Item 4, SG No. 100/1992, renumbered from item 3, SG No. 83/1998, repealed, SG No. 52/2004);

5. (renumbered from Item 5, SG No. 100/1992, renumbered from Item 4, SG No. 83/1998) the worker or employee refuses to accept a suitable work offered thereto upon occupational rehabilitation;

6. (renumbered from Item 6, SG No. 100/1992, renumbered from item 5, SG No. 83/1998) the worker or employee is dismissed by reason of breach of discipline;

7. (new, SG No. 95/2003) the worker or employee fails to fulfil the obligation to notify under Item 12 of Article 126;

8. (new, SG No. 95/2003) incompatibility exists in the cases under Article 107a (1);

9. (new, SG No. 94/2008, effective 1.01.2009, amended, SG No. 7/2018, SG No. 84/2023, effective 6.10.2023) a conflict of interest has been ascertained by an effective act under the Counter-Corruption Act;

10. (new, SG No. 79/2015, effective 1.08.2016) an educationalist within the meaning of the Pre-school and School Education Act has been convicted for a willful felony, regardless of any reinstatement;

11. (new, SG No. 7/2018, amended, SG No. 84/2023, effective 6.10.2023) the factory or office worker fails to undergo an integrity test provided for in the Counter-Corruption Act.

Termination of Employment Contract on Employer's Initiative in Consideration of Agreed Compensation

Article 331

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

(1) The employer, acting on his or her own initiative, may offer the worker or employee termination of the employment contract in consideration of compensation. If the worker or employee fails to react in writing to any such offer within seven days, rejection of the offer shall be presumed.

(2) If the worker or employee accepts the offer under Paragraph (1), the employer shall owe the said worker compensation to the amount of not less than the quadruple amount of the gross monthly labour remuneration as last received, unless the parties have agreed on a larger amount of the compensation.

(3) If the compensation under Paragraph (2) is not paid within one month after the date of termination of the employment contract, the grounds for termination of the said contract shall be presumed lapsed.

Article 332

(Repealed, SG No. 21/1990).

Protection against Dismissal

Article 333

(Amended, SG No. 100/1992)

(1) (Amended, SG No. 110/1999, effective 17.12.1999, SG No. 25/2001) In the cases under Items 2, 3, 5 and 11 of Article 328 (1) and Item 6 of Article 330 (2), an employer must mandatorily obtain an advance permission from the labour inspectorate for each particular case in order to dismiss:

1. (amended, SG No. 52/2004, SG No. 108/2008) a female worker or employee, who is the mother of a child who has not attained the age of three years;
2. an occupational-rehabilitatee worker or employee;
3. a worker or employee suffering from a disease designated in an ordinance of the Minister of Health;
4. a worker or employee who has commenced the use of a leave permitted thereto;
5. (new, SG No. 48/2006) a worker or employee who has been elected a workers and employees' representative according to the procedure established by Article 7 (2) and Article 7a, for the time until

the said worker is in such capacity;

5a. (new, SG No. 27/2014) a worker or employee who has been elected a workers and employees' representative on health and safety at work by the General Meeting or by the meeting of proxies according to the procedure established by Article 6, for the time he serves in such a capacity;

6. (new, SG No. 57/2006) any worker or employee, who is member of a special negotiating body, a European Works Council or a representative body in a European Company or a European Cooperative Society, for the duration of performance of the functions thereof.

(2) In the cases under Items 2 and 3 of the foregoing paragraph, the medical expert board for working capacity certification shall be approached for an opinion as well before the dismissal.

(3) (Amended, SG No. 110/1999, effective 17.12.1999, SG No. 25/2001) In the cases under Items 2, 3, 5 and 11 of Article 328 (1) and Item 6 of Article 330 (2), an employer may dismiss a worker or employee who is a member of the trade union leadership at the enterprise, of a territorial, industrial or national elective trade union governing body, during the time of occupation of the relevant trade union position and within six months after the said worker vacates office, only with the advance consent of a trade union body designated by decision of the central leadership of the trade union organisation concerned.

(4) Where so provided for in the collective agreement, the employer may dismiss a worker or employee due to downsizing of personnel or reduction in the volume of work after obtaining the advance consent of the relevant trade union body in the enterprise.

(5) (New, SG No. 52/2004, amended, SG No. 46/2007, supplemented, SG No. 103/2009, effective 29.12.2009) A pregnant female worker or employee and a female worker or employee in an advanced stage of in vitro treatment, may be dismissed with notice only in pursuance of Items 1, 7, 8 and 12 of Article 328 (1), as well as without notice in pursuance of Item 6 of Article 330 (1) and Article 330 (2). In the cases under Item 6 of Article 330 (2), dismissal may take place only with the prior permission of the labour inspectorate.

(6) (New, SG No. 25/2001, renumbered from Paragraph (5), SG No. 52/2004, amended, SG No. 108/2008) A worker or employee, who uses a leave under Article 163, may be dismissed only in pursuance of Item 1 of Article 328 (1).

(7) (Renumbered from Paragraph (5), SG No. 25/2001, renumbered from Paragraph (6), SG No. 52/2004) Protection under this Article shall apply at the time of service of the order of dismissal.

Termination of Employment Contract for Additional Work

Article 334

(Amended, SG No. 100/1992)

(1) (Amended, SG No. 27/2014, SG No. 107/2020) In addition to the cases provided for by this Code, an employment contract for additional work (Articles 110, 111 and 114, Paragraph (1)) and On-The-Job Training Employment Contract under Article 233b, Paragraph (1) may furthermore be terminated by the worker or employee or the employer with a 15 days' notice.

(2) (Amended, SG No. 107/2020) In case of dismissal under Paragraph (1), Article 333 shall not apply.

Form and Time of Termination of Employment Contract

(Heading amended, SG No. 25/2001)

Article 335

(1) (New, SG No. 25/2001) An employment contract shall be terminated in writing.

(2) (Amended, SG No. 21/1990, SG No. 100/1992, previous text of Article 335, SG No. 25/2001)

An employment contract shall be terminated:

1. in case of termination with notice: upon expiry of the notice period;

2. in case of non-observance of the notice period: upon expiry of the relevant part of the notice period;

3. in case of termination without notice: as from the time of receipt of the written declaration on termination of the contract.

Applicability of Provisions to Termination of Employment Contract

Article 336

(Amended, SG No. 100/1992)

The provisions of this Section shall apply, mutatis mutandis, to a termination of an employment relationship formed through a competitive examination.

Section II

TERMINATION OF EMPLOYMENT RELATIONSHIP FORMED THROUGH ELECTION

Termination of Employment Relationships upon Expiry of Term

Article 337

An employment relationship formed through an election shall be terminated upon expiry of the term for which the person has been elected. Should no new election have been conducted upon expiry of the said term, the employment relationship shall be extended until conduct of such election.

Recall

Article 338

(Amended, SG No. 100/1992)

Employment relationships formed through an election may be terminated without notice by the competent electoral body.

Applicability of Provisions to Termination of Employment Contract

Article 339

(Amended, SG No. 100/1992)

(1) The grounds for termination of an employment contract, with the exception of dismissal for breach of discipline, shall apply, mutatis mutandis, to termination of an employment relationship formed through an election.

(2) In the cases under the foregoing paragraph, where a declaration of will of the employer is required for termination of the employment relationship, the said declaration shall be replaced by a decision of the electoral body.

Non-applicability of Protection against Dismissal

Article 339a

(New, SG No. 100/1992)

Article 333 shall not apply to termination of an employment relationship formed through an election.

Termination of Election Employment Relationship in Pursuance of another Statutory Instrument of Statute

Article 340

The provisions of this Section shall apply insofar as a law, another statutory instrument or statute does not provide otherwise.

Section III

(Repealed, SG No. 100/1992)

TERMINATION OF EMPLOYMENT RELATIONSHIP FORMED THROUGH MEMBERSHIP IN PRODUCERS' CO-OPERATIVE

Article 341

(Repealed, SG No. 100/1992).

Article 342

(Repealed, SG No. 100/1992).

Article 343

(Repealed, SG No. 100/1992).

Section IV (Amended, SG No. 100/1992) PROTECTION AGAINST WRONGFUL DISMISSAL

Contestation of Legality of Dismissal

Article 344

(1) A worker or employee shall be entitled to contest the legality of the dismissal thereof before the employer or before the court and to claim:

1. that the dismissal be pronounced wrongful and be revoked;
2. that the worker be reinstated to the previous work;
3. that the worker be paid compensation for the period of unemployment due to the dismissal;
4. (amended, SG No. 85/2023, effective 1.06.2025) modification of the grounds for dismissal, as entered in the unified electronic employment record or in other documents.

(2) (Supplemented, SG No. 11/2023, effective 1.07.2024) The employer, acting on his or her own initiative, may revoke the order of dismissal before the worker or employee brings a legal action before the court. After a legal action has been brought before the court but before the judgment of court has entered into effect, the employer may revoke the order of dismissal with the written consent of the worker or employee.

(3) In the cases where the dismissal requires an advance consent of the labour inspectorate or of a trade union body and such consent has not been requested or has not been granted before the dismissal, the court shall revoke the order of dismissal as unlawful on these grounds only, without examining the labour dispute on the merits.

(4) (New, SG No. 2/1996) Labour disputes under Paragraph (1) shall be examined by the regional court within three months after receipt of the statement of action and by the district court within one

month after receipt of the appeal.

Reinstatement to Previous Work

Article 345

(1) Upon reinstatement of the worker or employee to the previous work thereof by the employer or by the court, the said worker may take the said work if the said worker reports to work within two weeks after receipt of the communication, unless this time limit be exceeded for valid reasons.

(2) A worker or employee, who has been dismissed under Article 330 (1), shall be reinstated to the previous work under the foregoing paragraph on the basis of an effective verdict of acquittal.

Recording Revocation of Dismissal

Article 346

(1) (Amended, SG No. 85/2023, effective 1.06.2025) Where the worker or employee's dismissal is pronounced wrongful by the employer or by the court, or where the grounds for termination of the employment relationship are corrected, the intervening change shall be entered in the unified electronic employment record of the worker or employee.

(2) (Amended, SG No. 85/2023, effective 1.06.2025) The entry in the unified electronic employment record shall be effected by the employer wherewith the employment relationship has been terminated, and if the said employer refuses to do so, the said entry shall be effected by the labour inspectorate.

Chapter Seventeen

EMPLOYMENT REGISTER, UNIFIED ELECTRONIC EMPLOYMENT RECORD AND LENGTH OF SERVICE (Title amended, SG No. 85/2023, effective 1.06.2025)

Section I

(Amended, SG No. 100/1992)

Employment Register and Unified Electronic Employment Record

(Title amended, SG No. 85/2023, effective 1.06.2025)

Employment Register

(Title amended, SG No. 85/2023, effective 1.06.2025)

Article 347

The work book shall be an official document certifying the circumstances entered therein in connection with the employment record of the worker or employee.

Unified Electronic Employment Record

Article 347a

(New, SG No. 85/2023, effective 1.06.2025) (1) The unified electronic employment record is an electronic document containing data and circumstances relating to the employment of the worker or employee and constitutes an official supporting document.

(2) The worker or employee shall be entitled to access their unified electronic employment record. Parents, caregivers and guardians of workers and employees who have not attained the age of 18 years shall be entitled to access their respective unified electronic employment record until they attain the age of 18 years.

(3) The worker or employee shall be entitled to information on the access history of their unified electronic employment record, except for instances of access by the pre-trial proceedings authorities in accordance with the procedure laid down in the Criminal Procedure Code and the State Agency for National Security in accordance with the procedure laid down in the ordinance under Article 62(5). The history shall contain, at the very least, the details of the employer, public authority or third party which accessed them.

(4) Employers shall be entitled to information on their workers and employees entered by former employers, as specified in the ordinance under Article 62(5), except for the amount of the wages and benefits that the worker or employee received with their former employers. Employers shall be entitled to information on the compensations paid under Article 222, Paragraphs (2) and (3). The procedure for providing the information shall be laid down in the ordinance under Article 62(5).

(5) The unified electronic employment record can be used to certify the existence of the length of service when the latter is required in a competition for taking up a position, after the candidate's consent is obtained, in accordance with the procedure laid down in the ordinance under Article 62(5).

Article 348

(Amended, SG No. 108/2008, repealed, SG No. 85/2023, effective 1.06.2025).

Contents

Article 349

(1) (Amended, SG No. 25/2001, SG No. 59/2007, SG No. 86/2017, SG No. 85/2023, effective 1.06.2025) The unified electronic employment record shall contain data on:

1. the full name of the worker or employee;

2. the personal identifier of the worker or employee;
 3. the identifier and name of the employer;
 4. the grounds for the employment contract;
 5. the date of entering into the employment contract and the starting date of its performance;
 6. the term of the contract, where specified;
 7. the date of conclusion of any additional agreements;
 8. the date of, and grounds for, termination of employment relationship;
 9. the amount of the basic labour remuneration;
 10. the code of the position held according to the National Classification of Occupations and Positions;
 11. the code of the main economic activity in which the person is employed according to the Classification of Economic Activities approved by the National Statistical Institute;
 12. the code of the settlement in which the place of employment of the worker or employee is located according to the Unified Classifier of Administrative-Territorial and Territorial Units;
 13. the length of working hours;
 14. the duration of the time assimilated to the length of service, as well as of the time which is not assimilated to the length of service;
 15. the compensation paid upon the termination of employment on the grounds of Article 222(2) and (3);
 16. any garnishment communications, as provided for in Article 512(5) of the Code of Civil Procedure;
 17. the agreed paid annual leave;
 18. the days of paid annual leave taken in the year of termination.
- (2) (Amended, SG No. 85/2023, effective 1.06.2025) The employer shall be obligated to enter accurately and promptly the particulars under the foregoing paragraph and any intervening changes therein in the unified electronic employment record.
- (3) (New, SG No. 58/2010, effective 30.07.2010, amended, SG No. 85/2023, effective 1.06.2025) The unified electronic employment record shall also contain the data on the civil-service relationships of the persons specified in the Civil Servants Act.

Article 350

(Repealed, SG No. 85/2023, effective 1.06.2025).

Entering of Data in the Unified Electronic Employment Record by the Labour Inspectorate
(Title amended, SG No. 85/2023, effective 1.06.2025)

Article 350a

(Amended, SG No. 85/2023, effective 1.06.2025) (1) Data regarding the length of service established by a court decision shall be entered in the employment register by the employer, and, in the case of refusal or when this is impossible – by the Labour Inspectorate.

(2) Where the dismissal of the worker or employee is found to be wrongful or the grounds for termination of the employment relationship are corrected, the entry shall be made by the employer that terminated the employment relationship, and, in the case of refusal or when this is impossible – by the

Labour Inspectorate.

(3) In the cases referred to in Article 327(2), the Labour Inspectorate to which the application has been submitted shall enter the date and the grounds for termination of the employment relationship in the employment register.

(4) Data shall be entered by the Labour Inspectorate in the unified electronic employment record in accordance with a procedure laid down in the ordinance referred to in Article 62(5).

Section II

LENGTH OF EMPLOYMENT SERVICE

Length of Employment Service under Employment Relationship

Article 351

(1) (Amended and supplemented, SG No. 100/1992, supplemented, SG No. 67/1999, previous text of Article 351, SG No. 15/2010, effective 28.08.2010) Within the meaning given by this Code, length of employment service shall be the time during which a worker or employee has worked under an employment relationship, unless otherwise provided for in this Code or in another law, as well as the time during which the person has worked as a civil servant.

(2) (New, SG No. 15/2010, effective 28.08.2010, supplemented, SG No. 107/2020) Length of employment service shall also be the time of civil service to the State or work under an employment relation as per the legislation of another Member State of the European Union, in another State party to the Agreement on the European Economic Area or in the Swiss Confederation, as well as the time of holding office at an institution of the European Union or an international organisation that the Republic of Bulgaria is a member of, as certified by an act attesting to the establishment and termination of employment relations.

Time under Employment Relationship which is Assimilated to Length of Employment Service without worker or employee Having Actually Worked

Article 352

(1) (Previous text of Article 352, SG No. 15/2010, effective 28.08.2010) The time under an employment relationship, during which a worker or employee has not actually worked, shall likewise be assimilated to the length of employment service in the following cases:

1. the days of rest and the public holidays;
2. (amended, SG No. 30/2018, effective 1.07.2018) the paid leaves used, regardless of the grounds and mode of payment;
3. (amended, SG No. 30/2018, effective 1.07.2018) the unpaid leaves used, as established by this Code or by other statutory instruments, where this is expressly provided for;
4. (supplemented, SG No. 15/2010, effective 28.08.2010, amended, SG No. 30/2018, effective

1.07.2018) the unpaid leaves for temporary disability, pregnancy and maternity or adoption of a child aged up to 5 years used;

5. the time spent at courses, schools and other forms of vocational training and retraining with interruption of employment;

6. the time during which a worker or employee has not worked by reason of a wrongful non-admission to work;

7. (new, SG No. 107/2020) the occupational rehabilitee of the pregnant female worker or employee does not work because no suitable work has been provided by the employer conforming to the prescription of the medical expert assessment authorities;

8. (renumbered from Item 7, SG No. 107/2020) the time of suspension from work according to the procedure established by Article 33 (2) to (4) of the Labour Code of 1951 for a criminal offence committed in connection with the work, if the worker or employee has not been indicted according to the relevant procedure;

9. (renumbered from Item 8, SG No. 107/2020) the time of suspension from work according to the procedure established by Article 33 (2) to (4) of the Labour Code of 1951 after a worker or employee has been indicted, as well as the time of suspension from work according to the procedure established by the Penal Procedure Code, if the worker or employee has been acquitted or the criminal prosecution has been dropped because the worker or employee did not commit the act or the act performed did not constitute a criminal offence;

10. (renumbered from Item 9, SG No. 107/2020) in other cases established by the Council of Ministers.

(2) (New, SG No. 15/2010, effective 28.08.2010) The provision of Paragraph (1) shall also apply with respect to employment relations under Article 351(2).

Length of Employment Service under Void Employment Relationship

Article 353

(Amended, SG No. 15/2010, effective 28.08.2010)

In cases of work in Bulgaria, in another Member State of the European Union, in another State party to the Agreement on the European Economic Area or in the Swiss Confederation, the period until an employment relationship is pronounced void shall be acknowledged as length of employment service, provided that the worker or employee acted in good faith when the said relationship was established.

Time Assimilated to Length of Employment Service without Existence of Employment Relationship

Article 354

(1) (Previous text of Article 354, SG No. 15/2010, effective 28.08.2010) The time during which an employment relationship did not exist shall likewise be assimilated to the length of employment

service in the following cases:

1. the worker or employee was unemployed by reason of a dismissal which was pronounced wrongful by the competent authorities: from the date of dismissal until the date of reinstatement of the said worker to work;

2. the worker or employee, dismissed by reason of detention by the bodies of power, remained unemployed as a result of the said dismissal, where the said worker was not indicted, was acquitted or the criminal prosecution was dropped because the said worker did not commit the act or the act performed does not constitute a criminal offence;

3. should the person serve a sentence to a term of deprivation of liberty which was subsequently pronounced, according to the established procedure, to have been unjustifiably imposed;

4. (repealed, SG No. 107/2020);

5. (amended, SG No. 85/2023, effective 1.06.2025) the worker or employee remained unemployed by reason of wrongful detention of the unified electronic employment record;

6. (amended, SG No. 100/1992) the mother, the father, the male adopter or the female adopter takes care of the raising of a child until the child's attainment of the age of three years;

7. (amended, SG No. 2/1996) the worker or employee has remained unemployed and has received unemployment benefits or has been enrolled in retraining schools and courses;

8. in other cases established by the Council of Ministers.

(2) (New, SG No. 15/2010, effective 28.08.2010) The provisions laid down in Items 1 through 7 of Paragraph (1) shall also apply accordingly when the said circumstances occur in another Member State of the European Union, in another State party to the Agreement on the European Economic Area or in the Swiss Confederation.

Length of Employment Service, How Calculated

Article 355

(1) The length of service shall be calculated in terms of days, months and years.

(2) A day shall count towards the length of employment service if the worker or employee has worked for at least one-half of the statutory working day applicable to the said worker during that day under one or several employment relationships.

(3) (Amended, SG No. 25/2001) A calendar month shall count towards the length of employment service if at least 21 days have been worked during that month in conditions of a five-day working week.

(4) A year shall count towards the length of employment service if it consists of twelve months of employment service calculated in the manner established in the foregoing paragraph.

(5) Under this Code, the time in excess of the actual time worked under an employment relationship which counts towards entitlement to pension, as well as the time in excess resulting from the conversion of work of one category into another upon retirement of the worker or employee, shall not count towards the length of employment service.

Secondary Legislation Framework

Article 356

(Amended, SG No. 100/1992, SG No. 85/2023, effective 1.06.2025) The Council of Ministers shall issue an ordinance on the application of this Section.

Chapter Eighteen **(Amended, SG No. 100/1992)** **LABOUR DISPUTES**

Definition

Article 357

(1) (Supplemented, SG No. 25/2001, previous text of Article 357, SG No. 48/2006) Labour disputes shall be the disputes between a worker or employee and an employer regarding the formation, existence, implementation and termination of employment relationships, as well as the disputes over the performance of collective agreements and the ascertainment of length of employment service.

(2) (New, SG No. 48/2006) The disputes between the workers and employees' representatives elected according to the procedure established by Article 7 (2) and Article 7a and the employer upon violation of the rights of the said representatives shall likewise be labour disputes.

(3) (New, SG No. 7/2012) Disputes between workers and employees commissioned by an enterprise providing temporary work and the user undertaking in case their rights are violated shall also be considered as labour disputes.

(4) (New, SG No. 105/2016, effective 30.12.2016, amended, SG No. 27/2024) Disputes between workers or employees seconded or posted to the territory of the Republic of Bulgaria pursuant to Article 121a, Paragraph (1), item 2, and Paragraph (2), item 2 and their employer shall be considered labour disputes in cases where they sustained damages as a result of a failure to ensure the working conditions referred to in Article 121a, Paragraph (5), even after the employment relationship has ended.

(5) (New, SG No. 27/2024) Disputes between the worker or the employee and the contractor, in respect of which the employer is a direct contractor, regarding guaranteeing the payment of the labour remuneration in accordance with Article 245, Paragraph (3), shall also be considered labour disputes.

Prescription

Article 358

(Amended, SG No. 100/1992)

(1) Labour disputes shall be actionable within the following prescription periods:

1. (amended, SG No. 48/2006) one month: for disputes over limited financial liability of a worker or employee, for revocation of a disciplinary sanction of reprimand, and in the cases under Article 357 (2);

2. (amended, SG No. 25/2001) two months: for disputes for revocation of a disciplinary sanction of warning of dismissal, change in the place and nature of work, and termination of the employment relationship;

3. three years: for all other labour disputes.

(2) The periods under the foregoing paragraph shall begin to run:

1. for legal actions for revocation of a disciplinary sanction and over a change in the place and nature of work: as from the day on which the respective order was served on the worker or employee, and for legal actions regarding termination of an employment relationship, as from the day of termination;

2. for other legal actions: as from the day on which the right in action became exigible or exercisable. For claims in cash, the exigibility shall be presumed as occurred on the day on which payment was due according to the established procedure.

(3) The period under Paragraph (1) shall not be considered lapsed if prior to the expiry thereof the statement of action was submitted to a non-competent authority. In such case, the statement of action shall be forwarded to the court ex officio.

Proceedings in Labour Cases Free

Article 359

(Amended, SG No. 25/2001)

Proceedings in labour cases shall be free of charge to workers and employees. They shall not pay fees and expenses on proceedings, including for applications for reversal of effective judgments on labour cases.

Jurisdiction

Article 360

(1) Labour disputes shall be examined by the courts. They shall be examined according to the procedure established by the Code of Civil Procedure, save insofar as otherwise provided for by this Code.

(2) (Declared partly unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 69/1995; amended, SG No. 2/1996) The courts shall not examine disputes regarding the dismissal of:

1. (amended, SG No. 25/2001) elective office workers in the executive authorities, in public organisations and in political parties and movements;

2. (Judgment No. 11/30.04.1998 of the Constitutional Court of the Republic of Bulgaria, SG No. 52/1998; new, SG No. 25/2001) the employees under Article 28 (2) of the Administration Act.

Cognisance of Labour Disputes with Non-residents

Article 361

(1) (Previous text of Article 361, SG No. 48/2006) Labour disputes between workers or employees who are foreign citizens and employers who are foreign nationals and employers which are non-resident persons or joint ventures with a registered office in the Republic of Bulgaria, where the work is performed in this country, shall be cognisable in the court exercising jurisdiction over the registered office of the employer, save as otherwise agreed between the parties.

(2) (New, SG No. 48/2006, amended, SG No. 105/2016, effective 30.12.2016) Labour disputes over ensuring the appropriate working conditions for workers or employees seconded or posted to the Republic of Bulgaria pursuant to Article 121a, Paragraph (1), item 2 and Paragraph (2), item 2 shall be instituted in the jurisdiction where the worker or employee is or was temporarily posted.

Cognisance of Labour Disputes of Bulgarian workers or employees Abroad

Article 362

Labour disputes between workers or employees who are Bulgarian nationals working abroad and Bulgarian employers abroad shall be cognisable in the competent court in Sofia, and where the worker or employee is a respondent, any such disputes shall be cognisable in the competent court exercising jurisdiction over the worker's place of residence in this country.

Article 363

(Amended, SG No. 25/2001, repealed, SG No. 105/2002).

Article 364

(Repealed, SG No. 100/1992).

Article 365

(Repealed, SG No. 100/1992).

Article 366

(Repealed, SG No. 100/1992).

Article 367

(Repealed, SG No. 100/1992).

Article 368

(Repealed, SG No. 100/1992).

Article 369

(Repealed, SG No. 100/1992).

Article 370

(Repealed, SG No. 100/1992).

Article 371

(Repealed, SG No. 100/1992).

Article 372

(Repealed, SG No. 100/1992).

Article 373

(Repealed, SG No. 100/1992).

Article 374

(Repealed, SG No. 100/1992).

Article 375

(Repealed, SG No. 100/1992).

Article 376

(Repealed, SG No. 100/1992).

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Article 381

(Repealed, SG No. 100/1992).

Article 382

(Repealed, SG No. 100/1992).

Article 383

(Repealed, SG No. 100/1992).

Article 384

(Repealed, SG No. 100/1992).

Article 385

(Repealed, SG No. 100/1992).

Article 386

(Repealed, SG No. 100/1992).

Article 387

(Repealed, SG No. 100/1992).

Article 388

(Repealed, SG No. 100/1992).

Article 389

(Repealed, SG No. 100/1992).

Article 390

(Repealed, SG No. 100/1992).

Article 391

(Repealed, SG No. 100/1992).

Article 392

(Repealed, SG No. 100/1992).

Article 393

(Repealed, SG No. 100/1992).

Article 394

(Repealed, SG No. 100/1992).

Article 395

(Repealed, SG No. 100/1992).

Article 396

(Repealed, SG No. 100/1992).

Article 397

(Repealed, SG No. 100/1992).

Article 398

(Repealed, SG No. 100/1992).

Chapter Nineteen
CONTROL OVER OBSERVANCE OF LABOUR
LEGISLATION AND
ADMINISTRATIVE PENALTY LIABILITY FOR
VIOLATIONS THEREOF

Section I
(Amended, SG No. 100/1992)
CONTROL OVER OBSERVANCE OF LABOUR
LEGISLATION

General Labour Inspectorate Executive Agency
(Heading amended, SG No. 25/2001)

Article 399

(Amended, SG No. 25/2001)

(1) (Previous text of Article 399, SG No. 77/2010, supplemented, SG No. 102/2017, effective 22.12.2017) Overall control over observance of labour legislation in all sectors and activities, including over the payment of unpaid labour remuneration and compensation upon termination of employment relationships, shall be exercised by the General Labour Inspectorate Executive Agency with the Minister of Labour and Social Policy.

(2) (New, SG No. 77/2010) The General Labour Inspectorate Executive Agency carries out specialized control activities on the observance of the legislation related to the performance of civil service and of the rights and obligations of the parties in the civil-service relationship.

(3) (New, SG No. 102/2017, effective 31.03.2018) The General Labour Inspectorate Executive Agency shall file a request in writing in accordance with Article 625 of the Commerce Act.

External Departmental Control

Article 400

Other state bodies, in addition to the one specified in the foregoing article, shall exercise general or specialised control over the observance of labour legislation by the operation of law or an act of the Council of Ministers.

Internal Departmental Control

Article 401

The government ministers, the heads of other central-government departments, as well as the local government authorities shall exercise control over the observance of labour legislation through their own specialised authorities.

Rights of Control Authorities

Article 402

(1) (Amended, SG No. 108/2008) Within the limits of the competence thereof, control authorities

shall have the right:

1. to visit at any time the ministries, the other central-government departments, the enterprises and the places where work is performed, the premises used by workers and employees, as well as to require from the persons found within the territory thereof to identify themselves by means of an identity document;

2. (supplemented, SG No. 77/2010) to require from the employer, from the appointing authority respectively, to provide explanations, information and to produce all documents, papers and certified copies thereof as may be necessary in connection with the exercise of control;

3. (supplemented, SG No. 77/2010) to obtain information directly from workers and employees on all matters related to the exercise of control, as well as to require from workers to declare in writing facts and circumstances related to the performance of the work activity, and of civil service performance respectively, including data on pay for work;

4. to take specimens, samples and other such materials for laboratory tests and analyses, to use technical devices and apparatus and to take measurements of factors of the working environment in connection with the exercise of control over the work activity performed;

5. to establish the causes and circumstances whereunder employment injuries have occurred.

(2) (Supplemented, SG No. 77/2010) The employers, the appointing authorities, the officials and the workers and employees shall be obligated to co-operate with the control authorities in the performance of their functions.

(3) (New, SG No. 27/2014, amended, SG No. 54/2015, effective 17.07.2015, SG No. 85/2023, effective 1.06.2025) The General Labour Inspectorate Executive Agency shall inform the National Revenue Agency of any ex-officio of a registered employment relationship in the employment register, if the employer or an official would have failed to fulfil in due course an effective mandatory prescription under Article 404(1), Item 11 or in cases under Article 404(5).

(4) (New, SG No. 48/2006, supplemented, SG No. 77/2010, renumbered from Paragraph 3, SG No. 27/2014) The National Revenue Agency shall present to the control authorities under Article 399 the tax and social insurance information necessary for the purposes of control over observance of labour legislation and of legislation related to civil service.

(5) (Amended, SG No. 25/2001, renumbered from Paragraph (3), SG No. 48/2006, supplemented, SG No. 77/2010, renumbered from Paragraph 4, SG No. 27/2014) The control authorities under Articles 399, 400 and 401 shall exercise their rights in co-operation with the employers, the appointing authorities, the workers and employees and their organisations, as well as with the civil servants.

Control Authorities' Obligations

Article 403

(1) The control authorities shall be obligated:

1. to respect the secrecy of the confidential and restricted information that has come to their knowledge in connection with the exercise of control, as well as not to use any such information in an economic activity of their own;

2. (supplemented, SG No. 77/2010) not to disclose the source of information which has alerted them of a violation of labour legislation or of legislation related to civil service.

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

(3) (Supplemented, SG No. 77/2010) Control over observance of labour legislation and of legislation, related to civil service may not be exercised by any person who has a direct or indirect interest in the activities of the entities controlled.

Obligations of the employer in connection with the control over the observance of labour legislation

Article 403a

(New, SG No. 58/2010, effective 30.07.2010)

(1) (Supplemented, SG No. 7/2012) In the enterprise, the divisions, entities and work sites thereof, as well as at other places where wage work is performed, the employer shall be obliged to keep available at the disposal of control authorities copies of the internal work rules, a list of the workers and employees commissioned by an enterprise providing temporary work, and documents related to the allocation of working time and the work organisation: orders for performing overtime work, for coming on duty, for stand-by time, for introduction of part-time work, and time-schedules containing names for work during the period for which a calculation of working time on the basis of a longer reference period has been established.

(2) The employer shall be obliged to designate in writing officials in the enterprise, the divisions, entities and work sites thereof, as well as at other places where wage work is performed, who will represent him before the control authorities of the labour inspectorate.

Coercive Administrative Measures

Article 404

(1) (Amended, SG No. 108/2008, supplemented, SG No. 77/2010) For prevention and cessation of violations of labour legislation, of legislation related to civil service, as well as for prevention and elimination of the harmful consequences of any such violations, the labour inspection control authorities, as well as the authorities under Articles 400 and 401, acting on their own initiative or on a motion by the trade union organisations, may apply the following coercive administrative measures:

1. (supplemented, SG No. 57/2006, SG No. 77/2010, SG No. 7/2012) to give mandatory prescriptions to employers, user undertakings, the appointing authorities and officials for elimination of the violations of labour legislation, of legislation related to civil service including of the obligations with respect to social and welfare services for workers and employees and the obligations to inform and consult the workers and employees under this Code and under the Act on Information and Consultation of Factory and Office Workers in Community-Scale Undertakings, Groups of Undertakings and European Companies, as well as for elimination of flaws in the provision of health and safety at work;

2. (amended, SG No. 108/2008) to suspend the commissioning of buildings, machinery and plant, production lines and entities, if the rules for health and safety at work and social and welfare services have not been observed;

3. (supplemented, SG No. 54/2015, effective 17.07.2015) to suspend the operation of enterprises, production lines and entities, including the construction and remodelling thereof, as well as machinery,

facilities and work stations, where the violations of the rules for health and safety at work pose a hazard to human life and health, to affix special signs, indicating the compulsory administrative measure imposed, any unauthorised removal of which would entail administrative penalty liability;

4. (amended, SG No. 108/2008, supplemented, SG No. 77/2010) to stay the execution of unlawful decisions or orders of employers, appointing authorities and officials;

5. (supplemented, SG No. 108/2008) to suspend from work workers and employees who are not familiarised with the rules for health and safety at work and do not possess the required licensed competence, as well as workers and employees who have not attained the age of 18 years, in respect of whom the permission for employment under Article 302 (2) and Article 303 (3) has been withdrawn;

6. (new, SG No. 25/2001) to give prescriptions for introduction of a special pattern of safe work if the working persons' life and health are exposed to a serious and immediate hazard, should it be impossible to apply Item 3;

7. (new, SG No. 25/2001) upon a repeated violation of Article 62 (1), to suspend operations on the work site or the operation of the enterprise until elimination of the violation;

8. (new, SG No. 108/2008, supplemented, SG No. 77/2010) to give mandatory prescriptions to employers, appointing authorities and officials for elimination of a violation related to the charging in payrolls of an amount understating the amount which the employer, the appointing authority respectively, has paid the worker or employee for the work performed thereby; in case of a failure to fulfil any such prescription within the time limit stated therein or in case of a repeated violation, the labour inspection control authorities may suspend the operation of the enterprise until elimination of the violation;

9. (new, SG No. 7/2012) where the circumstances referred to in Article 138 (4) exist, to give binding instructions to employers, appointing authorities and officials to transform employment contracts concluded for part-time work into employment contracts for normal working time;

10. (new, SG No. 27/2014, amended, SG No. 85/2023, effective 1.06.2025) to give mandatory prescriptions to the employers or their authorised representatives for entry in the employment register, if found that the deadline under Article 62(3) has not been met;

11. (new, SG No. 27/2014, amended, SG No. 85/2023, effective 1.06.2025) to give mandatory prescriptions to the employers or their authorised representatives to register the employment relationship in the employment register, if they find that there is no evidence of the existence of an employment relationship;

12. (new, SG No. 102/2017, effective 22.12.2017) to give mandatory prescriptions to the employer and the appointing body for payment of overdue labour remuneration and compensations upon termination of employment relationships.

(2) (New, SG No. 54/2015, effective 17.07.2015) The Minister of Labour and Social Policy shall determine by ordinance the rules for positioning and the graphic content of the sign under Paragraph (1), Item 3.

(3) (Supplemented, SG No. 77/2010, renumbered from Paragraph 2, amended, SG No. 54/2015, effective 17.07.2015, supplemented, SG No. 102/2017, effective 22.12.2017) Where the mandatory prescription under Paragraph (1), Item 1 and/or Item 12 refers to elimination of violations of labour legislation and of legislation related to civil service, the said prescription may be given at the request of a worker or employee until a legal action is brought before the court, whereafter the matter may be settled only by the court.

(4) (Renumbered from Paragraph 3, amended, SG No. 54/2015, effective 17.07.2015) Where in the cases under Paragraph (3) a mandatory prescription has been given on one and the same matter and an effective judgment of court has already been rendered, the judgment of court shall be enforced.

(5) (New, SG No. 27/2014, renumbered from Paragraph 4, SG No. 54/2015, effective 17.07.2015) The mandatory prescription under Paragraph (1), Item 11 shall be deemed served at the day of its issuance, when the employer, its official representative, or the person responsible for receiving the employer's correspondence cannot be found at the employer's registered address.

(6) (New, SG No. 102/2017, effective 22.12.2017) A copy of an enforceable prescription under Item 12 of Paragraph (1) shall be provided by the control authorities to the worker or employee at a request by the latter.

(7) (New, SG No. 108/2008, renumbered from Paragraph 4, SG No. 27/2014, renumbered from Paragraph 5, SG No. 54/2015, effective 17.07.2015, renumbered from Paragraph 6, SG No. 102/2017, effective 22.12.2017) In imposing such coercive administrative measures the control bodies of the Labour Inspectorate shall not be held liable for any damages caused thereby.

Appeal of Coercive Administrative Measures

Article 405

(Amended, SG No. 30/2006)

The coercive administrative measures under Paragraph (1) of the foregoing article shall be appealable according to the procedure established by the Administrative Procedure Code. An appeal shall not stay the execution of the compulsory administrative measure. An appeal shall not stay the enforcement of the coercive administrative measure.

Declaring Existence of Employment Relationship

Article 405a

(New, SG No. 2/1996, amended, SG No. 25/2001, SG No. 108/2008)

(1) Where it is ascertained that labour force is provided in violation of Article 1 (2), the existence of the employment relationship shall be declared by a decree issued by the labour inspection control authorities. In such case, the existence of the employment relationship may be ascertained by all means of proof. The decree shall determine the commencement date of the formation of the employment relationship.

(2) A decree under Paragraph (1) shall furthermore be issued upon the death of a worker or employee, which has occurred prior to the ascertainment of the violation of Article 1 (2).

(3) The relations between the parties prior to the issuance of the decree under Paragraph (1) shall be regulated as under an effective employment contract, if the worker or employee has acted in good faith upon the beginning of work.

(4) On the basis of the decree under Paragraph (1), the labour inspection control authorities shall give the employer a prescription to offer the worker or employee the conclusion of an employment contract. In the cases under sentence three of Paragraph (1), the employment contract shall be concluded as from the date of formation of the employment relationship as determined in the decree. If no such date has been determined, the employment contract shall be concluded as from the date of issuance of the decree.

(5) The employer shall not be given a prescription under Paragraph (4) in case of death of the worker or employee.

(6) In the cases under Paragraph (4), where an employment contract is not concluded between the

parties, the decree under Paragraph (1) shall replace the employment contract and the said contract shall be considered concluded for an indefinite duration for a five-day working week and an eight-hour working day.

(7) The employer may appeal the prescription under Paragraph (4) or, respectively, the decree under Paragraph (2), according to the procedure established by the Administrative Procedure Code before the administrative court exercising jurisdiction over the registered office or permanent address of the employer within 14 days after service of the said prescription or decree. An appeal shall not stay the enforcement of the act.

(8) If the court revokes the act appealed, the employer may terminate the employment contract unilaterally without notice.

Alerting Function of Trade Union Organisations

Article 406

(1) Trade union organisations shall have the power to alert the control authorities of any violations of labour legislation, as well as to demand administrative sanctions against the offenders.

(2) (New, SG No. 25/2001) In implementation of their functions under Paragraph (1), the trade union organisations' representatives shall have the right:

1. to visit at any time the enterprises and the other places where work is performed, as well as premises used by workers and employees;

2. to require from the employer explanations and provision of the information and documents they need;

3. to obtain information directly from workers and employees on all matters related to the observance of labour legislation;

(3) (New, SG No. 25/2001) In implementation of the alerting function thereof, the trade union organisations' representatives shall be obligated to comply with the requirements of Article 403 (1).

(4) (Renumbered from Paragraph (2), SG No. 25/2001) The control authorities shall be obligated to inform the trade union organisations of the measures taken within one month.

Alerting Function of Control Authorities

Article 407

Where the control authorities detect any violations of the law which give them reason to believe that a criminal offence or other wrongful acts have been committed, the said authorities shall be obligated to inform the prosecuting authorities.

Article 408

(Amended, SG No. 108/2008, repealed, SG No. 27/2014).

Article 409

(Repealed, SG No. 100/1992).

Article 410

(Amended, SG No. 94/1990, repealed, SG No. 100/1992).

Article 411

(Repealed, SG No. 100/1992).

Article 412

(Repealed, SG No. 100/1992).

Section II
ADMINISTRATIVE PENALTY LIABILITY FOR
VIOLATIONS OF LABOUR LEGISLATION

Types of Administrative Sanctions

Article 412a

The following types of administrative sanctions shall be imposed for violations of labour legislation:

1. fine: on the natural persons;
2. (supplemented, SG No. 102/2017, effective 22.12.2017) pecuniary penalty: on the legal persons and on the sole traders, and on the companies established in accordance with the procedure set out in the Obligations and Contracts Act.

Liability for Violation of Statutory Requirements for Health and Safety at Work
(Heading amended, SG No. 25/2001)

Article 413

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

(1) (Amended, SG No. 108/2008) Any person, who violates the rules for provision of health and safety at work, shall be liable to a fine of BGN 100 or exceeding this amount but not exceeding BGN 500, unless subject to a severer sanction.

(2) (Amended, SG No. 48/2006, SG No. 108/2008, SG No. 58/2010, effective 30.07.2010) Any employer, which or who fails to fulfil the obligations thereof for provision of health and safety at work, shall be liable to a pecuniary penalty or a fine of BGN 1,500 or exceeding this amount but not exceeding BGN 15,000, unless subject to a severer sanction, and any such blameworthy official shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000, unless subject to a severer sanction.

(3) The sanction for a repeated violation shall be:

1. (amended, SG No. 108/2008) under Paragraph (1): a fine of BGN 500 or exceeding this amount but not exceeding BGN 1,000;

2. (amended, SG No. 48/2006, SG No. 108/2008, SG No. 107/2020) under Paragraph (2): a pecuniary penalty or fine of BGN 15,000 to BGN 20,000, respectively a fine of BGN 5,000 to BGN 10,000.

Liability for Violation of Other Provisions of Labour Legislation

Article 414

(Amended, SG No. 100/1992, SG No. 2/1996, SG No. 25/2001, SG No. 120/2002)

(1) (Amended, SG No. 48/2006, SG No. 108/2008, SG No. 58/2010, effective 30.07.2010) Any employer, which or who violates any provisions of labour legislation other than the rules for provision of health and safety at work, shall be liable to a pecuniary penalty or a fine of BGN 1,500 or exceeding this amount but not exceeding BGN 15,000, unless subject to a severer sanction, and any such blameworthy official shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding BGN 10,000, unless subject to a severer sanction.

(2) (Amended, SG No. 48/2006, SG No. 108/2008, repealed, SG No. 107/2020).

(3) (Amended, SG No. 48/2006, SG No. 108/2008, SG No. 58/2010, supplemented, SG No. 7/2012) Any employer which or who violates the provisions of Article 61 (1), Article 62 (1) or (3) and Article 63 (1) or (2), shall be liable to a pecuniary penalty or a fine of BGN 1,500 or exceeding this amount but not exceeding 15,000, and any such blameworthy official shall be liable to a fine of BGN 1,000 or exceeding this amount but not exceeding 10,000 for each particular violation.

(4) (New, SG No. 107/2020) The sanction for a repeated violation under Paragraph (1) and (3) shall be a pecuniary penalty or a fine of BGN 15,000 to BGN 20,000, respectively for an official - a fine of BGN 5,000 to BGN 10,000.

(5) (New, SG No. 7/2012renumbered from Paragraph (4), supplemented, SG No. 107/2020) In the cases referred to in Paragraph (3), including in case of repeated violation, the amount of social

insurance contributions payable by the employer in respect of the employee shall be deducted from the pecuniary penalty or fine as imposed on and paid by the relevant employer or blameworthy official, and shall be paid into the relevant social insurance funds.

(6) (New, SG No. 48/2006, renumbered from Paragraph (4), SG No. 7/2012, renumbered from Paragraph (5), SG No. 107/2020) Any employer, which or who violates the provisions of Article 130a (1) and (2), Article 130b (1) and (2) and Article 130c (1) and (2), shall be liable to a pecuniary penalty or a fine of BGN 1,500 or exceeding this amount but not exceeding BGN 5,000, and any such blameworthy official shall be liable to a fine of BGN 250 or exceeding this amount but not exceeding BGN 1,000 for each particular violation.

(7) (New, SG No. 107/2020) For systematic violations of Article 61 (1), Article 62 (1) or (3) and Article 63 (1) and (2), Article 128, Item 2 and Article 228, (3), the employer shall be liable to a pecuniary penalty or a fine of BGN 20,000 to BGN 30,000 and any such official shall be liable to a fine of BGN 10,000 to BGN 20,000.

Liability of Workers or Employees for Providing Labour Without Having Concluded an Employment Contract

Article 414a

(New, SG No. 7/2012, declared unconstitutional by the Constitutional Court of the Republic of Bulgaria - SG No. 49/2012)

(1) Whoever provides labour without an employment contract concluded shall be liable to a fine amounting to thrice the insurance contributions payable by an employee for the purpose of mandatory social and health insurance, calculated based on the minimum contributory income fixed for the relevant kind of work performed, depending on the economic activity and profession.

(2) A fine paid under Paragraph (1) shall be transferred to the Public Social Insurance Funds and to the National Health Insurance Fund in accordance with a procedure prescribed by the Minister of Labour and Social Policy and the Minister of Finance.

Liability for Failing to Act on Prescriptions and for Obstructing Control Authorities

Article 415

(Amended, SG No. 100/1992, SG No. 2/1996, SG No. 124/1997)

(1) (Amended, SG No. 25/2001, SG No. 108/2008, SG No. 58/2010, effective 30.07.2010, SG No. 107/2020) Any person, who fails to act on a compulsory administrative measure of an authority controlling observance of labour legislation, shall be liable to a pecuniary penalty or a fine of BGN 1500 or exceeding this amount but not exceeding BGN 10,000.

(2) (New, SG No. 107/2020) Any person, who fails to act on a mandatory prescription of an authority controlling observance of the labour inspectorate, issued pursuant to Article 405a, Paragraph (4), shall be liable to a pecuniary penalty or a fine of BGN 2,500 or exceeding this amount but not

exceeding BGN 15,000.

(3) (New, SG No. 107/2020) Any person who fails to assist an authority controlling observance of labour legislation in discharging its functions, unless subject to a severer sanction, shall be subject to a fine of BGN 100 to BGN 500 or a pecuniary penalty from BGN 2,500 to BGN 15,000 and any such official shall be liable to a fine of BGN 1,000 to BGN 10,000, unless subject to a severer sanction.

(4) (Amended, SG No. 25/2001, SG No. 48/2006, SG No. 108/2008, renumbered from Paragraph (2), SG No. 107/2020) Any employer, who or which unlawfully obstructs an authority controlling observance of labour legislation in discharging the official duties thereof, shall be liable to a pecuniary penalty or a fine of BGN 20,000, unless subject to a severer sanction, and any such official shall be liable to a fine of BGN 10 000, unless subject to a severer sanction.

Obligation to Pay Pecuniary Penalties and Fines under Penalty Decrees

Article 415a

(New, SG No. 108/2008, amended, SG No. 107/2020)

Any employer, official or worker or employee shall be obligated to pay a pecuniary penalty or fine imposed thereon within a period of 30 days after the entry into effect of the penalty decree.

Liability for Non-payment of Pecuniary Penalties and Fines under Penalty Decrees

Article 415b

(New, SG No. 108/2008, amended, SG No. 107/2020)

Any employer, official or worker or employee, who fails to pay a pecuniary penalty or fine imposed thereon within 30 days after the entry into effect of the penalty decree, shall be liable for interest at a rate equivalent to the base interest rate of the Bulgarian National Bank for the period plus 20 points.

Liability for Minor Violations

Article 415c

(New, SG No. 108/2008, amended, SG No. 58/2010, effective 30.07.2010, SG No. 7/2012)

(1) For any violation, which can be eliminated immediately after the ascertainment thereof according to the procedure established by this Code, and which has not adversely affected any workers and employees, the employer shall be liable to a pecuniary penalty or a fine of BGN 100 or exceeding this amount but not exceeding BGN 300 and the blameworthy official - to a fine of BGN 50 or exceeding this amount but not exceeding BGN 100.

(2) Violations of Article 61(1), Article 62(1) and (3) and Article 63(1) and (2) may not be considered minor.

Settlement in Administrative Penalty Proceeding

Article 415d

(New, SG No. 108/2008)

(1) Until the issuance of the penalty decree but not later than 30 days after the drawing up of the written statement ascertaining an administrative violation, the administrative sanctioning authority and the offender may reach a settlement, except in the cases where the act constitutes a criminal offence.

(2) The settlement shall be reduced to writing and shall state the agreement of the administrative sanctioning authority and the offender on the following matters:

1. has the act been performed, has it been performed by the offender, and does it constitute an administrative violation;

2. the amount and type of the penalty.

(3) A settlement may not determine:

1. a penalty other than that provided for by law for the specific administrative violation;

2. (supplemented, SG No. 107/2020) an amount of the fine or pecuniary sanction lower than 70 per cent of the minimum provided for the specific administrative violation.

(4) The settlement shall be signed by the administrative sanctioning authority and by the offender or by an expressly authorised representative thereof.

(5) Within 14 days after signature of the settlement, the Executive Director of the General Labour Inspectorate Executive Agency or an official empowered thereby shall issue a decision.

(6) The settlement shall be approved if:

1. the requirements of the law have been met;

2. (new, SG No. 107/2020) the violation is not repeated or systematic;

3. (renumbered from Item 2, SG No. 107/2020) the fine or pecuniary penalty determined thereby has been paid or secured on an account of the control authority.

(7) The decision under Paragraph (5) shall be unappealable.

(8) The settlement shall enter into effect as from the date of the approval thereof. The agreement shall have the consequences of an effective penal ordinance.

(9) In the cases where the settlement is not approved, the administrative sanctioning authority shall issue a penalty decree.

Rescheduling of Obligations

Article 415e

(New, SG No. 108/2008)

(1) A rescheduling according to an approved repayment schedule of the payment of amounts due in respect of the receivables under effective penalty decrees issued by the Executive Director of the General Labour Inspectorate Executive Agency may be allowed at the request of the offender or an expressly authorised representative thereof.

(2) Rescheduling shall be admitted where it is established that the cash at hand available to the offender is insufficient to cover the obligations thereof under effective penalty decrees, but it can be reasonably presumed that such difficulties are temporary and in case of rescheduling of the obligations, the debtor will be in a position to pay the said obligations.

(3) For the period of rescheduling, the offender shall be liable for interest at a rate equivalent to the base interest rate of the Bulgarian National Bank for the period plus 20 points.

(4) Rescheduling shall not be allowed in respect of any employer subject to a decision on dissolution through liquidation or whereagainst bankruptcy proceedings have been instituted, as well as after determination of the method of sale under Article 238 of the Tax and Social-Insurance Procedure Code.

(5) The request under Paragraph (1) shall enclose:

1. a declaration on the marital and property status and on the annual income of the debtor for 12 months preceding the request: applicable to a natural person;

2. a declaration on all other public obligations, including the interest thereon, as well as on all obligations to private creditors and the interest thereon;

3. a repayment schedule for rescheduling of obligations;

4. evidence of financial and economic condition of the debtor and a long-term development programme: applicable to a sole trader, a legal person or an entity equivalent thereto;

5. a profit and loss statement of the offender for the last preceding accounting financial year;

6. a balance sheet for the last preceding accounting financial year and for the last preceding reporting period: applicable to a sole trader, a legal person or an entity equivalent thereto.

(6) The decision on rescheduling shall be issued by:

1. The Director of the Labour Inspectorate Directorate: in respect of obligations on pecuniary penalties not exceeding BGN 5000 - for a period not exceeding one year, and in respect of obligations on fines not exceeding BGN 5,000 - for a period not exceeding two years;

2. the Executive Director of the General Labour Inspectorate Executive Agency: in respect of obligations exceeding BGN 5,000 - for a period not exceeding three years.

(7) The decision on rescheduling shall specify the deadline, the redemption payments and other conditions, including the consequences of a failure to comply with them.

(8) The prescription of receivables under the effective penalty decrees shall be tolled for the period of the rescheduling.

(9) A refusal of rescheduling shall be unappealable.

Applicability of Administrative Penal Liability to Violations of Labour Legislation

Article 415f. (New, SG No. 7/2012) The provisions of this Section shall accordingly apply to user undertakings.

Ascertainment of Violations, Issuing, Appeal and Execution of Penalty Decrees

Article 416

(Amended, SG No. 100/1992, SG No. 2/1996, SG No. 25/2001, SG No. 120/2002, supplemented, SG No. 48/2006, amended, SG No. 108/2008)

(1) Violations of labour legislation shall be ascertained by written statements drawn up by the state control authorities. The written statements duly drawn up under this Code shall have probative value until otherwise proven.

(2) (Repealed, SG No. 27/2014).

(3) The written statement ascertaining an administrative violation shall be served on the offender against signed acknowledgement of service, and should service on the offender be impossible, any such statement shall be sent by registered mail with advice of delivery. If the person is not found at the address of the place of management, at the permanent address or at the place of work, service shall be effected by means of positing a notice of the drawing up of the statement subject to service on the notice board and on the Internet site of the relevant authority under Articles 399, 400 and 401.

(4) (Amended, SG No. 27/2014) In the cases under sentence two of Paragraph (3), the statement ascertaining an administrative violation shall be considered served after the lapse of seven days from the date of posting of the notice.

(5) Penalty decrees shall be issued by the head of the relevant authority under Articles 399, 400 and 401 or by officials empowered thereby depending on the departmental affiliation of the written-statement drawers.

(6) The ascertainment of violations, the issuance, appeal and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act, save insofar as another procedure is established by this Code.

(7) (Repealed, SG No. 77/2012, effective 9.10.2012).

(8) A violation shall be "repeated" where committed within one year after the entry into effect of the penalty decree whereby the offender was penalised for a violation of the same type.

(9) (Repealed, SG No. 38/2012, effective 1.07.2012, new, SG No. 107/2020) A violation shall be systematic, if three or more administrative violations of the same type have taken place, established by effective penalty decrees in the framework of three years.

(10) (Repealed, SG No. 38/2012, effective 1.07.2012).

Chapter Twenty **(New, SG No. 105/2016, effective 30.12.2016)**

ADMINISTRATIVE COOPERATION THROUGH THE INTERNAL MARKET INFORMATION SYSTEM AND CROSS-BORDER ENFORCEMENT OF FINANCIAL ADMINISTRATIVE PENALTIES AND FINES, INCLUDING FEES AND CHARGES

Competent Authority

Article 417. (New, SG No. 105/2016, effective 30.12.2016) (1) The General Labour Inspectorate Executive Agency shall provide free of charge administrative cooperation via the Internal Market Information System with the competent authorities of the other EU Member States, of states parties to the Agreement on the European Economic Area, or the Swiss Confederation.

(2) The General Labour Inspectorate Executive Agency shall receive via the Internal Market Information System requests for recovery of public receivables pursuant to Article 162(7) of the Tax and Social Insurance Procedure Code.

(3) The General Labour Inspectorate Executive Agency shall send via the Internal Market Information System requests for recovery of receivables from imposed pecuniary penalties or fines, including interest on pecuniary penalties or fines for violations of the labour legislation relating to the secondment or posting of workers or employees in the framework of the provision of services which cannot be enforced on the territory of the Republic of Bulgaria.

Types of Administrative Cooperation

Article 418. (New, SG No. 105/2016, effective 30.12.2016) (1) The administrative cooperation referred to in Article 417(1) shall include:

1. provision of information concerning the working conditions in case of secondment or posting in the framework of the provision of services;
2. sending of reasoned requests for information and checks to the control authorities of other states;
3. replies to reasoned requests from the competent authorities of other states in cases of:
 - a) hiring-out of workers or employees in the framework of the provision of services;
 - b) established violations of the rules for secondment or posting;
4. sending and receiving copies of documents;
5. service of documents sent by the control authorities of another state;

6. sending of documents to the control authorities of another state to be served on employers seconding or posting workers or employees to the territory of the Republic of Bulgaria;

7. notification of a decision imposing a financial administrative penalty or fine, or of a document relating to the recovery of receivables from such a penalty or fine, to an employer seconding or posting workers or employees pursuant to Article 121a, Paragraph (1), item 1 and Paragraph (2), item 1;

8. sending of requests for notification of penalty decrees imposing a pecuniary penalty or fine or of documents relating to the recovery of receivables from such a penalty or fine, to an employer seconding or posting workers or employees pursuant to Article 121a, Paragraph (1), item 2 and Paragraph (2), item 2;

9. carrying out inspections relating to cases of secondment or posting of workers or employees and provision of information ensuing from such inspections.

(2) In the event of difficulty in providing the administrative cooperation referred to in Paragraph (1) the General Labour Inspectorate Executive Agency shall inform without delay the competent authorities of the other state.

(3) The information referred to in Paragraph (1) requested by the competent authorities of other states or by the European Commission shall be supplied via the Internal Market Information System within the following time limits:

1. in urgent cases requiring only the consultation of public registers or confirmation of the Value Added Tax Act registration of an employer pursuant to Article 121a, Paragraph (1), item 1 and Paragraph (2), item 1 – within two working days from the receipt of the request;

2. in all other cases – within 25 working days from the receipt of the request.

(4) Upon receipt of a request for notification pursuant to Article 418, Paragraph (1), item 7, the General Labour Inspectorate Executive Agency shall take actions to serve the document within one month from the receipt of the request in compliance with the provisions of Bulgarian legislation.

(5) With a view to providing the administrative cooperation referred to in Paragraph (1) the General Labour Inspectorate Executive Agency may request assistance and information from authorities and institutions in accordance with their competence.

Execution of Instruments Already in Force Sent via the Internal Market Information System

Article 419. (New, SG No. 105/2016, effective 30.12.2016) (1) Instruments already in force which sent with a request for recovery of receivables via the Internal Market Information System, by which the competent authorities of another EU Member State, of a State party to the Agreement on the European Economic Area, or of the Swiss Confederation impose financial administrative penalties or fines, including fees and charges, to an employer referred to in Article 121a, Paragraph (1), item 1 and Paragraph (2), item 1 for violations of the labour legislation pertaining to the secondment or posting of

workers or employees, shall be subject to recovery pursuant to the Tax and Social Insurance Procedure Code.

(2) The General Labour Inspectorate Executive Agency shall take action to notify the employer of a request received pursuant to Paragraph (1) within one month from the receipt.

(3) The employer shall be obliged within one month of receiving the notification referred to in Paragraph (2) to pay the receivable referred to in Paragraph (1).

(4) Where the public receivable has not been paid within the timeframe referred to in Paragraph (3), the General Labour Inspectorate Executive Agency shall send to the National Revenue Agency the request and the documents attached to it, including the enforcement order, translated into Bulgarian, as well as information about the notification referred to in Paragraph (2).

(5) The General Labour Inspectorate Executive Agency shall notify via the Internal Market Information System the competent authority of the other state of the actions taken pursuant to Paragraph (2) to (4).

(6) The procedure for exchange of information between the General Labour Inspectorate Executive Agency and the National Revenue Agency shall be laid down in an agreement between the executive directors of these two institutions.

Grounds for Refusal

Article 420. (New, SG No. 105/2016, effective 30.12.2016) (1) The General Labour Inspectorate Executive Agency may refuse to take actions for notification or execution of an instrument already in force by which the competent authorities of another EU Member State, of a State party to the Agreement on the European Economic Area, or of the Swiss Confederation impose financial administrative penalties or fines, including fees and charges, to an employer seconding or posting workers or employees in the framework of the provision of services, if the request does not contain information about:

1. the name and known address or any other information about the employer, relevant for their identification, such as unique identification code, BULSTAT code, unique personal number of private individuals, etc.;

2. facts and circumstances of the violation, the pecuniary penalty or fine and the grounds for imposing such penalty or fine;

3. the instrument permitting enforcement of the recovery of receivables in the issuing state, and all other relevant information or documents concerning the underlying pecuniary penalty or fine;

4. the name, address and other contact details regarding the competent authority entitled to impose the pecuniary penalty or fine, and, if different from the authority sending the request via the Internal Market Information System – the competent body where further information can be obtained concerning the pecuniary penalty or fine, or the possibilities for appeal;

5. the purpose of the notification under Article 418, Paragraph (1), item 7 and the period within which it shall be effected;

6. the date when the instrument referred to in Article 419, Paragraph (1) has become enforceable; the amount of the pecuniary penalty or fine; the dates relevant to the enforcement process, including whether, and if so how, the instrument has been served on the employer or given in default of appearance; a confirmation that the pecuniary penalty or fine is not subject to any further appeal; the underlying claim in respect of which the request is made.

(2) In cases other than those referred to in Paragraph (1) the General Labour Inspectorate Executive Agency may refuse to take actions for execution in the following circumstances:

1. the envisaged costs required to recover the receivables are disproportionate in relation to the amount to be recovered or would give rise to significant difficulties;

2. (amended, SG No. 70/2024, effective from the date stipulated in the Council Decision of the European Union on the adoption by the Republic of Bulgaria of the euro, adopted in accordance with Article 140(2) of the Treaty on the Functioning of the European Union, and in the Council Regulation adopted in accordance with Article 140(3) of the Treaty on the Functioning of the European Union) the overall pecuniary penalty or fine is below EUR 350;

3. the right of defence of the employer pursuant to Article 121a, Paragraph (1), item 1 and Paragraph (2), item 1 is not respected.

(3) In the cases referred to in Paragraphs (1) and (2) the General Labour Inspectorate Executive Agency shall notify via the Internal Market Information System the competent authority of the other state of the grounds for refusal.

Suspension of the Procedure

Article 421. (New, SG No. 105/2016, effective 30.12.2016) (1) Upon receipt of a notification via the Internal Market Information System that the instrument issued by the competent authorities of another EU Member State, of a State party to the Agreement on the European Economic Area, or the Swiss Confederation to impose financial administrative penalties or fines, including fees and charges, is appealed, the General Labour Inspectorate Executive Agency shall suspend the execution of the actions pursuant to this chapter pending the decision of the appropriate competent body or authority in the issuing Member State regarding the dispute.

(2) Where the appealed instrument has been submitted for enforcement, the decision issued by the General Labour Inspectorate Executive Agency for suspending or resuming the execution shall be sent to the competent regional directorate/office of the National Revenue Agency within 7 days of its issue.

Sending a Request for Recovery of Amounts Due under Imposed Administrative Penalties

Article 422. (New, SG No. 105/2016, effective 30.12.2016) (1) Penalty decrees already in force and imposing fines or pecuniary penalties to an employer referred to in Article 121a, Paragraph (1), item 2 and Paragraph (2), item 2 for violations of the labour legislation relating to the secondment or posting of workers or employees in the framework of the provision of services which cannot be executed on the territory of the Republic of Bulgaria shall be sent, along with the recovered amounts, by the General Labour Inspectorate Executive Agency to the competent authority of the state of registration of the employer or the temporary employment undertaking, with a request for recovery via the Internal Market Information System.

(2) The request referred to in Paragraph (1) contain:

1. the name and known address or any other information about the employer, relevant for their identification;

2. facts and circumstances of the violation, the pecuniary penalty or fine, and the grounds for imposing the penalty or fine;

3. the penalty decree already in force and all other relevant information or documents concerning the underlying pecuniary penalty or fine;

4. the name, address and other contact details for the General Labour Inspectorate Executive Agency;

5. the purpose of the notification of the penalty decree in force and the period within which it shall be effected;

6. the date when the penalty decree has become enforceable; the dates relevant to the enforcement process, including whether, and if so how, the instrument has been served on the employer or given in default of appearance; a confirmation that the pecuniary penalty or fine is not subject to any further appeal; the underlying claim in respect of which the request referred to in Paragraph (1) is made;

7. the amount of the pecuniary penalty or fine, including the interest due from the date of entry into force of the penalty decree to the date of sending it to the other state;

8. the recovered part of the amount referred to in item 7 above and the outstanding balance.

(3) In case of appeal of a penal decree pursuant to Paragraph (1), the General Labour Inspectorate Executive Agency shall notify without delay the competent authority of the state of registration of the employer or the temporary employment undertaking via the Internal Market Information System of the suspension of actions for recovery of receivables.

SUPPLEMENTARY PROVISIONS

Definitions of Certain Words:

§ 1. Within the meaning given by this Code:

1. (Amended, SG No. 100/1992, supplemented, SG No. 33/2011, SG No. 82/2011, SG No. 7/2012) "Employer" shall be any natural person, legal person or a division thereof, as well as any other organisationally and economically self-contained entity (enterprise, institution, organisation, co-operative, farm, establishment, household, association and other such), who or which independently hires workers or employees under an employment relationship, including for work at home and remote work, and for commissioning to work at a user undertaking.

2. (Amended, SG No. 100/1992) "Enterprise" shall be any place: an enterprise, an institution, an organisation, a co-operative, an establishment, a project and other such, where wage work is performed.

2a. (New, SG No. 105/2016, effective 30.12.2016, amended, SG No. 107/2020) "Group of undertakings" shall be a term within the meaning of § 1, item 5 of the additional provisions to the Labour Migration and Labour Mobility Act.

3. (Amended, SG No. 100/1992) "Enterprise management" shall be the manager of the enterprise, the deputies thereof and other persons entrusted with management of the work process, including at a division of the enterprise, as well as the elective collegial management bodies (business council, management board, executive board, operative bureau and other such).

4. (Repealed, renumbered from Item 7, amended and supplemented, SG No. 100/1992, supplemented, SG No. 33/2011, SG No. 82/2011, SG No. 7/2012, amended, SG No. 27/2024) "Workplace" shall be premises, workshop, room, location of a machine, facility or other such territorially defined place in an enterprise, where a worker or employee, acting on assignment from the employer, performs work in performance of the duties thereof under the employment relationship. In the case of work at home and remote work, the workplace shall be a place in a premise in the employee's home or in another premise of his/her choice outside the enterprise, where the work is performed.

5. (Repealed, renumbered from Item 8, supplemented, SG No. 100/1992) "Official" shall be a worker or employee who has been assigned to exercise direction of the work process in an enterprise, in the divisions thereof and lower-level units, as well as a worker or employee who performs work as a specialist in the functional and service units of the enterprise.

6. (Repealed, new, SG No. 100/1992) "Trade union leadership" shall be the chairperson and the secretary of the respective trade union organisation.

7. (New, SG No. 25/2001, repealed, SG No. 86/2003, effective 1.01.2004).

8. (New, SG No. 25/2001, amended, SG No. 48/2006) "Exception", within the meaning given by Article 68 (4), shall refer to specific economic, technological, financial, market and other objective reasons of such nature, existing at the time of conclusion of the employment contract, are specified therein, and justifying the conclusion thereof for a fixed term.

9. (New, SG No. 52/2004, amended, SG No. 48/2006) "Collective dismissals" shall be dismissals effected on the employer's initiative for one or more reasons not related to the individual worker or employee concerned, where the number of dismissals is:

(a) at least 10 in enterprises normally employing more than 20 and less than 100 workers and employees during the month preceding the collective dismissals and the dismissals are carried out over a period of 30 days;

(b) at least 10 per cent of the number of workers and employees in enterprises normally employing at least 100 but less than 300 workers and employees during the month preceding the collective dismissals and the dismissals are carried out over a period of 30 days;

(c) at least 30 in enterprises normally employing 300 workers and employees or more during the month preceding the collective dismissals and the dismissals are carried out over a period of 30 days;

(d) (repealed, SG No. 15/2010).

If the employer has dismissed at least five workers and employees within the periods under Litterae (a) to (c), each succeeding termination of an employment relationship which is effected on the employer's initiative for other reasons not related to the individual worker or employee shall be assimilated to the total number of dismissals for the purpose of calculating the number of dismissals under Litterae (a) to (c).

10. (New, SG No. 52/2004) "Particulars of the parties" under Item 1 of Article 66 (1) shall include:

(a) (amended, SG No. 108/2008) applicable to an employer which is a legal persons or who is a sole trader: the business name, the registered office and the address of the place of management of the legal person or the sole trader, Unified Identification Code under the BULSTAT/UIC Register, the name (names) of the person (persons) who represent it, the Personal Identification Number (Foreigner Personal Number);

(b) applicable to an employer who is a natural person: the name of the person, the permanent

address, the Standard Public Registry Personal Number (Foreigner Personal Number);

(c) applicable to a worker or employee: the name of the person, the permanent address, the Standard Public Registry Personal Number (Foreigner Personal Number), the type and degree of educational attainment, as well as particulars of the academic degree held, if related to the work performed thereby.

11. (New, SG No. 48/2006) "Working time" shall be any period during which the worker or employee is obligated to execute the work on which the said worker has agreed.

12. (New, SG No. 48/2006) "Principal employment relationship" shall be any employment relationship which, irrespective of the grounds on which it was formed, pre-existed the conclusion of the employment contract for additional work.

13. (New, SG No. 103/2009, effective 29.12.2009) "Female workers and employees in an advanced stage of in vitro treatment" shall be female workers and employees who are in a stage of treatment through the methods of assisted reproduction including the period from egg retrieval to the embryo transfer but no more than 20 days.

14. (New, SG No. 58/2010, effective 30.07.2010) "Discontinuing of operations" shall mean the actual discontinuation of the production and/or business operations of the enterprise for more than 15 days, without idling or stopping of work for technological reasons or because of production necessity having been announced.

15. (New, SG No. 61/2011) "Seafarer" shall mean any individual who occupies a position under an employment relationship as a crew member of a ship registered with the vessel register of a Member State of the European Union, whether on land or on board, holds a certificate of competence and a certificate of additional and/or special training obtained in accordance with the procedure provided for by the ordinance referred to in Article 87 (1) of the Merchant Shipping Code.

16. (New, SG No. 82/2011, repealed, SG No. 105/2016, effective 30.12.2016).

17. (New, SG No. 7/2012) An "enterprise providing temporary work" shall mean any natural or legal person pursuing business activities which concludes an employment contract with a worker or employee with a view to commissioning him/her to temporarily work at a user undertaking and be supervised and controlled by such user undertaking, after registration with the Employment Agency.

18. (New, SG No. 7/2012) A "user undertaking" shall mean any natural or legal person pursuing business activities which supervises and controls the performance of work assigned by such undertaking to a worker or employee commissioned by an enterprise providing temporary work.

19. (New, SG No. 7/2012) "Enterprises involved in national security and defence" shall be the enterprises determined by an Act of the Council of Ministers.

20. (New, SG No. 7/2012) "Basic working and employment conditions" shall mean working and employment conditions established by legislative acts, acts of secondary legislation, administrative acts, collective agreements and/or other regulations effective at the user undertaking and applicable to working time, overtime work, rest periods within and between working days, weekly rest periods, night-time work, basic and additional periods of leave, weekends and public holidays, protection for minors and women, as well as payment.

21. (New, SG No. 105/2016, effective 30.12.2016) "Internal Market Information System" means an electronic multilingual information system for mutual assistance and exchange of information between the competent authorities of the EU member states and of the states parties to the Agreement on the European Economic Area created in compliance with 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).

22. (New, SG No. 107/2020) "Systemic violations of labour discipline" shall be three or more violations of labour discipline, committed for a period of one year, where for at least one of them no disciplinary sanction has been imposed and for their imposition the established deadlines have not expired, and for those for which sanctions have been imposed - where the disciplinary sanctions have not stricken out in accordance with the applicable procedure.

23. (New, SG No. 85/2023, effective 1.06.2025) "Personal identifier" means a unified civil number, personal number, foreigner's personal number, service number or other identifier of an individual as defined by law.

24. (New, SG No. 27/2024) "Information system for algorithmic management" means a system for automated decision-making when assigning, reporting and controlling the work of employees.

25. (New, SG No. 27/2024) "Automated system for reporting of the working time" means a system for automatic recording and storing of information for the purpose of reporting of the time worked by workers and employees.

Applicability to Industrial Relations of Producers' Co-operative Membersrs

§ 2. (Amended, SG No. 100/1992) The provisions of this Code shall apply, mutatis mutandis, to the industrial relations of members of producers' co-operatives, save insofar as otherwise provided for by a law or in a statute.

§ 2a. (New, SG No. 54/2015, effective 17.07.2015, repealed, SG No. 61/2015, effective 17.07.2015).

TRANSITIONAL PROVISIONS

§ 3. (1) (Repealed, SG No. 100/1992).

(2) Cases pending before conciliation commissions shall be presented for examination by the labour disputes commissions according to the procedure provided for in this Code.

§ 3a. (New, SG No. 105/2006) (1) Female workers and employees, whose pregnancy and child-birth leave in the amount of 135 calendar days has not expired at the 1st day of January 2007, shall be entitled, after that date, to a leave under Article 163 (1) for the balance to 315 days.

(2) Female workers and employees, whose pregnancy and child-birth leave in the amount of 135 calendar days has expired prior to the 1st day of January 2007, shall be entitled, after that date, to a leave under Article 163 (1) in the amount of the difference between 315 calendar days and the sum total of the pregnancy and child-birth leave which was used and the child-care leave which was used or to which the said workers are entitled for the period until the 31st day of December 2006.

(3) In the cases referred to in Paragraphs (1) and (2), the leave shall be granted on the basis of an

application in writing by the female worker or employee to the enterprise.

(4) During the leave referred to in Paragraphs (1) and (2), the female worker or employee shall be paid a cash benefit under Article 49 of the Social Insurance Code.

(5) The leave of the female worker or employee under Article 164 shall be terminated as from the day of grant of the leave referred to in Paragraph (2).

§ 3b. (1) (New, SG No. 109/2008, effective 1.01.2009, amended, SG No. 103/2009, SG No. 58/2010, effective 30.07.2010) From 1 January 2010 to 31 December 2010, upon advance co-ordination with the trade union organisations' representatives and with the workers and employees' representatives under Article 7(2), the period of part-time work referred to in Article 138a(1) may be extended by another three months, provided that the employer applies employment protection measures funded from the executive budget and/or Operational Programme "Human Resources Development".

(2) In the cases referred to in Paragraph (1), if during the month following the period of part-time work the employment relationship of the worker or employee is terminated, the compensations referred to in Articles 220, 221 (1), 222 and 224 shall be determined on the basis of the basic and supplementary labour remunerations of a permanent nature, agreed in the employment contract.

§ 3c. (New, SG No. 109/2008, effective 2.01.2009) (1) Workers and employees whose maternity leave of 315 calendar days had not expired as at 2 January 2009 are entitled to a leave under Article 163(1) after this date, for the remaining period until the exhaustion of 410 calendar days.

(2) Workers and employees whose maternity leave of 315 calendar days had expired prior to 2 January 2009 are entitled to a leave under Article 163(1) after this date, for a period equaling the difference between 410 calendar days and the sum of the maternity leave and the child-care leave, which the mother used, or is entitled to, until 1 January 2009.

(3) In the cases referred to in Paragraphs (1) and (2), the leave shall be granted on the basis of an application in writing by the female worker or employee to the enterprise.

(4) During the leave referred to in Paragraphs (1) and (2), the female worker or employee shall be paid a cash benefit under Article 49 of the Social Insurance Code.

(5) As of the date when the worker or employee is granted the leave under Paragraph (2), her leave under Article 164 shall be terminated.

§ 3d. (New, SG No. 58/2010, effective 30.07.2010) (1) Until 31 December 2011 the period for which the employer may assign to the worker or employee to temporarily perform another work in the same or in another enterprise, but in the same nucleated settlement, as specified in Article 120 (1), can be extended by another 45 calendar days within one calendar year.

(2) In the cases set out in Paragraph (1), the consent of the worker or employee shall be required for the period after the 45-th day under Article 120 (1).

§ 3e. (New, SG No. 58/2010, effective 30.07.2010) (1) By 31 December 2010, in the event of reduction in the volume of work, the employer can grant the worker or employee without the consent thereof an unpaid leave of up to 60 working days during one calendar year, provided that during the time of the unpaid leave employment protection measures are applied, funded from the executive budget and/or Operational Programme "Human Resources Development", and that before it part-time work has been introduced under Article 138a(1) and § 3b(1) and during the corresponding period employment protection measures have been applied, funded from the executive budget and/or Operational Programme "Human Resources Development".

(2) In the cases referred to in Paragraph (1) the unpaid leave shall be assimilated to the length of employment service.

(3) If during the use of the leave or during the month, following the period for which the unpaid leave has been granted in accordance with Paragraph (1), the employment relationship of the worker or employee is terminated, the compensations referred to in Articles 220, 221(1), 222 and 224 shall be determined on the basis of the basic and supplementary labour remunerations of a permanent nature, agreed in the employment contract.

§ 3f. (New, SG No. 58/2010, effective 30.07.2010, declared unconstitutional by Constitutional Court of the Republic of Bulgaria - SG No. 91/2010)

Any paid annual leave for previous calendar years, unused until the 1st day of January 2010, may be used only until the 31st day of December 2011.

§ 3g. (New, SG No. 18/2011, effective 1.03.2011) Any unused paid annual leave or part thereof due for 2010, including any leave postponed according to the procedure established by Article 176 (1) herein, may be used until the 31st day of December 2012.

§ 3h. (New, SG No. 18/2011, effective 1.03.2011) The schedule for use of the paid annual leave for 2011 shall be endorsed according to the procedure established by Article 173 (1) herein by the 31st day of March 2011.

§ 3i. (New, SG No. 1/2014, effective 1.01.2014) The person, who has adopted a child at the age of 2 to 5 years prior to 1 January 2014 shall be entitled to take a leave under the conditions of Article 164b for the remainder to 365 days, as of the day of the child's delivery for adoption.

FINAL PROVISIONS

§ 4. This Code shall supersede:

1. (Amended, SG No. 100/1992) Articles 1 to 144 and Articles 171 to 185 of the Labour Code (promulgated in Transactions of the Presidium of the National Assembly No. 91 of 1951; corrected in No. 93 of 1951, amended in No. 92 of 1957; State Gazette Nos. 24, 36 and 92 of 1963, Nos. 1, 61, 90 and 99 of 1965, Nos. 15 and 33 of 1968, No. 68 of 1970, Nos. 53 and 81 of 1973, No. 27 of 1975, No. 63 of 1976, No. 32 of 1977, No. 57 of 1981 and No. 44 of 1984);

2. Act Delegating the Control over Occupational Safety to the Bulgarian Trade Unions (State Gazette No. 53 of 1973);

3. Articles 23, 29 and 30 of the Act on a Closer Link between Education and Life and Further Development of Public Education in the People's Republic of Bulgaria (promulgated in Transactions of the Presidium of the National Assembly No. 54 of 1959; amended and supplemented in the State Gazette, No. 99 of 1963 and No. 36 of 1979);

4. the Decree on Application of Certain Provisions of the Labour Code in Respect of the Administrative, Engineering and Technical Personnel and Machinery Operators in Co-operative Farms (Transactions of the Presidium of the National Assembly No. 65 of 1961);

5. the Decree on Application of the Provisions of the Labour Code concerning Technical Safety and Occupational Hygiene with Respect to Members of Co-operative Farms (Transactions of the Presidium of the National Assembly No. 100 of 1962);

6. the Decree on the Introduction of a Five-Day Working Week (State Gazette No. 1 of 1968);

7. Articles 5, 10, 12, 15 (2), 19 and 20 of the Decree on Mutual Insurance of Members of Producer Co-operatives (promulgated in Transactions of the Presidium of the National Assembly No. 63 of 1953; corrected in No. 82 of 1953; amended and supplemented in No. 17 of 1955, No. 69 of 1956, No. 62 of 1958, corrected in No. 82 of 1958, amended in No. 68 of 1960, No. 38 of 1962; State Gazette No. 50 of 1963, No. 21 of 1964 and No. 32 of 1968).

§ 5. Titles III and IV of the Labour Code of 1951 shall be amended as follows:

1. In Article 155a, the words "according to the procedure established by Article 118 and 118a" shall be replaced by "according to the procedure established by Article 309 of the Labour Code of 1986".

2. In Article 156:

(a) in sentence one of Paragraph (1), the words "within the periods under Article 60 (1), (2) and (3) of this Code" shall be replaced by "within the periods under Article 163 (1) to (6) of the Labour Code of 1986";

(b) in Paragraph (3), the words "under Article 60 (4) or (5)" shall be replaced by "under Article 164 (1) or (2) of the Labour Code of 1986";

(c) in sentence one of Paragraph (4), the words "under Article 60 (4) or (5)" shall be replaced by "under Article 164 (1) or (2) of the Labour Code of 1986", and in sentence two the words "under Article 60 (6)" shall be replaced by "under Article 164 (3) of the Labour Code of 1986";

(d) in Paragraph (6), the words "under Article 119 (2)" shall be replaced by "under Article 313 (3) of the Labour Code of 1986".

3. In Article 162 (1), the words "by reason of death (Littera (f) of Article 29)" shall be replaced by the words "by reason of death of the worker (Item 11 of Article 325 of the Labour Code of 1986)".

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

§ 6. In Article 27 of the Mines and Quarries Act (promulgated in Transactions of the Presidium of the National Assembly No. 92 of 1957, corrected in No. 17 of 1957, amended and supplemented in No. 68 of 1959, No. 104 of 1960; State Gazette No. 84 of 1963, No. 27 of 1973, No. 36 of 1979), the words "for violation of the technical occupational safety rules" shall be deleted.

§ 7. In Article 99 (1) of the People's Health Act (promulgated in the State Gazette No. 88 of 1973, corrected in No. 92 of 1973, amended in No. 63 of 1976, No. 28 of 1983 and No. 66 of 1985), the following text: "with the exception of those related to occupational hygiene" shall be inserted after the figure 9, and the following text: "with the exception of those related to noise intensity within the limits of hygiene standards in the enterprise" shall be inserted after the figure 9.

§ 8. The Financial Control Act (promulgated in Transactions of the Presidium of the National Assembly No. 91 of 1960; amended in the State Gazette No. 32 of 1977 and No. 57 of 1978) shall be amended as follows:

1. In Article 15, Paragraph (1) shall be amended to read as follows:

"(1) For breaches of financial discipline, established by the financial control authorities of the Ministry of Finance, for failure to carry out mandatory instructions issued by the Minister of Finance, or for refusing to provide information or testify before the control authorities, the Minister of Finance shall impose on offenders disciplinary sanctions under Article 188 (1) of the Labour Code. Any transfer to a lower paid job, or demotion in qualification degree or dismissal shall be cleared with the competent government minister, head of another central-government department or chairman of the Executive Committee of a People's Council. For violations committed by holders of elective office, the sanctions shall be imposed by the competent authority on a motion by the Minister of Finance. Disciplinary sanctions shall be imposed within three months after detection of the breach, but not later than three years after the date on which the said breach was committed."

2. In Article 17, Paragraph (3) shall be repealed.

3. In Article 18, the words "under Paragraph (3) of the foregoing article" shall be replaced by "under Article 207 (2) of the Labour Code".

4. Article 19 shall be repealed.

5. In Littera (d) of Article 20 (1) and in Article 20 (2), the words "under Article 17 (3)" shall be replaced by "under Article 207 (2) of the Labour Code".

6. Article 22 shall be repealed.

7. In Article 32, the words "Article 82 of the Labour Code" shall be replaced by "Article 271 (1)

of the Labour Code".

8. Article 24 shall be repealed.

9. Article 29 shall be amended as follows:

(a) Paragraph (1) shall be amended to read as follows:

"(1) Where the detriment inflicted on institutions, enterprises or organisations does not fall under the cases listed in Article 17 (2) and Article 18 of this Act, or in Article 206 and 209 of the Labour Code, limited financial liability shall apply under Item 1 of Article 207 (1) of the Labour Code";

(b) Paragraph (2) shall be repealed;

(c) Paragraph (3) shall be renumbered to become Paragraph (2) and shall be amended to read as follows:

"(2) The limited financial liability under the foregoing paragraph shall be enforced without prejudice to the persons' liability under Article 207 (2) of the Labour Code, and shall not be taken into account when determining the liability of persons who have derived a benefit."

10. The following amendments shall be introduced in Article 37:

(a) the following sentence shall be added at the end of Paragraph (1): "These deductions shall be made in the amounts established by the Code of Civil Procedure.";

(b) Paragraph (2) shall be repealed.

§ 9. The State and People's Control Act (promulgated in the State Gazette No. 54 of 1974, amended in No. 64 of 1976, No. 32 of 1977, No. 57 of 1978 and No. 49 of 1981) shall be amended as follows:

1. In Article 1 (2), the words "and the State Council of the People's Republic of Bulgaria" shall be replaced by "the State Council and the Council of Ministers of the People's Republic of Bulgaria".

2. Article 8 shall be amended as follows:

(a) sentence two of Paragraph (1) shall be amended to read as follows:

"It shall work under the immediate direction of the Council of Ministers and shall report thereto";

(b) Paragraph (2) shall be repealed.

3. In Article 9, sentence two of Paragraph (2) shall be amended to read as follows:

"The Deputy Chairmen of the Committee shall be appointed by the State Council, and the members of the committee shall be endorsed by the Council of Ministers on a motion by the Chairman of the Committee for State and Public Control."

4. Article 17 shall be amended as follows:

(a) in Item 6, the words "State Council" shall be replaced by "Council of Ministers";

(b) in Item 7, the words "the National Assembly and the standing committees thereof, the State Council and" shall be deleted.

5. In Article 20, Item 6 shall be amended to read as follows:

"6. Impose the disciplinary sanctions under Article 188 (1) of the Labour Code on the blameworthy persons".

6. In Article 23 (2), the words "or transfer to a lower paid job" shall be deleted.

7. Article 24 shall be amended as follows:

(a) in Paragraph (1), the words "three years" shall be replaced by "two years";

(b) Paragraph (3) shall be amended to read as follows:

"(3) The striking of the sanction of dismissal shall not entail an obligation to reinstate the person to the previous work thereof."

8. The following amendments shall be introduced in Article 25:

(a) Paragraph (1) shall be amended to read as follows:

"(1) Whenever a committee for state and people's control has established a detriment which might give grounds for enforcement of limited financial liability under Article 206 (1) of the Labour Code, the said committee shall order a cash deficit recovery; or should there be reason to believe that full financial liability is enforceable, the committee shall draw up a deficit deed of shall demand that the financial control authorities perform an audit.";

(b) Paragraphs (2) and (3) shall be repealed;

(c) Paragraph (4) shall be renumbered to become Paragraph (2).

9. In Article 26 (2), the words "reassignment or transfer to a lower paid job" shall be replaced by "transfer to a lower paid job or demotion in qualification degree".

10. Article 28 shall be amended to read as follows:

"Article 28. The Labour Code shall apply insofar as this Act does not lay down special rules for the disciplinary sanctions under Article 20 (6) and for the limited or full financial liability under Article 25; and the Financial Control Act shall apply to the drawing up of deficit deeds."

§ 10. In Article 20 (2) of the Code of Civil Procedure, the words "Article 5 (2) of the Labour Code" shall be replaced by "Article 45 of the Labour Code".

§ 11. A new Article 23a shall be inserted in the Prosecution Office Act (State Gazette No. 87 of 1980) to read as follows:

"Removal of Prosecutors from Office

Article 23a. (1) In addition to the grounds provided for in the Labour Code, prosecutors may furthermore be removed from office by reason of unsuitability, with regard to the terms established by Item 6 of Article 21.

(2) The orders of removal from office and of imposition of disciplinary sanctions on prosecutors shall be unappealable before the labour dispute commissions and before the courts."

§ 12. In Article 136 (2) of the Implementation of Penal Sanctions Act (promulgated in the State Gazette No. 30 of 1968; amended in No. 34 of 1974, No. 84 of 1977, No. 36 of 1979 and No. 28 of 1982), the words "under Article 58 (1)" shall be replaced by "under Article 160".

§ 13. In Article 81 (3) of the Courts Organisation Act (promulgated in the State Gazette No. 23 of 1976; amended in No. 36 of 1979 and No. 91 of 1982), the words "under Article 91 (1) and (2) of the Labour Code, provided they have the uninterrupted length of employment service required by these provisions" shall be replaced by "under Article 222 of the Labour Code, provided they have the length of employment service required by this provision".

§ 14. In sentence one of Article 12 (1) of the Comrades' Courts Act (promulgated in Transactions of the Presidium of the National Assembly No. 50 of 1961; amended in the State Gazette No. 101 of

1966, No. 27 of 1975 and No. 36 of 1979), the words "under Articles 95 and 96" shall be replaced by "Article 206".

§ 15. In Article 53 (2) of the People's Deputies and People's Councillors Act (promulgated in the State Gazette No. 32 of 1977; amended in No. 72 of 1981), the words "under Article 30 (1)" shall be replaced by "under Article 326 (2)".

§ 16. (Repealed, SG No. 100/1992).

§ 17. This Code shall enter into force as from the 1st day of January 1987. Items 1 to 4 of § 9 shall enter into force as from the date of promulgation in the State Gazette.

§ 18. (Amended, SG No. 100/1992) The implementation of this Code shall be entrusted to the Chairman of the Council of Ministers.

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TRANSITIONAL PROVISION
to the Act to Amend the Labour Code
(SG No. 21/1990)

§ 16. The employment relationships in material production with a head of a work team, of an enterprise division or of an entire enterprise, which have been formed on the basis of choice before the entry of this Act into force, shall be transformed into employment relationships of an indefinite duration, unless the parties agree on a specific term, which may not exceed three years. The provisions of Section I of Chapter Sixteen of the Labour Code shall also apply to termination of such employment relationships.

ACT TO AMEND AND SUPPLEMENT THE LABOUR CODE
(SG No. 100/1992)

.....

Supplementary Provisions

§ 243. In Article 10 and 11 of the Labour Code, the words "People's Republic of Bulgaria" shall be replaced by "Republic of Bulgaria".

§ 244. In Articles 75 (1), 118 (1) and (2), 141 (6), 152, 153 (1), 158 (1) and (2), 162 (1), 199 (2) and (3), 203 (1), 205 (1), 215, 271 (1) and in Articles 342 - 354, including Article 355 (2) passim, after the words "the factory worker" there shall be added "or office worker".

§ 245. In Articles 118 (2), 120 (1), 151 (1) and (3), 153 (1), 158 (3), 162 (3), 189 (1), 203 (3), 212, in the title of Article 219, 226 and 355 (5) passim, after the words "the factory worker" there shall be added "or office worker".

§ 246. In Articles 68 (3), 141 (6), 199 (1), 219 (1) and (2), 314, 320 (1) and (2) and in Item 7 of Article 354 passim, after the words "factory worker" there shall be added "or office worker".

§ 247. In Articles 140 (3), 141 (4), 169 (5) passim, after the words "factory workers" there shall be added "or office workers".

§ 248. In Articles 163 (1) and (7), 164 (1), 165 (1) and 166 (1) and (2) passim, after the words "female factory worker" there shall be added "or female office worker".

§ 249. In Articles 163 (6), 166 (1) and in Item 4 of Article 354 passim, after the words "female factory worker" there shall be inserted "or female office worker".

§ 250. In Articles 166 (4), 203 (1), 212, 222 (2), in the title of Article 226 and in Item 4 of Article 354 passim, the word "enterprise" shall be replaced by "employer".

§ 251. In Articles 118 (1), 151 (1) and (3) and in Article 226 (1) and (2) passim, the word "enterprise" shall be replaced by "employer".

§ 252. In Articles 162 (3), 163 (7), 164 (4), 290 and 320 (2) passim, the words "the Social Assistance Act" shall be replaced by "a separate Act".

§ 253. In Article 199 (1), the words "the enterprise manager" shall be replaced by "the employer".

§ 254. In Article 10 (1) and (2) and 340, the words "by decree" and in Article 11 the word "decree" shall be deleted.

§ 255. In Article 218 (4), the words "the people's council" shall be replaced by "the municipal council", and in Article 299 (1) the words "the people's councils" shall be replaced by "the municipal councils".

Transitional Provisions

§ 256. (1) Any labour disputes pending before labour dispute commissions and before superior administrative bodies shall be referred without delay for examination by the competent court, of which the parties thereto shall be notified in writing.

(2) Any labour disputes in the second instance, pending before regional courts, shall be completed according to the hitherto effective procedure.

§ 257. (1) The existing trade unions may retain their capacity as legal persons by submitting an application for registration under Article 49 within six months after the entry of this Act into force.

(2) Provided that the deadline under the foregoing paragraph has been met, the trade unions shall retain their capacity as legal persons until the entry into effect of the court judgment on registration.

§ 258. Any leaves and compensations for which only lower limits have been established according to the amendments of the Labour Code by this Act, until their regulation by an act of the Council of Ministers, by a collective agreement or by an employment contract, shall be used or paid, as the case may be, in the hitherto effective amounts, fixed for each particular case.

Final Provisions

§ 259. The Labour Code of 1951 (promulgated in Transactions of the Presidium of the National Assembly No. 91 of 1951; corrected in No. 93 of 1951, amended and supplemented in Nos. 91 and 92 of 1957; State Gazette Nos. 24, 36 and 92 of 1963, Nos. 1, 61, 90 and 99 of 1965, No. 15 of 1968, corrected in No. 33 of 1968; amended and supplemented in No. 68 of 1970, Nos. 53 and 81 of 1973, No. 27 of 1975, No. 63 of 1976, No. 32 of 1977, No. 57 of 1981, No. 44 of 1984, No. 27 of 1986, No. 46 of 1989 and No. 52 of 1992) shall be amended as follows:

1. In Article 150 (1), the words "the uninterrupted length of employment service" shall be replaced by "the length of employment service", and in Paragraph (3) the word "uninterrupted" shall be deleted.

2. In Article 151, the word "uninterrupted" shall be deleted.

3. In Paragraph (2) of Article 152, the words "with the exception of dismissals indicated in Article 177 (2)" shall be deleted.

4. In Paragraph (6) of Article 156, the words "Article 313 (3)" shall be replaced by "Article 333".

§ 260. In the second sentence of Article 15 (1) of the Financial Control Act (promulgated in the State Gazette No. 91 of 1960, amended in No. 32 of 1977 and No. 57 of 1978, amended and supplemented in No. 27 of 1986), the words "Transfer to a lower paid job or demotion in qualification degree and dismissal shall be effected in co-ordination" shall be replaced by "Dismissal shall be co-ordinated".

§ 261. In Article 23a (2) of the Prosecution Office Act (promulgated in the State Gazette No. 87 of 1980; amended and supplemented in No. 27 of 1986, No. 91 of 1988 and No. 46 of 1991), the words "before the labour dispute commissions and" shall be deleted.

§ 262. Article 81(3) of the Courts Organisation Act (promulgated in the State Gazette No. 23 of 1976; amended and supplemented in No. 36 of 1979, No. 91 of 1982, Nos. 27 and 29 of 1986, No. 91 of 1988, No. 31 of 1990 and No. 46 of 1991) shall be amended to read as follows:

"(3) Judges of the regional and district courts and of the Supreme Court, whose employment relationships have been terminated, shall enjoy the rights under Articles 220 to 222 of the Labour Code under the terms and according to the procedure provided for therein."

§ 263. Article 9 (2) of Decree No. 9 concerning the Work of Managerial and Operating Personnel in Rail Transport (State Gazette No. 3 of 1981) shall be amended to read as follows:

"(2) The disciplinary sanctions shall be:

1. reprimand;
2. warning of dismissal;
3. demotion to a lower rank;
4. dismissal."

§ 264. The Higher Education Act (promulgated in Transactions of the Presidium of the National Assembly No. 12 of 1958; amended and supplemented in the State Gazette No. 99 of 1963, Nos. 36 and 65 of 1972; corrected in No. 81 of 1972; amended and supplemented in No. 58 of 1978, No. 68 of 1988, No. 82 of 1989 and No. 10 of 1990) shall be amended as follows:

1. Article 18 shall be amended to read as follows:

"18. The disciplinary sanctions shall be:

- (a) reprimand;
- (b) warning of dismissal;
- (c) dismissal."

2. Article 20 (1) shall be amended to read as follows:

"(1) The disciplinary sanctions of reprimand and warning of dismissal shall be imposed by the rector."

3. Article 23 shall be repealed.

§ 265. Decree No. 2227 on the Discipline of Civil Aviation Personnel (State Gazette No. 55 of 1985) shall be amended as follows:

1. In Article 3, the words "disciplinary statute, adopted by the Council of Ministers" shall be replaced by "the Labour Code".

2. Article 4 shall be amended to read as follows:

"Article 4. Disciplinary sanctions, with the exception of dismissal, shall be appealable only before the superior authority. Dismissal for breach of discipline shall be appealable before the court according to the standard procedure."

3. In Article 6, the figure "131" shall be replaced by "194".

4. Articles 7 and 8 shall be repealed.

5. The Final Provisions shall be amended as follows:

(a) a new § 1 to read as follows shall be inserted:

"§ 1. The specific issues of the discipline of civil aviation personnel shall be regulated by a disciplinary statute adopted by the Council of Ministers.";

(b) the existing Paragraphs (1) and (2) shall be renumbered to become Paragraphs (2) and (3), respectively.

§ 266. This Act shall enter into force on the 1st day of January 1993.

§ 267. The implementation of this Act shall be entrusted to the Council of Ministers.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Judicial System Act

(SG No. 133/1998)

.....
§ 80. The provisions of the Labour Code shall apply to any matters related to employment relationships which are not regulated in this Act, and the provisions of the Republic of Bulgaria Defence and Armed Forces Act shall apply with regard to military judges, military prosecutors and military investigators, with the years of service within the system of the Ministry of Interior counting as voluntary military service.

ACT TO AMEND AND SUPPLEMENT THE LABOUR CODE

(SG No. 25/2001, effective 31.03.2001)

.....
§ 107. Throughout the Code, the words:

1. "open-ended working time" shall be replaced by "open-ended working hours";
2. "Minister of Labour and Social Welfare" and "the Minister of Labour and Social Welfare" shall be replaced, respectively, by "Minister of Labour and Social Policy" and "the Minister of Labour and Social Policy";
3. "Ministry of Labour and Social Welfare" shall be replaced by "Ministry of Labour and Social Policy".
4. "candidate of sciences", "post-graduate study" "post-graduate student" and "post-graduate students" shall be replaced, respectively, by "doctor", "doctoral degree course", "doctoral candidate" and "doctoral candidates";
5. "working ability", "the working ability" and "working inability" shall be replaced, respectively, by "working capacity", "the working capacity" and "working incapacity";
6. "safety and health" shall be replaced by "health and safety";
7. "General Labour Inspectorate" and "the General Labour Inspectorate" shall be replaced, respectively, by "General Labour Inspectorate Executive Agency" and "the General Labour Inspectorate Executive Agency".
8. "occupational illness" shall be replaced by "occupational disease".

Transitional and Final Provisions

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§ 116. (1) Workers and employees who prior to the entry of this Act into force enjoyed rights related to work performed at open-ended working hours, shall continue to enjoy such rights until the employer designates the positions under Article 139 (4) of the Labour Code.

(2) Employers shall be obligated to designate, within three months after the entry of this Act into force, the positions and the work to be performed under the conditions of open-ended working hours.

§ 117. Students who pursue their studies at the time of entry of this Act into force may use leave under Article 169 (1) and Article 171 (1) of the Labour Code, provided the employer grants consent to the pursuit of the studies.

§ 118. Until the 31st day of March 2002, by mutual consent of the parties to the employment relationship, the paid annual leaves or parts thereof not used until the 1st day of January 2001 may be compensated by an amount in cash determined under Article 177 of the Labour Code, even though the employment relationship is not terminated.

§ 119. Any legal actions under labour disputes brought by workers and employees whose employment relationships have been terminated before the entry of this Act into force, may be brought within the time limit under Item 2 of Article 358 (1) of the Labour Code prior to the amendment of the said Act.

§ 120. Any persons who at the time of entry of this Act into force have commenced the use of leave under Paragraph (2) of Article 164 of the Labour Code as hereby repealed, shall use the leave in the amount effective prior to the repeal of the paragraph.

§ 121. Statutory instruments on the application of the Labour Code shall be issued by the Council of Ministers, save insofar as otherwise provided in the said Code.

§ 122. This Act shall enter into force as from the 31st day of March 2001, with the exception of § 109, § 110 and § 112, which shall come into force as from 1st day of September 2000.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Labour Code
(SG No. 120/2002)

§ 11. Employers shall be obligated to dispatch, not later than the 30th day of April 2003, written notifications to the territorial divisions of the National Social Security Institute regarding any concluded employment contracts existing at the date of entry of this Act into force.

§ 12. Employers, who have hired workers or employees under the terms of Paragraph (2) of Article 62 of the Labour Code as hereby repealed, shall be obliged to conclude, not later than the 30th day of April 2003, written employment contracts and dispatch notifications thereof to the respective territorial divisions of the National Social Security Institute.

.....
TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Labour Code
(SG No. 52/2004, effective 1.08.2004)

§ 37. Where the child-care leave until the child's attainment of the age of three years for the time after the child attains two years of age in accordance with the hitherto effective version of Article 165 (1) of the Labour Code has not been used, the leave under Article 167a of the Labour Code may be used until the child's attainment of the age of eight years. Where only a portion of the leave has been used after the child's attainment of the age of two years, the leave under Article 167a of the Labour Code may be used in the amount of its unused portion until the child's attainment of the age of eight years.

§ 38. Where the child-care leave until the child's attainment of the age of three years under the hitherto effective version of Article 165 (1) of the Labour Code has been used entirely, the provision of Article 167a of the Labour Code shall not apply.

§ 39. Until the 31st day of December 2006, with the consent of one of the parents the leave under Article 167a (1) of the Labour Code may be used entirely by the other parent.

.....
TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Labour Code
(SG No. 83/2005)

§ 7. The workers and employees who enjoyed rights under Item 1 of Article 137 (1) and Article 285 of the Labour Code in the version effective prior to the entry of this Act into force, shall continue to

enjoy the said rights until the issuance of the statutory instruments of secondary legislation under Article 137 (2), Article 156 (2) and Article 285 (2) of the Labour Code.

§ 8. Within six months after the entry of this Act into force, the Council of Ministers shall adopt the statutory instruments of secondary legislation under Article 137 (2) and Article 156 (2) of the Labour Code, and the Minister of Labour and Social Policy and the Minister of Health shall issue the ordinance under Article 285 (2) of the Labour Code.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Labour Code

(SG No. 48/2006, effective 1.07.2006)

§ 42. The workers and employees' representatives under Article 7 (2) of the Labour Code, elected until the entry into force of this Act, shall retain the status and functions thereof until election of new representatives, but no longer than one year after the date of entry into force of this Act.

§ 43. The provision of Article 7a of the Labour Code shall apply until the 23rd day of March 2008 in enterprises employing at least 100 workers and employees, as well as in organisationally and economically self-contained divisions of enterprises employing at least 50 workers and employees.

TRANSITIONAL PROVISIONS

to the Act to Amend the Labour Code

(SG No. 40/2007, amended, SG No. 64/2007)

§ 5. (1) The Chairman of the National Council for Tripartite Co-operation shall announce in State Gazette the start of a procedure for recognition of representativity within 7 days of entry into force of this act.

(2) (Amended, SG No. 64/2007) Organisations of workers and employees and of employers, wishing to be recognised as representative at the national level, shall submit their applications by 28 September 2007 at the latest.

(3) (Amended, SG No. 64/2007) The Council of Ministers shall issue decisions on the applications submitted by 28 December 2007 at the latest.

§ 6. Organisations of workers and employees and of employers, recognised as representative at the national level by decision of the Council of Ministers prior to the date of effectiveness of this act, which had submitted applications for recognition of representativity under § 5 (2), shall retain their representativity pending completion of the procedure.

FINAL PROVISIONS

to the Act to Amend and Supplement the Civil Servants Act

(SG No. 43/2008)

§ 26. The provision of Article 81c, Paragraph 6 of the Act and Article 120a, Paragraph 5 of the Labour Code shall be issued within three months after the entry of this Act into force.

FINAL PROVISION

to the Act to Amend and Supplement the Civil Servants Act

(SG No. 108/2008)

§ 37. The provision of § 12 herein regarding Article 163 of the Labour Code shall enter into force as from the 1st day of January 2009.

TRANSITIONAL AND FINAL PROVISIONS

to the 2009 Public Social Insurance Budget Act

(SG No. 109/2008, effective 1.01.2009)

.....
§ 6. In the Transitional Provisions of the Labour Code (promulgated, SG No. 26 and 27/1986; supplemented, SG No. 6/1988; amended and supplemented, SG No. 21/1990; amended, SG No. 30 and 94/1990, SG No. 27/1991; supplemented, SG No. 32/1991; amended, SG No. 104/1991; supplemented, SG No. 23/1992; amended and supplemented, SG No. 26/1992; supplemented, SG No. 88/1992; amended and supplemented, SG No. 100/1992; supplemented, SG No. 87/1995; amended and supplemented, SG No. 2/1996; amended, SG No. 12/1996; amended and supplemented, SG No. 28/1996; amended, SG No. 124/1997; supplemented, SG No. 22/1998; supplemented, SG No. 56, 83 and 108/1998; amended and supplemented, SG No. 133/1998, SG No. 51/1999; supplemented, SG No. 67/1999; amended, SG No. 110/1999; amended and supplemented, SG No. 25/2001; amended, SG No. 1 and 105/2002; amended and supplemented, SG No. 120/2002, SG No. 18/2003; amended, SG No. 86/2003; amended and supplemented, SG No. 95/2003, SG No. 52/2004, SG No. 19/2005; amended, SG No. 27/2005; supplemented, SG No. 46/2005; amended, SG No. 76/2005; amended and supplemented, SG No. 83/2005; amended, SG No. 105/2005; amended and supplemented, SG No. 24/2006; amended, SG No. 30/2006; amended and supplemented, SG No. 48, 57 and 68/2006; amended, SG No. 75/2006; amended and supplemented, SG No. 102/2006; supplemented, SG No. 105/2006; amended, SG No. 40, 46, 59 and 64/2007; supplemented, SG No. 104/2007; amended and supplemented, SG No. 43 and 94/2008), § 3b shall be created:

.....
§ 8. The Act shall enter into force on 1 January 2009, with the exception of § 4, Items 30 and 39, which shall enter into force on 1 April 2009, and § 4, Item 40, which shall enter into force on 1 July 2009.

FINAL PROVISION

to the Act for Amendment and Supplementment the Labour Code
(SG No. 109/2008, effective 2.01.2009)

§ 3. The Act shall enter into force on 2 January 2009.

TRANSITIONAL AND FINAL PROVISIONS

to the Act for Amend and Supplement the Health Act
(SG No. 41/2009, effective 2.06.2009)

.....
§ 96. The Act shall enter into force in the day of it's promulgation in the State Gazette, with exception of:

.....
2. Paragraphs 26, 36, 38, 39, 40, 41, 42, 43, 44, 65, 66, 69, 70, 73, 77, 78, 79, 80, 81, 82, 83, 88, 89 and 90, which shall enter into force on 1 July 2009.

.....
FINAL PROVISIONS

to the Act to Amend and Supplement the Labour Code
(SG No. 15/2010)

.....
§ 18. Paragraphs 6, 11, 12, 13 and 14 shall enter into force 6 months upon the entry into force of this Act.

Act to Amend and Supplement the Labour Code
(SG No. 58/2010, effective 30.07.2010, amended, SG No. 18/2011, effective 1.03.2011)

.....
§ 25. This Act shall enter into force on the day of its promulgation in the State Gazette, except for:

1. Paragraph 21, Item 1, which shall enter into force on 1 January 2011;
2. (Repealed, SG No. 18/2011, effective 1.03.2011).

TRANSITIONAL PROVISION

to the Act to Amend and Supplement the Labour Code
(SG No. 61/2011)

§ 4. The workers and employees' and the employers' organisations recognised as being representative on a national scale by the Council of Ministers' decisions of 14 December 2007 shall retain their representative capacity up until and including 13 June 2012.

ACT TO AMEND AND SUPPLEMENT THE LABOUR CODE
(SG No. 7/2012)

.....
Additional Provision

§ 25. This Act transposes the requirements of Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ, L 327/9 of 5 December 2008) and Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC (OJ, L 68/13 of 18 March 2010).

Transitional and Final Provisions

§ 26. By 5 December 2011 the Minister of Labour and Social Policy, after holding consultations with the organisations of employers and of workers and employees recognised as being representative at a national level shall review the restrictions or prohibitions on work by workers and employees commissioned by an enterprise providing temporary work, in order to verify whether such restrictions or prohibitions are justified in terms of general interest or of the proper functioning of the labour market and the prevention of abuses. Information on the review results shall be sent to the European Commission.

.....
§ 31. § 5 and Items 1, 6 - 10, 12 and 14 of § 30 shall take effect as of 5 December 2011.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Civil Servants Act
(SG No. 38/2012, effective 1.07.2012)

.....
§ 84. (Effective 18.05.2012 - SG No. 38/2012) Within one month after the promulgation of this Act in the State Gazette:

1. the Council of Ministers shall bring the Classifier of Positions in the Administration into conformity with this Act;

2. the competent authorities shall bring the organic acts of the respective administration into conformity with this Act.

§ 85. (1) The legal relationships with the persons of the administrations under the Radio and Television Act, the Independent Financial Audit Act, the Electronic Communications Act, the Financial Supervision Commission Act, the Access to and Disclosure of the Documents and Announcing the Affiliation of Bulgarian Citizens with the State Security Service and the Intelligence Services of the Bulgarian Popular Army Act, the Criminal Assets Forfeiture Act, the Conflict of Interest Prevention and Ascertainment Act, the Social Insurance Code, the Health Insurance Act, the Agricultural Producers Support Act and the Roads Act shall be settled under the terms established by § 36 of the

Transitional and Final Provisions of the Act to Amend and Supplement the Civil Servants Act (State Gazette No. 24 of 2006).

(2) The act on appointment of the civil servant shall:

1. award the lowest rank designated in the Classifier of Positions in the Administration for occupation of the position, unless the servant holds a higher rank;

2. fix an individual monthly basic salary

(3) The additional resources required for social and health insurance contributions of the persons referred to in Paragraph (2) shall be provided within the limits of the expenditures on salaries, remunerations and compulsory social and health insurance contributions under the budgets of the spending units concerned.

(4) The Council of Ministers shall effect the requisite modifications under the off-budget account of State Fund Agriculture arising from this Act.

(5) The governing bodies of the National Social Security Institute and of the National Health Insurance Fund shall effect the requisite modifications under the respective budgets arising from this Act.

(6) Any unused leaves under the employment relationships shall be retained and shall not be compensated by cash compensations.

§ 86. (1) Within one month after the entry into force of this Act, the individual monthly basic salary of the servant shall be fixed in such a way that the said salary, net of the tax due and the compulsory social and health insurance contributions for the account of the insured person, if they were due, would not be lower than the gross monthly salary received theretofore, net of the compulsory social and health insurance contributions for the account of the insured person, if they were due, and the tax due.

(2) The gross salary referred to in Paragraph (1) shall include:

1. the monthly basic salary or the monthly basic remuneration;

2. supplementary remunerations which are paid constantly together with the monthly basic salary or monthly basic remuneration due and which are contingent solely on the time worked.

§ 87. This Act shall enter into force as from the 1st day of July 2012 with the exception of § 84 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.

FINAL PROVISIONS

to the Act to Amend the Administration Act
(SG No. 82/2012)

.....

§ 16. Ministers and Ministers bring adopted respectively of their own regulations in accordance with this Act within one month of its entry into force.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Social Insurance Code

(SG No. 61/2015, effective 1.01.2016)

.....
§ 59. Within six months of the entry into force of this Act the heads of departments to whose employees article 69 applies shall make before the Council of Ministers a substantiated proposal for amendments in the normative framework for differentiating positions according to the respective acts of Parliament in compliance with the nature and specific conditions of work with a view of using early retirement rights by the persons occupying them.

§ 60. This act shall enter into force on 1 January 2016 with the exception of:

1. paragraph 3 relating to Article 4a, paragraph 3, item 6, § 4, § 7 relating to Article. 6, paragraph 3, item 10, § 8, item 2 relating to the amendment in Article 9, paragraph 6, § 16, § 25, item 5 – 9, § 31 – 36, § 47 – 51, § 54, § 55, § 56, item 2 relating to the amendment in Article 40, paragraph 3, item 9, which enter into force three days after its promulgation in the "State Gazette";

2. paragraph 45 which shall enter into force twelve months after its promulgation in the "State Gazette";

3. paragraph 57 which shall enter into force on 1 April 2015;

4. paragraph 58 which shall enter into force on 17 July 2015.

ACT to Amend and Supplement the Labour Code
(SG No. 105/2016, effective 30.12.2016)

.....
Additional Provision

§ 13. This law implements 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 of 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 2014).

Transitional and Final Provisions

§ 14. Administrative Penalty Proceedings launched prior to the entry into force of this act for infringements of Article 121, Paragraphs (3) and (4) shall be finalised following the currently applicable procedure.

.....
§ 22. This law shall become effective on the day of its promulgation in the State Gazette with the exception of § 5, 6, 17, 18, 19 and 20 which shall become effective on 1 January 2017.

FINAL PROVISIONS

to the Act Amending and Supplementing the Labour Code
(SG No. 102/2017, effective 22.12.2017)

.....
§ 9. This Act shall take effect as of the day of its promulgation in State Gazette, except for § 2, Item 2 and § 6, Items 3, 4 and 5, which shall take effect as of 31 March 2018.

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Labour Code

(SG No. 30/2018, effective 1.07.2018)

§ 7. (1) Female workers and employee or persons whose leave for adoption of a child under the repealed Paragraphs (6) and (11) of Article 163 and under Paragraph (10) in its version valid until the entry of this Act into force, or under Article 164 has not expired by and including 1 July 2018, shall be entitled, as of that date, to a leave under Paragraphs (1), (2) and (3) of Article 164b for the remaining balance of the period of 365 days, but not later than the child attaining the age of 5 years.

(2) Female workers and employee or persons whose leave for adoption of a child under the repealed Paragraphs (6) and (11) of Article 163 and under Paragraph (10) in its version valid until the entry of this Act into force, or under Article 164 has expired by and including 1 July 2018, shall be entitled, as of that date, to a leave under Paragraphs (1), (2) and (3) of Article 164b in the amount of the difference between 365 days and the sum total of the pregnancy and child-birth leave and the child-care leave until the child's attainment of 2 years of age which were used or to which such person is entitled, but not later than the child attaining the age of 5 years.

(3) In the cases referred to in Paragraphs (1) and (2) the leave shall be granted on the basis of an application in writing by the person to the enterprise.

(4) During the leave referred to in Paragraphs (1) and (2), the female worker or employee or the person using the leave shall be paid a cash benefit from the public social security.

(5) The leave under Article 163 or Article 164 shall be terminated as from the day of grant of the leave under Paragraphs (1), (2) and (3) of Article 164b.

.....
TRANSITIONAL PROVISION

to the Act to Amend and Supplement the Labour Code

(SG No. 59/2018)

§ 2. Trade union and employers' organisations which existed at the time of entry of this Act into force shall keep their capacity of legal persons without being entered in the registers of trade union and employers' organisations kept by the relevant district court having jurisdiction over their registered offices.

TRANSITIONAL AND FINAL PROVISIONS

to the Act on the Measures and Actions during
the State of Emergency Declared by a Resolution
of the National Assembly of 13 March 2020

(SG No. 28/2020, effective 13.03.2020,
amended, SG No. 44/2020, effective 14.05.2020)

.....
§ 52. (Amended, SG No. 44/2020, effective 14.05.2020) This Act shall enter into force on the 13th day of March 2020 with the exception of Article 5, § 3, § 12, § 25 to 31, § 41, § 49 and § 51 herein, which shall enter into force as from the day of promulgation of the Act in the State Gazette.

TRANSITIONAL AND FINAL PROVISIONS

to the Act Amending and Supplementing the Health Act
(SG No. 44/2020, effective 14.05.2020)

.....
§ 15. Everywhere in the Labour Code (promulgated in the State Gazette Nos. 26 and 27 of 1986; amended in No. 6 of 1988, Nos. 21, 30 and 94 of 1990, Nos. 27, 32 and 104 of 1991, Nos. 23, 26, 88 and 100 of 1992; [modified by] Constitutional Court Decision No. 12 of 1995, [promulgated in] No. 69 of 1995; amended in No. 87 of 1995, Nos. 2, 12 and 28 of 1996, No. 124 of 1997, No. 22 of 1998; [modified by] Constitutional Court Decision No. 11 of 1998, [promulgated in] No. 52 of 1998;

amended in Nos. 56, 83, 108 and 133 of 1998, Nos. 51, 67 and 110 of 1999, No. 25 of 2001, Nos. 1, 105 and 120 of 2002, Nos. 18, 86 and 95 of 2003, No. 52 of 2004, Nos. 19, 27, 46, 76, 83 and 105 of 2005, Nos. 24, 30, 48, 57, 68, 75, 102 and 105 of 2006, Nos. 40, 46, 59, 64 and 104 of 2007, Nos. 43, 94, 108 and 109 of 2008, Nos. 35, 41 and 103 of 2009, Nos. 15, 46, 58 and 77 of 2010; [modified by] Constitutional Court Decision No. 12 of 2010, [promulgated in] No. 91 of 2010; amended in Nos. 100 and 101 of 2010, Nos. 18, 33, 61 and 82 of 2011, Nos. 7, 15, 20 and 38 of 2012; [modified by] Constitutional Court Decision No. 7 of 2012, [promulgated in] No. 49 of 2012; amended in No. 77 and 82 of 2012, Nos. 15 and 104 of 2013, Nos. 1, 27 and 61 of 2014, Nos. 54, 61, 79 and 98 of 2015, Nos. 8, 57, 59, 98 and 105 of 2016 and Nos. 85, 86, 96 and 102 of 2017, Nos. 7, 15, 30, 42, 59, 77, 91 and 92 of 2018, No. 79 of 2019 and Nos. 13 and 28 of 2020), the words "or a declared emergency epidemic situation" are inserted after the words "a declared state of emergency".

§ 16. (1) The unpaid leave in accordance with Article 160(1) of the Labour Code of up to 60 working days, used in 2020, shall be assimilated to the length of employment service.

(2) In 2020, the time of the unpaid leave of up to 60 working days shall be recognised as contributory service according to Article 9(2)(3) of the Social Insurance Code.

§ 17. Until 31 December 2020, at the proposal of the mayor of the municipality, the head of social services which are state mandates and local mandates may, without the consent of an employee who is part of the staff in the social service, assign to said employee to perform work in another social service on the territory of the respective municipality.

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ACT

to Amend and Supplement the Labour Code
(SG No. 107/2020)

.....
Additional Provision

§ 37. This Act introduces the requirements of Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 173/16, 9.7.2018).

Final Provisions

.....
§ 39. § 11, 14 and § 15 enter into force as of 1 January 2021.

SUPPLEMENTARY PROVISION

to the Act to Amend and Supplement the Labour Code
(SG No. 62/2022, effective 1.08.2022)

§ 10. This Act transposes the requirements set out in Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union (OJ L 186/105 of 11.7.2019) and in Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU (OJ L 188/79 of 12.7.2019).

ACT

to Amend and Supplement the Labour Code
(SG No. 85/2023, effective 1.06.2025)

.....
§ 17. In the remaining texts of the Code, the words "employment work book" and "the employment work book" are replaced by "unified electronic employment record" and "the unified electronic employment record", respectively.

Transitional and Final Provisions

.....

§ 22. The employment work book issued before the entry of this Act into force shall be an official document certifying the circumstances entered therein in connection with the employment record of the worker or employee.

§ 23. (Effective 1.06.2026 - SG No. 85/2023) The civil-service book issued in accordance with the procedure laid down in the Civil Servants Act before the entry of this Act into force shall be an official document certifying the circumstances entered therein in connection with the civil service.

§ 24. (1) By 1 June 2026 or upon termination of the employment relationship during the period between 1 June 2025 and 1 June 2026, employers shall finalise the employment work books of the workers and employees, with the length of service completed by the worker or employee with the employer as of 1 June 2025 written down in the employment work book in numbers and words, the employment work book shall be signed by the chief accountant and by the employer and sealed with his seal, if the employer has a seal. After the employment work book is finalised, it shall be returned immediately to the worker or employee.

(2) Where, after 1 June 2025, the employment work book is lost or destroyed, the relevant Labour Inspectorate Directorate shall issue a new one and enter data on the length of service acquired before 1 June 2025 on the grounds of a written application-declaration of the worker or employee to which certificates from the employers with which he/she has worked and other original documents containing these data are attached.

§ 25. (Effective 1.06.2026 - SG No. 85/2023) By 31 December 2026 or upon termination of the civil-service relationship during the period between 1 June 2026 and 31 December 2026, appointing authorities shall finalise the civil-service books of civil servants, with the length of civil service completed by the civil servant as of 1 June 2026 written down in the civil-service book in numbers and words. After the civil-service book is finalised, it shall be returned immediately to the civil servant.

§ 26. (Effective 1.06.2026 - SG No. 85/2023) (1) Within 6 months as from 1 January 2026, the appointing authorities under the Civil Servants Act shall enter in the employment register all the particulars from the civil-service book issued in accordance with the procedure laid down in that Act, irrespective of the authority which entered them in the book.

(2) All data from the civil-service books issued in accordance with the Civil Servants Act shall also be entered in cases of termination of civil-service relationships during the period specified in Paragraph (1).

(3) All data from the civil-service books issued in accordance with the Civil Servants Act, except for the cases covered in Paragraphs (1) and (2), shall be entered by the appointing authority upon the formation of a subsequent civil-service relationship.

(4) Where a person has more than one civil-service book, Paragraphs (1) – (3) shall apply to each of them.

§ 27. (Effective 10.10.2023 - SG No. 85/2023) By 1 June 2024, the Council of Ministers shall adopt the ordinance referred to in Article 62(5) of the Labour Code.

§ 28. (Effective 10.10.2023 - SG No. 85/2023) By 1 June 2025 the Executive Director of the National Revenue Agency shall develop the employment register referred to in Article 347 of the Labour Code and fill in the initial data in it on the basis of the register of employment contracts and, if necessary, on the basis of other sources.

§ 29. This Act shall enter into force as from the 1st day of June 2025 with the exception of:

1. § 18 with regard to point 2, in the part concerning the civil-service book, § 19, § 23, § 25 and § 26, which shall enter into force on 1 June 2026;

2. paragraphs 27 and 28 which shall enter into force on the date of promulgation of the Act in the State Gazette.