L A B O U R

C O D E

Promulgated, SG, No. 26 of 1.04.1986 and No. 27 of 4.04.1986, suppl., No. 6 of 22.01.1988, Amended And Supplemented.No. 21 of 13.03.1990., Amend.., No. 30 of 13.04.1990., in force from 13.04.1990, No. 94 of 23.11.1990, No. 27 of 5.04.1991, in force from 5.04.1991, suppl., No. 32 of 23.04.1991, Amend., No. 104 of17.12.1991, in force from 17.12.1991, Suppl., No 23 of 19.03.1992, Amend. And Suppl, No. 26 of 31.03.1992, Suppl., No. 88 of 30.10.1992, Amend. And Suppl., No. 100 of 10.12.1992, in force from 1.01.1993; Decision № 12 of the Constitutional Court of 20.07.1995 - No. 69 of 4.08.1995; Suppl., No. 87 of 29.09.1995, Amend. And Suppl., No. 2 of 5.01.1996., Amend., No. 12 of 9.02.1996, Amend. And Suppl., No. 28 of 2.04.1996, Amend., No. 124 of 23.12.1997, Suppl., No. 22 of 24.02.1998; Decision № 11 of the Constitutional Court of 30.04.1998 - No. 52 of 8.05.1998; Suppl., No. 56 of 19.05.1998, No. 83 of 21.07.1998, No. 108 of 15.09.1998, Amend. And Suppl., No. 133 of 11.11.1998, No. 51 of 4.06.1999, Suppl., No. 67 of 27.07.1999, in force from 28.08.1999, Amend., No. 110 of 17.12.1999, in force from 1.01.2000, Amend. And Suppl., No. 25 of 16.03.2001, in force from 31.03.2001, Amend., No. 1 of 4.01.2002, No. 105 of 8.11.2002, Amend. And Suppl., No. 120 of 29.12.2002, No. 18 of 25.02.2003, Amend., No. 86 of 30.09.2003 г., in force from 1.01.2004 г., Amend. And Suppl, No. 95 of 28.10.2003, No. 52 of 18.06.2004, in force from 1.08.2004.

L A B O U R C O D E

INTRODUCTION - repealed

Chapter One
GENERAL PROVISIONS
Subject and Aim
Article 1

(1) This Code shall regulate the labour relationships between the employee and the employer, as well as other relationships immediately related to them.

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

(3) (Amended - SG, No. 25/2001) This Code shall aim to ensure the freedom and protection of labour, equitable and dignified working conditions, as well as the conducting of social dialogue between the State, the employees, the employers and their organizations, for the purposes of settlement of labour relations and other immediately related relations.

Social Dialogue
Article 2

(New – SG, No. 25/2001)

The State shall carry out the regulation of labour relations and the immediately related relations, the social security relations and the living standard issues after consultations and through dialogue with the employees, the employers and their organizations, in the spirit of cooperation, mutual compromise and respect for the interests of each of the parties.

Tripartite Cooperation
Article 3

(Amended – SG, No. 25/2001)

(1) The State shall carry out the regulation of labour relations and the immediately related relations, the social security relations, as well as the living standard issues, in cooperation and after consultations with the employees' and the employers' representative organizations.

(2) The procedure under paragraph (1) shall be conducted as mandatory in the process of passing legislation in the sphere of labour relations and the immediately related relations, the social security relations and on living standard issues.

National Council for Tripartite Cooperation
Article 3a

(New – SG, No. 25/2001)

(1) The cooperation and consultations under Article 3 shall be carried out on national level by the National Council for Tripartite Cooperation.

(2) The National Council for Tripartite Cooperation shall comprise two representatives from each of the following: the Council of Ministers, the representative organizations of the employees and the representative organizations of the employers. The Council of Ministers shall assign its representatives, and the representatives of the representative organizations of the employees and the employers shall be assigned by their managing bodies in compliance with their Articles of association.

(3) The National Council for Tripartite Cooperation shall be headed by Deputy Prime Minister.

Industry, Branch and Municipal Councils for Tripartite Cooperation
Article 3b

(New – SG, No. 25/2001)

(1) The cooperation and consultations under Article 3 shall be carried out by industries, branches and municipalities, by industry, branch and municipal councils for tripartite cooperation.

(2) The industry, branch and municipal councils for tripartite cooperation shall comprise two representatives from each of: the relevant ministry, another department or municipal administration, the representative organizations of the employees and of the employers.

(3) The representatives of the ministries, of the other departments and of the municipal administrations shall be assigned by the respective minister, head of another department or mayor of municipality, and those of the representative organizations of the employees and the employers – by their managing bodies in compliance with their Articles of association.

(4) The chairpersons of the industry, branch and municipal councils for tripartite cooperation shall be assigned by the respective minister, head of another department or mayor of municipality after consultations with the representative organizations of the employees and the employers in the respective councils for tripartite cooperation.

Functions of the Councils for Tripartite Cooperation

Article 3c

(New – SG, No. 25/2001)

(1) The National Council for Tripartite Cooperation shall discuss and offer opinions on bills, drafts of secondary legislation and decisions of the Council of Ministers under Article 3.

(2) Opinions of the National Council for Tripartite Cooperation under paragraph (1) may be requested by:

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

(3) The industry, branch and municipal councils shall discuss and offer opinion in settlement of specific issues under Article 3, concerning the relevant industry, branch or municipality.

(4) Opinions pursuant to paragraph (3) shall be submitted upon request by the Government body that regulates the respective issues, or by initiative of the industry, branch and municipal councils for tripartite cooperation.

Meetings of the Councils for Tripartite Cooperation

Article 3d

(New – SG, No. 25/2001)

(1) Meetings of the councils for tripartite cooperation shall be convened by their chairpersons, who shall also set forth the agenda for such meetings.

(2) Meetings of the councils for tripartite cooperation may also be convened upon request of the representatives of each of the organizations of the employees or the employers, who shall put forward proposals for the agenda of the meeting.

Work Pattern and Taking Decisions by the Councils for Tripartite Cooperation

Article 3e

(New – SG, No. 25/2001)

(1) The chairpersons of the councils for tripartite cooperation shall chair the meetings, organize and guide the work of the councils in the spirit of cooperation, mutual compromise and respect for the interests of each of the parties.

(2) Meetings of the councils may conduct business provided they are attended by not less than two thirds of their members, including representatives of all the three participating parties.

(3) The councils shall take decisions by consensus.

(4) The decisions taken by the councils for tripartite cooperation shall be submitted to the relevant bodies, as following:

1. decisions of the National Council for Tripartite Cooperation – to the Prime Minister or the relevant minister or head of another department;
2. decisions of industry and branch councils for tripartite cooperation – to the relevant minister or head of another department;
3. decisions of municipal councils for tripartite cooperation – to the mayor of the relevant municipality or the chairperson of the municipal council, according to their competence for adopting a final act on the issues discussed.

(5) The Government and municipal bodies that have received opinions from councils for tripartite cooperation, shall be obliged to discuss them in the process of taking decision within their competence.

Organization and Financing for the Activities of the Councils for Tripartite Cooperation

Article 3f

(New – SG, No. 25/2001)

(1) The organization and the activities of the councils for tripartite cooperation shall be governed by Rules adopted by the National Council for Tripartite Cooperation.

(2) The expenses for the activities of the councils for tripartite cooperation shall be on the account of the relevant Government and municipal bodies participating in such councils.

Association of Employees

Article 4

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

(2) Trade union organizations shall represent and protect employees' interests before government agencies and employers as regards the issues of labour and social security relations and living standards through collective

bargaining, participation in the tripartite cooperation, organization of strikes and other actions, pursuant to the law.

Association of Employers

Article 5

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

(2) (Amended - SG, No. 25/2001) The employers' organizations under the preceding paragraph shall represent and protect their interests through collective bargaining, participation in the tripartite cooperation, and through other actions, pursuant to the law.

Employees' General Meeting

Article 6

(Amended - SG, No. 25/2001)

(1) The General Meeting shall comprise all employees of an enterprise.

(2) Where a general meeting cannot function because of the work pattern or for some other reasons, a meeting of proxies may be established by initiative of the employees or the employer. Such meeting shall comprise proxies of the 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 employees and shall be the same for the entire enterprise.

(3) The rules for the general meeting of employees shall apply to the convening, the proceedings and the authority of the meeting of proxies.

Work Pattern of the General Meeting

Article 6a

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

(1) (New – SG, No. 25/2001) The General Meeting of employees shall determine on its own its work pattern.

(2) The general meeting (the meeting of proxies) at the enterprise shall be convened by the employer, by the management of trade union organization, as well as upon the initiative of one-tenth of the number of employees (proxies) in the enterprise.

(3) The general meeting (the meeting of proxies) may conduct business provided it is attended by more than half of the employees (proxies).

(4) (Amended - SG, No. 25/2001) The general meeting of employees shall take decisions by simple majority of the attending employees, unless otherwise provided by this Code, another law or Articles of Association.

Employees' Participation in the Management of the Enterprise

Article 7

(Amended - SG, No. 25/2001)

(1) Employees shall participate, through a representative of theirs, in the discussion of, and resolving on enterprise management issues only when provided by law.

(2) (New - SG, No. 25/2001) Employees may elect at general meeting representatives of theirs, who shall represent their common interests on issues of labour and social security relations before the employers or before the Government bodies. Such representatives shall be elected by majority of more than two thirds of the members of the general meeting.

(3) (New – SG. No.52/2004) In the cases under Article 123, if the enterprise, the activity or part of the enterprise or activity retains its autonomy, the representatives of the workers and employees under Paragraph 2 shall retain their status and functions for the term of up to 1 year. If the enterprise, the activity or part of the enterprise or activity does not retain its autonomy, the interests of the workers and employees who have been transferred to the new employer, shall be represented by the workers' and employees' representatives in the enterprise in which they have come to work.

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. N52/2004). By implementing the labour rights and obligations, it shall be not admitted direct and indirect discrimination, based on nationality, origin, gender, sexual orientation, race, colour of skin, age, political and religious believes, membership in syndicate and other social organizations and movements, family and material situation, existence of psychic or physical disorders, as well as differences in the contract term and duration of working time.

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

Article 9 - repealed.

Law Applicable to Employment Relationships

Article 10

(1) This Code shall apply to all employment relationships with Bulgarian enterprises and joint ventures in this country, as well as to employment relationships between Bulgarian citizens and foreign enterprises in this country or Bulgarian enterprises abroad, insofar as not provided otherwise in a law or a treaty to which the Republic of Bulgaria is a party.

(2) The employment relationships of Bulgarian citizens sent to work abroad in foreign enterprises or joint ventures, and of foreign nationals appointed to work in this country in Bulgarian enterprises or joint ventures pursuant to treaties shall be regulated by this Code, insofar as not provided otherwise in a law or a treaty to which the Republic of Bulgaria is a party.

Recognition of Labour Rights Acquired Abroad

Article 11

Labour rights acquired abroad shall be recognized in the Republic of Bulgaria on the strength 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

Article 12-32 - repealed.

Chapter Three
TRADE UNION ORGANIZATIONS AND EMPLOYERS' ORGANIZATIONS

Autonomy

Article 33

(1) Trade union organizations and employers' organizations are entitled, within the bounds of the law, to autonomously draw up and adopt their statutes and rules, to freely elect their bodies and representatives, to organize their leadership, as well as to adopt programmes of action.

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

Representative Organizations of the Employees

Article 34

(New – SG, No. 25/2001)

Recognized as representative organizations of the employees on national level shall be the organizations which have:

1. at least 50 000 members;
2. at least 50 organizations with not less than 5 members each in more than half of the industries set forth in the National Classification of Industries;
3. local bodies in more than half of the municipalities in the country and a national managing body;
4. capacity of legal entity, acquired pursuant to Article 49.

Representative Organizations of the Employers

Article 35

(New – SG, No. 25/2001)

Recognized as representative organizations of the employers on national level shall be the organizations which have:

1. at least 500 members with not less than 20 employees each;
2. organizations with not less than 10 members each in more than one fifth of the industries set forth in compliance with the National Classification of Industries;
3. local bodies in more than one fifth of the municipalities in the country and a national managing body;
4. capacity of legal entity, acquired pursuant to Article 49.

Recognition of Representative Organizations

Article 36

(New – SG, No. 25/2001)

(1) The Council of Ministers shall set forth the procedure for verification of compliance with the criteria for representativeness as per Articles 34 and 35.

(2) Organizations of the employees and of the employers shall be recognized by the Council of Ministers as representative on national level upon their request. The Council of Ministers shall issue decision within three months following the receipt of legitimate request by the interested organization.

(3) The denial of the Council of Ministers to recognize as representative an organization of employees or employers shall be supported by reasons and shall be notified to the interested organization within 7 days following the issue of such decision. The interested organization may appeal the denial before the Supreme Administrative Court.

(4) Recognized as representative shall also be all divisions of organizations recognized as representative on national level.

Verification of Requirements for Representativeness

Article 36a

(New – SG, No. 25/2001)

(1) Following their recognition pursuant to Article 36, paragraph (2), the organizations of employees and of employers shall verify once in every three years their representative character pursuant to the procedure set forth under Article 36.

(2) The Council of Ministers may, on its own initiative or upon proposal of the National Council for Tripartite Cooperation, carry out verification of the compliance with the requirements for representativeness of the organizations of employees and of employers pursuant to Articles 34 and 35.

(3) Depending on the results of such verification the Council of Ministers shall take decision, by which it may:

1. deny the recognition of the representative character of organizations of employees or of employers;
2. confirm the representative character of such organizations pursuant to Article 36, paragraphs (1) and (2).

(4) The denial under paragraph (3), sub-paragraph 1 may be appealed pursuant to Article 36.

Participation in the Preparation of Internal Regulations of the Enterprise

Article 37

Trade union organization organs in the enterprise shall be entitled to participate in drafting all internal rules and regulations which pertain to labour relations, the employer being bound to invite them to do so.

Article 38 - 41 - repealed.

Participation in the Discussion of Labour and Security Issues

Article 42

The national leaderships of trade union organizations and employers' organizations, or organs or persons they have authorized, are entitled to participate in the discussion of issues referring to the labour and security relations of employees of ministries, other institutions, enterprises and local government bodies.

Article 43. - repealed.

Article 44. - repealed.

Representation before the Court

Article 45

Trade union organizations and their divisions are entitled, upon the request of employees, to represent them as attorney before the Court. They shall not be entitled to conclude agreements, to recognize claims, to renunciate, withdraw, or reduce the claims of employees, and to collect amounts on behalf of the represented persons unless they have been expressly authorized to do so.

Cooperation to Further the Activities of Trade Union Organizations

Article 46

State agencies and employers shall provide conditions for, and cooperate with, trade union organizations to further their activities. The former shall make available to the latter, for gratuitous use, real estate and movables, buildings, premises, and other facilities required for the performance of their functions.

Article 47 - repealed.

Article 48 - repealed.

Body Corporate

Article 49

(1) (Amended - SG, No. 2/1996) Trade union organizations and employers' organizations shall attain the status of legal person upon registration under the procedure established for registration of non-profit associations.

(2) Any division of an organization which has been registered under the preceding paragraph shall acquire the status of a body corporate, pursuant to its statute.

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

Chapter Four
A COLLECTIVE AGREEMENT

Subject

Article 50

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

(2) (Amended - SG, No. 25/2001) The collective agreement shall not contain clauses which are more unfavourable to the employees than the provisions of the law or of collective agreement, which is binding upon the employer.

Levels of Collective Bargaining

Article 51

(Amended - SG, Nos. 2/1996; 25/2001)

(1) Collective agreements shall be concluded by enterprises, branches, industries and municipalities.

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

Collective Agreement in Enterprises

Article 51 a

(New – SG, No. 25/2001)

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

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

(3) Where within the enterprise the trade union organizations fail to submit a common draft, the employer shall conclude the collective agreement with that trade union organization the draft of which has been approved by the general meeting of the employees (the meeting of proxies) by majority of more than half of the members thereof.

Collective Agreement on Industry and Branch Levels

Article 51b

(New – SG, No. 25/2001)

(1) The collective agreements by industries and branches shall be concluded between the respective representative organizations of employees and of employers on the basis of an agreement between their national organizations, which shall set forth general provisions in respect of the scope and the procedure framework of the industry and branch level agreements.

(2) The representative organizations of the employees shall prepare and submit a common draft to the representative organizations of the employers.

(3) Where the collective agreement on industry or branch level has been concluded between all representative organizations of the employees and of the employers in the industry or the branch, the Minister of Labour and Social Policy may, upon their joint request, extend the application of the agreement or of individual clauses thereof to all enterprises of that industry or branch.

Collective Agreements by Municipalities

Article 51 c

(New – SG, No. 25/2001)

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

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

Obligations to Negotiate and to Provide Information

Article 52

(Amended - SG, No. 25/2001)

(1) The individual employer, the group of employers, and their organizations shall:

1. Negotiate with the employees' representatives to conclude a collective agreement;
2. Make available to the employees' representatives:
   a) the collective agreements concluded which bind the parties on the basis of to sectorial, regional or organizational affiliation;
   b) (Amended - SG, No. 25/2001) timely, authentic and understandable information on their economic and financial position which is significant for the conclusion of the collective agreement; provision of information the disclosure of which could cause damages to the employer may be refused or granted subject to requirement for confidentiality.

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

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

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

Conclusion and Registration

Article 53

(1) The collective agreement shall be concluded in writing in three copies - one 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 is a requisite for the validity of the collective agreement.

(3) The collective agreement shall be registered in a special register with the labour inspectorate in the area where the employers' seat is located. In case the employers have seats in various areas, the registration shall be registered with one of the inspectorates. Collective agreements of a sectorial or national significance shall be registered with the Executive Agency "General Labour Inspectorate". Disputes as to the competent inspectorate shall be settled by the Minister of Labour and Social Policy.

(4) The registration shall be entered on the grounds of an application in writing of each of the parties within one month after the labour inspectorate has received the application. A copy of the agreement signed by the parties shall be attached to the application.

(5) Should a dispute as to the text of the agreement arise, the registered text shall be deemed authentic.

Entry into Force and Duration

Article 54

(1) The collective agreement shall come 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 not for more than two years. The parties may agree for shorter terms of validity of individual clauses of the agreement.

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

Extension of the Effect of the Collective Agreement

Article 55

(1) The effect of the collective agreement concluded between an employers' organization and trade union organizations shall not be terminated with regard to an employer who terminates his membership in it after the agreement has been concluded.

(2) (New – SG, No. 25é2001) In the cases under Article 123 the existing collective agreement shall be valid until conclusion of a new collective agreement, but for not more than one year following 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, under the terms and procedures under which it has been concluded.

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

Effect with Regard to Persons

Article 57

(1) The collective agreement shall have effect for the employees who are members of the trade union organization signatory to the agreement.

(2) (Amended - SG, Nos. 2/1996; 25/2001) The employees who are not members of a trade union organization that is a party to a collective agreement may accede to a collective agreement concluded by their employer by applications in writing submitted to him or to the leadership of the trade union organization which has concluded the agreement, under terms and provisions determined by the parties to the agreement, such as may not be contrary to the law or evading the law, or such that are offensive to the good morals.

Obligation for Information

Article 58

The employer shall make the text of the collective agreement available to the employees.

Actions in Case of Default

Article 59

(Amended – SG, No. 25/2001) In the event of default on the obligations under the collective agreement actions in court may be instigated by the parties to the agreement, as well as by any employee who is subject to the application of the agreement.

Claim for Invalidation

Article 60

(New – SG, No. 25/2001)

Any party to the collective agreement, as well as any employee who is subject to the application of the agreement, may submit a claim to the court requesting the invalidation of the collective agreement or individual clauses thereof, provided such clauses are contrary to or evading the law.

Chapter Five
FORMATION AND ALTERATION OF EMPLOYMENT CONTRACT RELATIONSHIPS
Section I
EMPLOYMENT CONTRACT

Conclusion

Article 61

(1) The employment contract shall be concluded between the employee and the employer.

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

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

Form

Article 62

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

(2) (New - SG, No. 2/1996) Employment relations shall also arise where no employment contract concluded in writing is available, but the employer has admitted the employee to work, and he/she has commenced the performance of such work. In such cases the existence of employment relations may be ascertained by all means of evidence.

(3) (New - SG, No. 2/1996) Upon conclusion of the employment contract the employer shall introduce the employee to the labour obligations ensuing from the position occupied or the nature of the work performed.

(4) The documents required for the conclusion of the employment contract shall be specified by the Minister of Labour and Social Policy.

Beginning of Performance

Article 63

(1) The employee shall begin work within one week after the conclusion of the employment contract, unless the parties have negotiated another deadline. In case the employee does not begin work within this period, the employment contract relationship shall be deemed as never formed, unless the failure is due to reasons beyond the employee's control of which he has notified the employer before the expiry of the deadline.

(2) The performance of the employment contract obligations begins with the employee's beginning work which shall be verified in writing.

Article 64 - repealed.

Article 65 - repealed.

Content

Article 66

(1). (Amended - SG, No. N52/ 2004) The labour contract shall contain information about the parties and shall define:

1. the place of work;

2. the position name and the nature of work;

3. the signing date and the beginning of its implementation;

4. the term of the labour contract;

5. the length of the basic and of the longer paid annual leave, and of the additional paid annual leaves;

6. equal term of notice for both parties in cases of termination of the labour contract;

7. the basic and additional labour remuneration of permanent nature, as well as the time periods of their payment;

8. the length of the working day or week.

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

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

Duration

Article 67

(1) The employment contract may be concluded:

1. for an indefinite period;
2. as an employment contract for a fixed term.

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

(3) (New – SG, No. 25/2001) An employment contract concluded for an indefinite period may not be transformed into a contract for a fixed term, except where explicitly desired by the employee, and stated so in writing.

Fixed Term Employment Contracts

Article 68

(1) An employment contract for a fixed term shall be concluded:

1. for a definite period which shall not be longer than 3 years, insofar as a law or an act of the Council of Ministers do not provide otherwise;
2. until completion of some specified work;
3. for substitution for an employee who is absent from work;
4. for working at a job which is to be taken through a competitive examination, for the time until it is taken on the basis of the competitive examination.
5. (New – SG, No.25/2001) for a certain mandate, where such has been specified for the respective body.

(2) (New – SG, No. 25/2001) Fixed term employment contract pursuant to paragraph (1), sub-paragraph 1 shall be concluded for execution of temporary, seasonal or short-term works and activities, as well as with newly hired employees in enterprises that have been declared bankrupt or in liquidation.

(3) (New – SG, No. 25/2001) As an exception, a fixed term employment contract pursuant to paragraph (1), sub-paragraph 1 may be concluded for a period of not less than one year and for works and activities that are not of temporary, seasonal or short-term nature. Such an employment contract may also be concluded for a shorter period upon request in writing by the employee. In such cases the fixed term employment contract under paragraph (1), sub-paragraph 1 may be repeatedly concluded with the same employee for the same type of work only once for a period of at least one year.

(4) (New – SG, No. 25/2001) An employment contract under paragraph (1), sub-paragraph 1, concluded in violation of paragraphs (2) and (3), shall be deemed concluded for an indefinite period of time.

Transformation of an Employment Contract for a Fixed Term into a Contract for an Indefinite Period

Article 69

(1) The employment contract concluded for a fixed term shall be transformed into a contract for an indefinite period if the employee continues working for 5 or more working days after the expiry of the agreed period, without the written objection of the employer, provided the job is vacant.

(2) The preceding paragraph also applies to employment contracts for a fixed term to substitute for an absent employee, in case the employment contract with the person substituted for is terminated during this period of absence.

Employment Contract for a Trial Period

Article 70

(1) In the event that the work requires the ability of the employee who will perform it to be tested, his final appointment may be preceded by a contract providing for a trial period of up to 6 months. Such a contract may also be concluded in case the employee wants to make sure the job is suitable for him.

(2) (New – SG, No. 25/2001) The contract under paragraph (1) shall indicate to whose benefit has been agreed the trial period. Where no such statement has been made in the contract, the trial period shall be deemed to be agreed to the benefit of both parties.

(3) During the trial period the parties have all rights and duties they would have had under a final contract.

(4) The trial period does not include the time during which the employee has been on a statutory leave, or has not done the contracted job for other cogent reasons.

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

Termination of the Contract with a Trial period

Article 71

(1) Prior to the expiration 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 regarded as finalized in case it has not been terminated under the preceding paragraph prior to the expiration of the trial period.

(3) - repealed

Article 72

(Repealed – SG, No. 25/2001)

Article 73 - repealed.

Nullity

Article 74

(1) An employment contract which contravenes the law or a collective agreement, or circumvents them, shall be null and void.

(2) The employment contract shall be declared null and void by the court Pursuant to Chapter Eighteen. In case the employment contract is null and void due to the appointment of an employee who has not reached the age required under this Code, the nullity shall be declared by the labour inspectorate.

(3) In case a control or another competent body considers that the employment contract is null and void on one of the grounds mentioned in para 1, it shall immediately seize the Court to rule on the validity of the employment contract.

(4) Individual provisions of the employment contract may be declared null and void pursuant to para 2, clause 1. The relevant mandatory provisions of the law or of the collective agreement shall apply instead.

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

(6) The nullity shall not be declared in case the deficiency in the employment contract disappears or is removed. The employer shall not invoke a deficiency in the employment contract which can be removed.

(7) The provisions of Article 333 shall not apply where the nullity of an employment contract has been declared.

Relationship between the Parties

in Case of a Null and Void Employment Contract

Article 75

(1) In the event that the employment contract is declared null and void and the employee has acted in good faith when concluding it, the relationship between the parties to the contract prior to the moment of declaration of its nullity shall be regulated in the same manner as with a valid employment contract.

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

Applicability of the Provisions on Nullity of an Employment Contract

Article 76

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

Section II

Article 77 - 82 - repealed.

Section III
ELECTION

Appointment to Work on the Basis of an Election

Article 83

(1) The offices which are held on the basis of an election shall be specified by a law, an act of the Council of Ministers or by-laws.

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

Nomination of Candidates for Elective Office

Article 84

(1) The candidates for elective office shall be nominated by bodies and persons specified by a law, an act of the Council of Ministers or statutes. The candidate for an elective office may also nominate himself.

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

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

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

Holding an Election

Article 85

(1) 1. The election shall be held by an electoral body established by a law or an act of the Council of Ministers.

(2) An election shall be held if more than half the persons entitled to vote are present.

(3) The vote shall be open, unless the body which elects decides on a secret ballot.

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

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

(6) The candidate who has won the greatest number of votes, but not less than half the number of those who have voted, shall be considered elected.

Creation of the Employment Relationship

Article 86

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

(2) The person elected shall start work within 2 weeks after receiving the notification of the election result. In the presence of cogent reasons this term may be up to 3 months.

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

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

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

(6) In case the election has ended without the election of any of the candidates, the employment relationship with the person holding the office for which the election is held shall continue until the successful outcome of the next election.

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

Disputes as to the Legality of the Election

Article 87

(1) The disputes as to the legality of the election shall be heard by the district court upon the request of any candidate or of the employer, within 2 weeks after receipt of the result.

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

Application of Other Provisions to the Election

Article 88

(1) The issues which are not regulated in this Section shall be regulated by the relevant law, act of the Council of Ministers or by-laws which provide that certain offices be held 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 statutes do not provide otherwise.

Section IV
COMPETITIVE EXAMINATION

Holding Jobs on the Basis of a Competitive Examination

Article 89

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

Specifying the Jobs Requiring Competitive Examination

Article 90

(1) The jobs requiring a competitive examination shall be specified by a law, an act of the Council of Ministers, a Minister or the head of another institution, or by the employer.

(2) (Amended - SG, No. 25/2001) A competitive examination for a job shall be announced in case the job has been declared by law subject to taking by competitive examination, or where it is vacant or is to be vacated, as well as in the event of a prolonged absence of the person holding it, for the time up to his return.

(3) The jobs specified to require a competitive examination shall be held only on the basis of a competitive examination. Prior to the competitive examination the job may be held on an employment contract for a fixed term for the period until a person is appointed to it on the basis of a competitive examination.

Announcement of a Competitive Examination

Article 91

(1) The competitive examination shall be announced by the employer through the national or the local press. If necessary, the competitive examination may be announced in another appropriate way.

(2) The announcement for the competitive examination shall contain:

1. the name of the enterprise, the place and nature of work, and the requirements for the job;
2. the manner of holding the competitive examination;
3. the required documents, the place and deadline for submitting them, which may not be shorter than 1 month.

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

Participation in a Competitive Examination

Article 92

(1) The consent of the employer for whom the candidate works shall not be required for his participation in a competitive examination.

(2) The candidate shall be entitled to an unpaid leave for the days when the competitive examination is held, and up to 2 days for travel, in case the competitive examination is held in another locality. This leave shall be recognized as length of service.

Admittance to a Competitive Examination

Article 93

(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 informed in writing of the grounds for the rejection. Within 7 days after receiving the notification they may place their objections with the employer who has announced the competitive examination. Within 3 days after receiving the objection the employer shall settle the issue conclusively.

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

Commission to Conduct the Competitive Examination

Article 94

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

Conducting a Competitive Examination

Article 95

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

(2) The result of the competitive examination shall be announced to the persons who have participated in it within 3 days after it has been held.

Creation of the Employment Relationship

Article 96

(1) The employment relationship shall be created with the person who has been ranked first, as of the day he has received the notification of the result.

(2) The person with whom an employment relationship has been created shall start work within 2 weeks after receiving the notification under the preceding paragraph. In the presence of cogent reasons, this period shall be up to 3 months.

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

(4) In case the person does not assume his duties within the period under para 2, the employment relationship shall be considered to not have arisen. In this case the employment relationship shall be created with this participant in the competitive examination who comes next in the ranking, of which he shall be notified in writing.

(5) - repealed.

Inapplicability to Competitive Examinations for Academic Titles

Article 97

This Section shall not apply to competitive examinations for awarding academic titles.

Section V

Article 98-102 - repealed

Section VI

Article 103 and 104 - repealed

Section VII

Article 105 and 106 - repealed

Section VIII

ADDITIONAL PROVISIONS ON SOME EMPLOYMENT RELATIONSHIPS

Stipulating Additional Conditions

in the Creation of an Employment Relationship

Article 107

Where the employment relationship is created on the basis of an election or a competitive examination, before beginning work the employee and the employer shall negotiate the amount of the labour remuneration. They may also negotiate other terms of the employment relationship.

Article 108 - repealed.

Article 109 - repealed.

Section IX

ADDITIONAL WORK UNDER AN EMPLOYMENT CONTRACT

Additional Work for the Same Employer

Article 110

The employee may conclude an employment contract with the employer for whom he is working for the performance of work beyond the scope of his job description, outside his specified working hours.

Additional Work for Another Employer

Article 111

(Amended - SG, No. 25/2001) The employee may also conclude employment contracts with other employers for doing other work outside his working hours under his primary employment relationship (outside additional work) unless otherwise provided in his individual employment contract under his primary employment relationship.

Prohibition on Additional Work

Article 112

Additional work shall be prohibited to employees who are:

1. drivers of vehicles;
2. employed in hazardous or unhealthy conditions - in the event that work under the same or other hazardous or unhealthy conditions is concerned;
3. as specified by a law or an act of the Council of Ministers.

Working Hours Under an Employment Contract for Additional Work

Article 113 (Amended - SG, No. N52/2004)

(1) The maximum duration of the working hours under an employment contract for additional work, together with the duration of the working hours under the primary employment relationship, shall not violate the minimum uninterrupted rest between days and weeks established by this Code.

. In the cases under Paragraph 1, with daily calculation of the working time, the length of the working week shall not be more than 48 hours, and for workers and employees under 18 years of age – not more than 40 hours."

(2) (New - SG, No. N52/18 2004) In the cases under Paragraph 1, with daily calculation of the working time, the length of the working week shall not be more than 48 hours, and for workers and employees under 18 years of age – not more than 40 hours.

Employment Contract for Work up to 5 days throughout the month

Article 114

(New – SG, No. 25/2001)

Employment contracts may also be concluded for work on certain days through the month. Where an employee works with one employer for a total of not more than 5 working days or 40 hours throughout the month, continuously or at intervals, such periods shall not be recognized as length of service.

Content

Article 115

In addition to the provisions of Article 66, para 1, the employment contracts under this Section shall also specify the duration and allocation of the working hours, and they may specify the periodicity of paying the labour remuneration as well.

Article 116 - repealed.

Social Security

Article 117

Employees who perform additional work shall be entitled to social security under terms and procedures to be established by a separate law.

Section X
CHANGES IN THE EMPLOYMENT RELATIONSHIP

Prohibition on Unilateral Changing of the Employment Relationship

Article 118

(1) Neither the employer nor the employee may change unilaterally the content of the employment relationship, with the exception of the cases and under the procedure established by law.

(2) The moving of the employee to another working place in the same enterprise, without changing the specified place of work, the job, and the amount of the wage or salary of the employee shall be not considered a change of the employment relationship.

(3) (New – SG, No. 25/2001) The employer may unilaterally increase the employment consideration of the employee.

Changing the Employment Relationship by Mutual Consent

Article 119

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

Changing the Place and the Nature of Work by the Employer

Article 120

(1) The employer may, in case of a production necessity or idle time, to assign to the employee, without his consent, to temporarily perform different work in the same, or in another enterprise, but in the same community or locality,

for a period of up to 45 calendar days in one calendar year, and in the event of idle time, as long as such idle time continues.

(2) The changes under the preceding paragraph shall be done in accordance with the qualifications and the health condition of the employee.

(3) The employer may assign to the employee work of a different nature, even though it does not correspond to his qualifications, in case it is necessitated by insurmountable reasons.

Sending Employees on Business Trips

Article 121

(1) In case the needs of the enterprise require it, the employer may send the employee on a business trip to perform his employment obligations outside his permanent place of work, but for not more than 30 calendar days at a stretch.

(2) A business trip for a period longer than 30 calendar days shall require the employee's consent in writing.

Article 122 - repealed.

Retention of the Employment Relationship in Case of Change of Employer

Article 123

(Amended - SG, No. 25/2001)

(1) The employment relationship with the employee shall not be terminated:

1. in case of merger of enterprises;
2. in case of joining of one enterprise with another;
3. in case of distribution of the operations of one enterprise between several enterprises;
4. in case of transfer of an autonomous part of one enterprise to another;
5. in the event of change of the owner of the enterprise or of an autonomous part thereof;
6. in the case of delivery of the enterprise or an autonomous part thereof for rent, on lease or under concession.

(2) In the cases under paragraph (1) the new owner, rent payer, lessee or concessionaire shall be the employer.

(3) Unless otherwise agreed between the two employers, liable for the obligations to the employee that have originated before the changes under paragraph (1) shall be:

1. in the case of merger or joining of enterprises – the new employer;
2. in the other cases – the two employers jointly.

(4) Prior to putting into effect the changes under paragraph (1) the employer shall be bound to notify the employees about:

1. the anticipated changes and the date of their effect;
2. the reasons for the changes;
3. the eventual legal, economic and social consequences of the changes for the employees;
4. the measures planned in respect of the employees, inclusive of compliance with the obligations under paragraph (3);

(5) The notification under paragraph (4) shall be given at least two months before the occurrence of the consequences for the employment and the working conditions of the employees.

(6) (Amended - SG No. 52/2004) Where with the amendments under Paragraph 1 measures have been envisaged in reference to the workers and employees, the employer shall be obliged before the notification under Paragraph 1 to hold timely consultations and to lay efforts to reach an agreement with the representatives of the syndicate Organisations and with the representatives of the workers and employees, as provided by Article 7, Paragraph 2.

Chapter Six

MAJOR OBLIGATIONS OF THE PARTIES TO THE EMPLOYMENT RELATIONSHIP

Content of the Employment Relationship

Article 124

Under the employment relationship, the employee shall perform the work he has agreed to do and shall observe the established labour discipline, and the employer shall provide conditions to the employee so that he can perform his work, and shall pay him remuneration for the work done.

Obligation of Conscientiousness

Article 125

The employee shall perform his duties accurately and conscientiously.

Obligations in the Performance of the Work Assigned

Article 126

In doing the work he has agreed to perform, the employee shall:

1. come to work on time, and be at his working place up until the end of the working hours;
2. come to work in a condition enabling him to perform the tasks assigned to him, and shall not consume alcohol or other intoxicating substances during working hours;
3. utilize the entire working hours for the performance of the work assigned;
4. do his job in the required quantity and quality;
5. observe the technical and technological rules;
6. observe the rules for healthy and safe working conditions;
7. carry out the lawful instructions of the employer;
8. take attentive care of the property which is entrusted to him or with which he comes in touch in the course of performing the work assigned, as well as economize in the prime and raw materials, energy, cash funds, and other means provided to him to perform of his duties;
9. (Amended - SG, No. 25/2001) be loyal to the employer and avoid the abuse of the employer's trust, as well as avoid disclosure of confidential data on the employer and uphold the good name of the enterprise;
10. observe the internal rules existing in the enterprise, and not obstruct the other employees in the performance of their duties;
11. coordinate his work with the other employees, and render them assistance in conformity with the employer's instructions;
12. discharge any other duties deriving from a normative act, a collective agreement, the employment contract, and the nature of the work.

Obligations of the Employer to Provide Working Conditions

Article 127

(1) The employer shall provide to the employee normal conditions to perform the job under the employment relationship he has agreed upon, providing namely:

1. the work specified upon creation of the employment relationship;
2. working place and conditions in accordance with the nature of work;
3. safe and healthy working conditions;
4. (Amended - SG No. 52/2004) job description, a copy of which is handed in to the worker or employee by signing the labour contract;
5. (Amended - SG, No. 25/2001) instructions on the sequence and manner of accomplishing the employment obligations and exercising the employment rights, including introduction with the internal rules, and with the rules on healthy and safe working conditions.

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

Obligation of the employer for accruing and paying the labour remuneration

(Amended - SG No. 52/ 2004)

Article 128

The employer shall be obliged within the established terms:

1. to accrue in the pay rolls the labour remunerations of the workers and employees for their work done;

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

3. to issue upon request by the worker or employee an excerpt from the pay rolls for the paid, or not paid labour remunerations and compensations.

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

Article 129

The employer shall pay social security contributions for the employee for all social security risks, under terms and procedures to be specified by a separate law.

Right to Information

Article 130

(Amended and Supplemented - SG, No. 52/ 2004)

(1) The employees shall be entitled to timely, authentic and understandable information about the economic and financial position of the employer, such as may be important for their employment rights and obligations.

(2) The employers shall be bound to provide to the employees the necessary information in writing, on each occurrence of change in the employment relationship.

(3) (New - SG No. 52/ 2004) The employer shall provide at an appropriate place in the enterprise a timely written information for the workers and employees about the vacant jobs and positions with the part time and full time working hours, at all levels of the enterprise, including about the positions, for which qualification is needed, as well as, about the leading positions.

(4) (New - SG No. 52/ 2004) The information as referred to Paragraph 3 shall contain data for the needed qualification and education for taking each of the positions.

(5) (New - SG No. 52/2004) The information under Paragraphs 3 and 4 shall be provided to the workers and employees representatives.

(6) The employees shall be entitled to request from the employers objective and fair characteristics of their professional qualities and the results of their labour activities, or objective and fair recommendation for applying for a job with another employer.

Right to information and consultations in cases of collective redundancy

Article 130 a

(Amended – SG, No. 52/2004)

(1) In cases where the employer intends to undertake collective redundancy, he/she shall be obliged to undertake consultations with the worker and employee representatives timely, but not later than 45 days before the redundancy act, and to lay efforts for achieving an agreement with them so that be avoided, or limited the collective redundancy, and to relieve its consequences.

(2) The employer shall be obliged to provide information in writing to the worker and employee representatives about:

1.the reasons for the forthcoming redundancy;

2.the number of the workers and employees, who will be discharged and the basic economic activities, qualification groups and professions to which they refer;

3.the number of the occupied by the basic economic activities qualification groups and professions in the enterprise;

4.the envisaged criteria for selection of the workers and employees, who will be discharged;

5.the time, during which the redundancy will be done.

(3)The consultations under Paragraph 1 shall be conducted according to terms and conditions, as provided in the collective labour contract. In the cases, where there is no signed collective labour contract, or there are no terms and conditions, provided for conducting the consultations, they shall be conducted with the representatives of the syndicate organizations and with the worker and employee representatives, under Article 7, Paragraph 2.

Art. 131 - 135. (repealed.- SG, No. 100 of 1992).

Chapter Seven
WORKING HOURS AND REST
Section I
REGULAR WORKING HOURS

Normal Duration of Working Hours
Article 136

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

(2) (Repealed – SG, No. 25/2001).

(3) (Amended – SG, No. 25/2001) The normal duration of the working hours during the day shall be up to 8 hours.

(4) (Amended – SG, No. 25/2001) The normal duration of the working hours under the preceding paragraph shall not be extended, except in the cases and pursuant to the procedure provided for in this Code.

(5) (Repealed – SG, No. 25/2001).

Extension of Working Hours
Article 136 a
(New – SG, No. 25/2001)

(1) For reasons relevant to the production process the employer may, by order in writing, extend the working hours in some work days and compensate that in other work days, after preliminary consultation with the representatives of the employees, inasmuch as the collective agreement does not provide otherwise. The employer shall be bound to notify in advance the labour inspectorate about the extension of the working hours.

(2) (Amended and Supplemented – SG, No. 52/2004) The duration of the extended work day under the provisions of paragraph (1) may not exceed 10 hours, and for employees at reduced working hours – up to 1 hour in excess of their reduced working hours. In these cases, the duration of the work week shall not be more than 48 hours, and for the workers and employees, working with shorter working time – 40 hours. The employer shall be obliged to keep a special book for recording the extension and the compensation of the working hours, respectively.

(3) Extension of the working hours pursuant to paragraphs (1) and (2) shall be allowed for a period of up to 60 work days throughout one calendar year, but for not more than 20 consecutive work days.

(4) In the cases under paragraph (1) the employer shall be bound to compensate the extension of the working hours with respective reduction of the working hours for each work day within 4 months. Where the employer fails to compensate the extension of the working hours within the specified term, the employees shall be entitled to determine themselves the time to compensate for the extension of the working hours with respective reduction thereof, whereas they shall notify in writing the employer to that effect at least two weeks in advance.

(5) In the event of termination of the employment relationship before the compensation under paragraph (4) takes effect, the variance to the normal work day shall be paid as overtime work.

(6) For employees under Article 147 extension of the working hours shall be allowed pursuant to the provisions for overtime set forth in this Article.

Reduced Working Hours

Article 137

(1) Reduced working hours shall be established for:

1. employees working under unhealthy conditions or doing work under special conditions upon the decision of the Council of Ministers;
2. employees who have not reached 18 years of age.

(2) (New – SG, No. 25/2001) Entitled to reduced working hours pursuant to paragraph (1), sub-paragraph 1, shall be employees who work under such conditions for duration not less than half of the statutory working hours.

(3) (New – SG, No. 25/2001) In the case of reduced working hours pursuant to paragraphs (1) and (2) the employment consideration and the other rights of the employees may not be reduced.

Part-Time

Article 138

(1) The parties to the employment contract may negotiate work for a part of the statutory working hours (part-time work). In this case they shall specify the duration and allocation of the working hours.

(2) (New – SG, No. 25/2001) In the event of decrease of the work volume the employer may set unilaterally, for a period of three months within one year, part-time work for the employees of the enterprise or a unit thereof, after preliminary coordination with the representatives of the employees.

(3) (New – SG, No. 25/2001) The duration of the working hours under paragraph (2) may not be less than half of that set forth by law for the period of calculation of the working hours.

Allocation of Working Hours

Article 139

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

(2) In enterprises where organization of work allows flexible working hours may be established. The time during which the employee must be at work in the enterprise, as well as the manner of accounting for it, shall be specified by the employer. Outside the time of his compulsory presence, the employee may determine the beginning of his working hours himself.

(3) Depending on the nature of work and the labour organization, the working day may be divided into two or three parts.

(4) (Amended – SG, No. 25/2001) For some categories of employees, due to the special nature of their work, the employer may, after consultations with the representatives of the employees, establish open-ended working hours, inasmuch as the collective agreement does not provide otherwise. The employees on open-ended working hours shall, if necessary, perform their duties even after the expiry of the regular working hours. The overtime on working days shall be compensated by an additional annual paid leave, and work on legal holidays - by an increased remuneration for overtime work.

(5) For some categories of employees, due to the special nature of their work, an obligation may be established to be on duty or to stand by at the disposal of the employer during specified hours in a 24-hour period. The categories of employees, the maximum duration of the hours, and the terms and procedures of accounting for them shall be determined by the Minister of Labour and Social Policy.

Night Work

Article 140

(1) (Amended – SG, No. 25/2001) The normal duration of the weekly working hours at night for a five-day work week shall be up to 35 hours. The normal duration of the night working hours for a five-day work week shall be up to 7 hours.

(2) (Amended - SG, No. 25/2001) Night work shall be work performed between 10.00 p.m. and 6.00 a.m. as for the employees under 18 years of age – between 8.00 p.m and 6.00 a.m.

(3) The employer shall provide to the employees hot food, refreshments and other facilities for the effectiveness of the night work.

(4) Night work shall be prohibited for:

1. employees who have not reached 18 years of age;
2. (Amended – SG, No. 52/2004) pregnant female employees;
3. (Amended – SG, No. 52/2004) mothers of children of up to 6 years of age, as well as mothers, who take care of disadvantaged children, notwithstanding of their age, unless by their written consent;

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

(5) (New – SG, No. 52/2004) The workers and employees, who work only at night, or who work in shifts, including night work, shall be admitted to work only after preliminary medical examination, which is paid on behalf of the employer.

Work in Shifts

Article 141

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

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

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

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

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

(6) For enterprises with a continuous working process the employee shall not discontinue work before the arrival of the respective employee on the next shift without the permission of his immediate superior. In such cases the immediate superior shall take the necessary measures to find a substitute.

Accounting for Working Hours

Article 142

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

(2) (Amended - SG, No. 25/2001) The employer may establish summarized calculation of the working hours – weekly, monthly, or for another calendar period which shall not be longer than 4 months.

(3) The summarized calculation of working hours shall not be allowed for employees on open-ended working hours.

(4) (Supplemented – SG, No. 52/ 2004) The maximum duration of a work shift under a summarized calculation of working hours can be up to 12 hours, as the duration of the working week shall not be more than 56 hours and for employees at reduced working hours it can be up to one hour beyond their reduced working hours.

Section II
OVERTIME WORK

Definition and Prohibition

Article 143

(1) (Amended - 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 an employee beyond his agreed working hours shall be considered overtime work.

(2) Overtime work shall be prohibited.

Admissibility as an Exception

Article 144

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

1. for the performance of work related to the national defence;
2. for the prevention of, and struggle against, natural and social disasters or dangers, and for the removal of their immediate consequences;
3. for the performance of urgent publicly necessary work to restore water and electrical supply, heating, sewerage, transport and communication links, and for providing medical assistance;
4. for doing emergency repairs in working premises, on machines and other equipment;
5. for the completion of work which can not be completed within the regular working hours - in case stoppage of such work may result in danger for the life and health of people, and in damaging machines and materials;
6. for the performance of intensive seasonal work.

Procedures for Performing Overtime Work

Article 145

(Repealed – SG, No. 25/2001)

Duration

Article 146

(1) The duration of the overtime work performed by one employee in one calendar year shall not exceed 150 hours.

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

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

(3) The restrictions under the preceding paragraphs do not apply to the cases under Article 144, sub-paragraphs 1-3.

Inadmissibility of Overtime Work

Article 147

(1) Overtime work shall be not permitted for:

1. employees who have not reached 18 years of age;
2. (Amended – SG, No. 52/2004) pregnant female employees;
3. (Amended – SG, No. 52/2004) mothers of children up to 6 years of age, as well as mothers, who take care of disadvantaged children, notwithstanding of their age, unless by their written consent;
4. reassigned employees, except with their own consent, and only when such employment will not be detrimental to their health in the opinion of the medical authorities;
5. employees who are continuing their education while under employment, except with their own consent.

(2) With the exception of the cases under Article 144, sub-paragraphs 1-3, overtime work shall not be permitted for employees for whom this Code establishes reduced working hours due to the fact that they work under unhealthy conditions, or under special conditions.

Refusal to Work Overtime

Article 148

The employee shall be entitled to refuse to work overtime, in case the provisions of this Code, of another normative act, or of a collective agreement are not observed.

Accounting for Overtime

Article 149

(1) The employer shall keep a special register to account for overtime work.

(2) The overtime work done shall be accounted for before the labour inspectorate every six months.

Payment of additional labour

Article 150

(Amended – SG, No. 100 of 1992, No. 52/2004) For additional labour done, shall be paid labour remuneration with increases amount, as provided by Article 262.

Section III

REST

Rest during the Work Day

Article 151

(1) The working hours of the employee shall be interrupted by one or several breaks. The employer shall provide the employee a rest for a meal which shall not be shorter than 30 minutes.

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

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

Rest between Work Days

Article 152

The employee shall be entitled to an uninterrupted rest between work days which shall not be shorter than 12 hours.

Weekly Rest

Article 153

(1) For a five-day working week the employee shall be entitled to a weekly rest of two consecutive days, one of which shall be Sunday on principle. In such cases, the employee shall be ensured at least 48 hours of weekly rest at a stretch.

(2) (Amended - SG, No. 25/2000, No. 52/2004) While total calculation of the working time is done, the uninterrupted week rest shall be not less than 36 hours.

(3) (New – SG, No. 52/2004) With change of shifts while calculating the total working time, the uninterrupted week rest may be shorter than the rest, as provided by Paragraph 2, but not shorter than 24 hours, in cases where the real and technical organization of work in the enterprise impose this.

(4) (New – SG, No. 52/2004) For work, done during the 2 days of the week rest, while calculating the working time day- by- day, the worker, or employee shall have the right to, apart from the increased payment of this work, also to an uninterrupted rest during the following work week not shorter than 24 hours.

Legal Holidays

Article 154

(1) (Amended - SG, Nos. 2/1996, 22 & 108/1998) The public holidays shall be:

January 1 - New Year;

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

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

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

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

September 6 - Unification Day;

September 22 - Bulgaria's Independence Day;

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

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

Easter - two days (Sunday and Monday) on which it is celebrated in the respective year.

(2) (Supplemented – SG, No. 52/2004) The Council of Ministers may also declare other days for one-time public holidays, or for the commemoration of certain professions, and shift the days off in the course of the year. In these cases, the duration of the work week shall not be longer than 48 hours, and the duration of the week rest – not shorter than 24 hours.

Chapter Eight
LEAVES

Section I
TYPES OF LEAVES

Regular and Extended Annual Paid Leave

Article 155 (Amend. and Suppl. - SG, No. 100 of 1992)

(1) (Amended – SG, No. 52/2004) Any worker or employee shall have the right to a paid annual leave.

(2) (New – SG, No. 52/2004) With starting work for the first time, the worker or employee may have their paid annual leave after having labour service of at least 8 months.

(3) (New – SG, No. 52/2004) With interruption of the labour contract before having 8 month of labour service, the worker or employer shall have the right to a compensation for not having benefited the paid annual leave, calculated as provided by Article 224, Paragraph 1." The duration of the basic annual paid leave shall be not less than 20 work days.

(4) (Amended - SG, No. 25/2001) (previous para.2, Amended – SG, No. 52/2004) The duration of the basic annual paid leave shall be not less than 20 work days.

(5) (Amended - SG, No. 25/2001) (previous para.3, Amended – SG, No. 52/2004) Some categories of employees, depending on the special nature of work, shall be entitled to an extended annual paid leave, which shall include the leave under paragraph (4). The categories of such employees, and the minimum duration of such leave, shall be specified by the Council of Ministers.

Additional Annual Paid Leave

Article 156

(Amended - SG, No. 25/2000, No. 52/2004) Pursuant to Article 155, para 2, the employee shall be entitled to an additional annual paid leave:

1. for work under unhealthy conditions, or for work under special conditions - not less than 5 working days;
2. for work on open-ended working hours - not less than 5 working days.

Negotiation of Longer Durations of the Leaves

Article 156bis

Longer durations 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 conducting civil, public and other obligations (Title Amended - SG, No. 52/2004)

Article 157

(1) The employer shall release the employee from work in the following cases:
1. to be married - for 2 working days;
2. for blood donation - on the day of the medical check-up and donation, and one additional day;
3. (Amended - SG, No. 25/2001) in the event of the death of a parent, a child, a spouse, a brother, a sister and a parent of the spouse or other relatives in direct lineage - for 2 working days;
4. (Amended - SG, No. 25/2001) in case the employee has been called to appear in court or other bodies as a party, a witness or an expert;
5. to attend sittings as a member of a representative state body;
6. in case the employer has given notice of termination of the employment relationship - for 1 hour each day for the period of the notice. This right shall not be exercised by an employee working for 7 or less hours.
7. (Repealed – SG, No. 25/2001)

(2) (New – SG, No. 52/2004) The employer shall be obliged to release from work a pregnant worker, or employee for medical examinations, if they need this to be done during the working time. For this time, the pregnant worker or employee shall be paid remuneration by the employer the amount, as provided by Article 177.

(3) (Amended, SG Nos. 133/1998; 25/2001, previous para. 2, No 52/18 June 2004) For the period of the leave under paragraph (1) the employee shall receive remuneration as follows:
1. under sub-paragraphs 1 – 3 – as provided for in the collective agreement or as agreed between the employee and the employer;
2. under sub-paragraph 6 – from the employer, as set forth under Article 177;
3. in the other cases – as set forth in the special laws.

Leave During Mobilization Training Event

Article 158

(Amended - SG, No. 25/2001)

(1) An employee called up for mobilization training event shall be deemed to be on official leave for the duration of the training, including the days of travelling to and returning from the training camp.

(2) Should the mobilization training last for 15 days or more, the employee shall be entitled to two calendar days of paid leave before departure, and two more days following his return, which shall be included in the annual paid leave.

(3) For the time of the mobilization training event and of the leave under the preceding paragraph, the employee shall be paid a remuneration on account of the budget of the Ministry of Defence.

Leave of Trade Union Functionaries

Article 159

(1) For the performance of trade union activities, the unpaid members of national, sectorial, and regional leaderships of trade union organizations, as well as the unpaid chairmen of the trade union leaderships in the enterprises shall be entitled to a paid leave of durations specified by the collective agreements, but not shorter than 25 hours for one calendar year.

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

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

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

Unpaid Leave

Article 160

(1) Upon the request of the employee, the employer may permit him an unpaid leave, regardless of the fact whether he has used his annual paid leave or not, and irrespective of his length of service.

(2) The unpaid leave of up to 30 working days for one calendar year shall be included in the length of service, and that of over 30 working days shall be recognized only if it is so provided in this Code, another law, or an act of the Council of Ministers.

Official and Creative Leaves

Article 161

(1) (Amended - SG, No. 25/2001) The employee may be permitted a paid or unpaid official or creative leave under terms and procedures set forth in collective agreement or an agreement between the parties to the employment relationship.

(2) In the absence of another provision in the collective agreement, the paid elected trade union functionaries shall be deemed to be on an unpaid leave for the period in which they hold the respective trade union position.

Leave in Case of Temporary Disability

Article 162

(1) (Supplemented – SG, No. 52/2004) The employee shall be entitled to a leave in case of temporary disability resulting from a general or an occupational disease, occupational injury, for sanatorial treatment or for urgent medical examinations or tests, quarantine, suspension from work prescribed by the medical authorities, for taking care of an ill or quarantined member of the family, for urgent need to accompany an ill member of the family to a medical check-up, test or treatment, and for taking care of a healthy child dismissed from a child-care facility because of quarantine imposed on that facility or on the child.

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

(3) For the duration of the leave in case of temporary disability, the employee shall be paid a cash compensation within periods specified by a separate law.

Leave for Pregnancy, Birth and Adoption

Article 163

(1) (Amended, SG No. 110/1999, No 52/18 June 2004) Female employees shall be entitled to pregnancy and childbirth leave of 135 days for each child, out of which 45 days are used obligatory before giving birth.

(2) (Repealed – SG, No. 25/2001).

(3) Should the medical authorities err in predicting the date of childbirth and it occurs before the expiry of the 45 days from the beginning of the leave, the remainder of these 45 days shall be used after the childbirth.

(4) In case of still-birth, of infant death, or if the child is given up to a child-care establishment in the entire care of the State or for adoption, the mother shall be entitled to a leave of 42 days after the date of childbirth. The medical authorities may extend this period in the event they find the mother's ability to work has not been fully restored after the childbirth, up to her complete recovery. Up to the expiry of the term under para 1, such a leave shall be paid as a leave for pregnancy and birth.

(5) In case the child is given up for adoption, is placed in a child-care establishment in the entire care of the State, or dies after the 42-nd day from the birth, the leave under para 1 shall be terminated on the following day. In these cases, if the mother's ability to work has not been restored after the childbirth, clauses 2 and 3 of the preceding paragraph shall apply.

(6) A female employee who adopts a child shall be entitled to a leave under para 1 in an amount equal to the difference between the child's age on the day when it was given up for adoption until the expiration of the period of the leave due for childbirth as per the number of the adoptive mother's surviving children.

(7) For the time of the leave under the preceding paragraphs the female employee shall be paid a cash compensation under terms and in amounts specified by a separate law. When the duration of the leave is determined, the mother' s surviving children - both natural and adopted - shall be taken into account.

Leave for Raising a Child up to 2 Years of Age

Article 164

(Amended - SG, No. 25/2001)

(1) After the leave for pregnancy, childbirth or adoption has been used, in case the child is not placed in a child-care establishment, the female employee shall be entitled to an additional leave for raising a first, second, and third child until they reach 2 years of age, and 6 months for each subsequent child.

(2) (Repealed – SG, No. 25/2001).

(3) (Amended - SG, No. 25/2001) With the consent of the mother (adoptive mother), the leave under paragraph (1) shall be granted to the father (adoptive father) or to one of their parents in case they work under an employment relationship.

(4) For the time of the leave under the preceding paragraphs, the mother (adoptive mother) or the person who has taken over the raising of the child shall be paid a cash indemnity under terms and in amounts specified by a separate law. The time of the leave shall be recognized as length of service.

(5) (Amended - SG, No. 25/2001) In case the leave under paragraph (1) is not used, or the person using such leave terminates its use, the mother (adoptive mother), if she is working under an employment relationship, shall be paid a cash compensation from the State Social Security to the amount of 50 per cent of the statutory minimum monthly salary in the country.

Leave from work for taking care of a child, placed to stay with close friends or relatives, or with accepting family

Article 164a (New – SG, No. 52/2004)

(1). Right to a leave for taking care of a child up to his/her 2 years of age shall have the persons, with whom the child is placed, as provided by Article 26 of the Law on the Child Protection.

(2). In cases where the child is placed in family spouses, the leave shall be given only to one of them.

(3). During the leave, provided by Paragraph 1 and 2, remuneration shall be paid under the conditions and amounts, provided by a separate law. The leave shall be recognized for labour service.

(4). The leave under Paragraph 1 and 2 shall not be used at the same time as the leave under Article 164.

Not paid leave for taking care of a child up to 2 years of age

Article 165 (Title Amended - SG, No. 25/2001, No. 52/2004)

(1). (Amended – SG, No. 52/2004) After having used the leave under Article 164, Paragraph 1, the family worker or employee having four and more children, upon request, shall have the right to an unpaid leave until the child bas 2 years of age, if the chills has not been placed in a children institution. With the consent of the mother (the adopter), this leave may be used by the persons under Article 164, Paragraph 3."

(2) The time during which the leave under the preceding paragraph is used shall be recognized as length of service.

Leave for Breast-feeding and Feeding a Young Child

Article 166

(1) A female employee who breast-feeds her child shall be entitled to a paid leave for Breast-feeding until the child reaches 8 months - 1 hour twice a day or, with her consent, 2 hours together. For a female employee who works at reduced working hours of 7 hours or less this leave shall be 1 hour a day. After the child reaches 8 months this leave shall be 1 hour a day and shall be granted to the employee only in case the medical authorities find that it is necessary for her to continue Breast-feeding the child.

(2) In case the female employee has twins or a prematurely born child, the duration of the leave under the preceding paragraph shall be 3 hours a day until the child reaches 8 months, and 2 hours a day after the child reaches 8 months, as long as the medical authorities find that Breast-feeding should continue. In such cases, in the event that the female employee works at reduced working hours - 7 or less, the initial duration of the leave for Breast-feeding the child shall be 2 hours, and after the child reaches 8 months - 1 hour a day. The leave under this paragraph shall be used twice daily, and with the consent of the employee it can be used once daily.

(3) A leave under the terms and for the duration specified under this article shall be also granted to the adoptive mother and to the step-mother.

(4) The leave under the preceding paragraphs shall be paid by the employer.

Leave In Case of Death or Severe Illness of a Parent

Article 167

(1) (Amended – SG, No. 52/2004) Should the mother (adoptive mother) of a child under the age of 2 die or become severely ill, with resulting inability to take care of the child, the balance of the leaves for childbirth, adoption, and raising a young child may be used by the father (adoptive father). With his consent, these leaves may be used by either of his parents, or by either of the parents of the deceased or severely ill mother (adoptive mother), should the said person work under an employment relationship.

(2) (Amended – SG, No. 52/2004) Should both parents of a child under the age of 2 die, and should the child not be placed in a child-care establishment, the balance of the leaves under the preceding paragraph shall be used by the child's guardian or, with his consent, by any parent of the child's mother or father.

Unpaid leave for taking care of a child of up to 8 years of age

Article 167a (New – SG, No. 52/2004)

(1). After having used the leaves under Article 164, Paragraph 1 and Article 165, Paragraph 1, any of the parents (adopters), if they work under a labour contract, and the child has not been placed in an institution on a full public support, upon request shall have the right to use unpaid leave up to 6 months for taking care of a child before he/she becomes 8 years old.

(2). In the cases under Article 167, Paragraph 2, the guardian shall have the right to a leave, under Paragraph 1 up to 12 months. With his/her consent, leave up to 12 months, or the rest of the unused leave of this length, may be used by one of the mother's or father's parents.

(3). In cases where, after having 2 years of age, the child's both of parents die, and they have not used the leave under Paragraph 1, the guardian shall have the right to such a leave up to 12 months; where the parents have used a part of the leave – the right to the remaining of the unused leave. With the consent of the guardian, this leave may be used by one of the mother's or father's parents.

(4). A parent (adopter) who is a single parent, taking care of a child, shall have the right to a leave under Paragraph 1, up to 12 months in the cases, where:

1. is not married to the other parent, and does not live in one household with him/her;

2. the other parent has been deprived of parental rights through an enforced court decision;

3. the other parent has died;

(5). In the cases under Paragraph 4, items 1 and 2, the other parent shall have no right to a leave under Paragraph 1.

(6). The leave under Paragraph 1 may be used only once, or in several periods. When used in several periods, the length of a period may not be less than 5 workdays.

(7). The person who wishes to use the leave under Paragraph 1, shall notify about this the employer at least 10 workdays in advance.

(8). The time, during which the leave is used under Paragraph 1, shall be recognized for labour service.

(9). The terms and conditions for using the leave under Paragraphs 108 shall be provided by an ordinance of the Council of Ministers."

Additional Leave for Two and More Surviving Children

Article 168

(1) (Amended - SG, No. 25/2001) Where provisions to such effect have been set forth in the collective agreement, a female employee with 2 surviving children under the age of 18 shall be entitled to 2 working days, and such an employee with 3 or more surviving children under the age of 18 - to 4 working days paid leave for each calendar year. This leave shall be used when the employee wishes, and it shall not be compensated in cash, except in case of a termination of the employment relationship.

(2) The female employee shall be entitled to use a leave under the preceding paragraph, including for the calendar year in which one or all the children reach 18 years of age.

(3) (Repealed – SG, No. 25/2001).

(4) The use of a leave under this article may be postponed pursuant to Article 176.

Paid Leave for Studies

Article 169

(1) (Amended - SG, No. 25/2001) Employees studying at secondary or higher educational establishment while remaining in 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. 25/2001) The leave under paragraph (1) shall be used regardless of all other types of leaves. It may be used in whole or in part, and shall not be granted to an employee who will repeat an year for no good reasons.

(3) The students under paragraph (1) shall also be entitled to a one-time additional leave of 30 working days for reading and sitting for a matriculation or university-leaving examination, including the preparation and presentation of a diploma paper, diploma project or thesis.

(4) (Amended - SG, No. 25/2001) Employees registered as distance learning or correspondence students for Ph.D. degree shall be entitled to a one-time 6-month paid leave to prepare an M. Sc. degree, and to a 12-month paid leave to prepare a thesis for a Ph.D. academic degree. This right shall be exercised with the consent of the employer.

(5) (Amended - SG, No. 25/2001) Employees attending night school, with the exception of those working at reduced working hours - 7 hours or less, shall be released from work with the consent of the employer an hour earlier on each day they have classes.

Leave for an Entrance Examination at an Educational Establishment

Article 170

(1) (Amended - SG, No. 25/2001) Where with the consent of the employer an employee sits for admission examinations for a school, should such examinations be in order, such an employee shall be entitled to paid leave, as follows:

1. where applying for a secondary school – 6 work days;
2. where applying for a higher education school or Ph.D. degree – 12 work days.

(2) (New – SG, No. 25/2001) Where the employer has not granted his consent, the employee shall be entitled to unpaid leave of duration as per paragraph (1) reduced in half, which shall be recognized as length of service.

(3) (Amended - SG, No. 25/2001) Where an employee has used the paid or unpaid leave under paragraphs (1) and (2), but has not been admitted to the respective educational establishment or to study for Ph.D. degree, for the following years he shall be entitled to unpaid leave for half of the duration specified under paragraph (1), which shall be recognized as length of service.

Unpaid Leave for Students

Article 171

(1) (Amended - SG, No. 25/2001) The employees under Article 169, paragraph (1) shall also be entitled to unpaid leave for the following durations:

1. to prepare and sit for an examination - up to 20 working days for an academic year;
2. (Amended - SG, No. 25/2001) to prepare and sit for an entrance, matriculation or university-leaving examination, including the preparation and presentation of a diploma paper or a diploma project in secondary schools - up to 30 working days;
3. to prepare and sit for a university-leaving examination, including the preparation and presentation of a diploma paper or a diploma project in higher educational establishments - up to four months;
4. for distance learning or independent students for Ph.D. degree to prepare and present a thesis - up to four months.

(2) (New – SG, No. 25/2001) Where the employer has not granted his consent, the employee studying in secondary or higher school while remaining in employment shall be entitled to unpaid leave of duration as per paragraph (1) reduced in half.

(3) (Amended - SG, No. 25/2001) The unpaid leave under paragraphs (1) and (2) shall be recognized as length of service.

Use of Leave by Students

Article 171 a

(New – SG, No. 25/2001) Leave of students under this section shall be used at time determined by the employees according to the organization pattern of the training process, with notification in writing to the employer at least 7 days in advance.

Section II
USE OF THE ANNUAL PAID LEAVE

Manner of Using

Article 172

(Amended - SG, No. 25/2001) The annual paid leave shall be allowed to the employee all at once or in parts, whereas at least half of it shall be used in one part through the calendar year for which the leave is due.

Terms and Procedures of Using

Article 173

(1) The annual paid leave shall be used by the employee with the written permission of the employer.

(2) In the case of employees who profess a creed other than the Eastern Orthodox Christianity, the employer shall permit them to use, by their own choice, part of their annual paid leave, or grant them an unpaid leave under Article 160, para 1, on 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 creeds other than the Eastern Orthodox Christianity shall be specified by the Council of Ministers upon the proposal of the official leadership of the relevant creed.

(4) (Amended - SG, No. 25/2001) The employer shall be entitled to grant the annual paid leave to the employee, even without his consent, in case of idle time of more than 5 days, in case all employees use their leaves simultaneously, as well as in the cases where the employee, following an invitation from the employer, has failed to request his leave by the end of the calendar year for which it has been due.

(5) (Amended - SG, No. 25/2001) The employee shall use his paid annual leave by the end of the respective year. The employer shall permit the annual paid leave of the employee by the end of the respective calendar year, unless its use has been postponed pursuant to Article 176. In such case the employee shall be provided the use of not less than half of the paid leave due for the calendar year.

Use of Leave by Underage Employees and by Mothers

Article 174

Employees who have not reached 18 years of age, and mothers of children under the age of 7 shall use their leave in summer, and if they so wish - at other times of the year, with the exception of the cases under para 4 of the preceding article.

Interruption of the Use of the Leave

Article 175

(1) In the event that during the use of the annual paid leave the employee is be granted another type of paid or unpaid leave, upon his request the use of the annual paid leave shall be interrupted and the remainder shall be used later by agreement between him and the employer.

(2) In addition to the cases under the preceding paragraph, the employee's leave may be interrupted by the mutual consent of the parties expressed in writing.

Postponement of the Use of the Leave

Article 176

(1) The use of the annual paid leave may be postponed for the following calendar year:

1. (Amended - SG, No. 25/2001) by the employer - due to important production reasons, pursuant to the provisions of Article 173, paragraph (5), sentence 3;
2. by the employee - in case he uses another type of leave, or upon his request with the consent of the employer.

(2) (Amended - SG, No. 25/2001) Where the leave has been postponed or has not been used by the end of the respective calendar year, the employer shall be bound to ensure its use during the following calendar year, but not later than six months as from the end of the calendar year for which the leave has been due.

(3) (Amended - SG, No. 25/2001) Where the employer has not permitted the use of the leave in the cases and as per the terms under paragraph (2), the employee shall be entitled to choose the time for using it himself, notifying the employer of such time in writing at least two weeks in advance.

(4) The unused part of the annual paid leave may be used by the employee up to the termination of the employment relationship.

Payment

Article 177

For the time of the annual paid leave, the employer shall pay the employee a remuneration calculated from the average daily gross remuneration received for the last calendar month preceding the use of the leave, during which the employee has worked for at least 10 days.

Prohibition of Cash Compensation

Article 178

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

Chapter Nine
WORK DISCIPLINE

Section I
GENERAL PROVISIONS

Article 179 - repealed.

Article 180 - repealed.

Internal Labour Regulations

Article 181

Each employer shall have the right to issue internal labour regulations which shall specify the rights and obligations of the employees and the employer pursuant to the employment relationship, and shall regulate the organization of the work process in the enterprise according to the specific nature of its activities.

Section II

Article 182 - 185 - repealed.

Section III
DISCIPLINARY LIABILITY

Work Discipline Violations
Article 186

The failure to fulfil one's employment obligations through one's fault shall constitute a violation of the work discipline. The violator shall be punished in accordance with the provisions of this Code irrespective of any financial, administrative or penal liability, if such exist.

Types of Work Discipline Violations
Article 187

Violations of the work discipline shall be:

1. Late reporting to or early departure from work, absence from work, inefficient work during working hours;
2. Reporting to work of the employee in a state not allowing him to fulfil the assigned job;
3. Non-fulfillment of the assigned job, non-observance of the technical and technological regulations;
4. Manufacture of sub-standard products;
5. Non-observance of the safety and health work regulations;

6 - repealed

7. Failure to carry out the lawful orders of the employer;
8. Abuse of confidence and injury to the good name of the enterprise as well as divulging proprietary information of the enterprise;
9. Damage to the property of the employer and dissipation of resources, raw materials, energy and other means;
10. Non-fulfillment of other employment obligations provided by the laws and regulations, by the internal labour regulations, the collective agreement or arising from the employment relationship.

Types of Disciplinary Sanctions
Article 188

Disciplinary sanctions shall be:

1. Reprimand;
2. Caution against dismissal;
3. Dismissal.

Criteria for Imposing and Singleness of the Disciplinary Sanction
Article 189

(1) The choice of the disciplinary sanction shall be determined by the gravity of the infringement, the circumstances surrounding its occurrence and the behavior of the employee.

(2) Only one disciplinary sanction shall be imposed for each violation.

Disciplinary Dismissal
Article 190

(1) A disciplinary dismissal shall be imposed after:

1. Reporting to work late or early departure on three occasions, each no less than one hour, within one calendar month;
2. Absence from work for two consecutive working days;
3. Systematic violations of the work discipline;
4. (Amended - SG, No. 25/2001) Abuse of employer's confidence or divulging proprietary information of the employer;
5. Causing losses to other persons by employees in the trade and services industries by fraud in the price, the weight, the quality of the item or service;
6. (New, SG No. 51/1999) Participation in games of chance through telecommunication means of the enterprise and the costs incurred shall be reimbursed in their full amount;”
7. Other grave violations of the work discipline.

(2) (New – SG, No. 25/2001) A disciplinary dismissal pursuant to paragraph (1) shall be imposed in compliance with the criteria under Article 189, paragraph (1).

Article 191 - repealed.

Organs Authorized To Impose Disciplinary Sanctions

Article 192

(1) The disciplinary sanctions shall be imposed by the employer or a person authorized by him, or by another organ authorized by the law.

(2) The disciplinary sanctions upon the manager of the enterprise, as well as upon employees appointed by a higher authority shall be imposed by that authority.

(3) - repealed.

Employer's Obligations Prior To Imposing A Disciplinary Sanction

Article 193

(1) Prior to imposing a disciplinary sanction the employer shall hear the employee or accept a written statement and shall gather and assess the indicated evidence.

(2) Should the employer fail to hear the employee or to accept his written report prior to the imposition of the sanction the court shall revoke the disciplinary sanction without reviewing the case on its merits.

(3) The provisions of the preceding paragraph shall not apply if the employee was not heard or his report not received through his own fault.

Period of Imposing of A Sanction

Article 194

(1) The disciplinary sanctions shall be imposed within two months of the discovery of the violation and no later than 1 year of its perpetration.

(2) For a disciplinary violation which is also a crime or administrative violation related to the assigned job and established with a sentence or penal enactment, the periods pursuant to the preceding paragraph shall start running on the day the sentence or the penal enactment become effective.

(3) (Amended - SG, No. 25/2001) The periods under para 1 shall not run during the lawful leave of the employee or while he takes part in a strike.

(4) - repealed.

Disciplinary Sanction Order

Article 195

(1) The disciplinary sanction shall be imposed by an order in writing stating reasons which shall state the identity of the violator, the violation, the date of perpetration, the sanction and the provision of the law pursuant to which the sanction is imposed.

(2) The order imposing a disciplinary sanction shall be served to the employee, who shall sign it, and shall indicate the date of delivery. Where it is impossible for the order to be served to the employee, the employer shall send it by registered letter with a return receipt.

(3) The disciplinary sanction shall be considered imposed from the date of serving of the order to the employee or from the date of receipt when sent by registered letter with a return receipt.

(4) - repealed.

Article 196 - repealed.

Deletion of Disciplinary Sanctions

Article 197

(1) The disciplinary sanctions shall be repealed with the expiry of one year of their imposition.

(2) The deletion shall have effect for the future only. The deletion of a disciplinary dismissal shall not constitute grounds for reinstating of the employee in his former position.

Early Deletion of Disciplinary Sanction

Article 198

(1) Disciplinary sanctions, other than dismissal, may be repealed by the employer before the expiration of the term set in para 1 of the preceding article, if the employee shall not have committed other violations of the work discipline. The deletion shall have effect for the future only.

(2) The deletion of a sanction in accordance with the preceding paragraph shall be done with an order in writing stating reasons, which shall be served to the employee.

Temporary Suspension from Work

Article 199

(1) The employer or the immediate superior may suspend from work temporarily an employee who reports to work in a state preventing him from performing his work responsibilities, takes alcoholic beverages or other strong intoxicating substances during working hours.

(2) The suspension shall continue until the employee restores his ability to perform his assigned work.

(3) During the time of suspension the employee shall not receive labour remuneration.

Chapter Ten
FINANCIAL LIABILITY AND OTHER TYPES OF COMPENSATION
Section I
FINANCIAL LIABILITY OF THE EMPLOYER

Financial Liability of the Employer for Death or Damages to an Employee's Health

Article 200 (Amended and Supplemented - SG, No. 100 of 1992)

(1) (Amended – SG, No. 52/2004) In case of occupational injuries and diseases causing temporary disability, permanent inability to work above 50% or death of the employee the employer shall bear financial liability regardless of whether an organ under his authority or another employee shall be at fault for their occurrence.

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

(3) The employer shall be liable for compensation for the difference between the loss, whether material or non-material, caused, including missed benefits, and the social security compensation and/or pension.

(4) The receiving of compensation pursuant to the preceding paragraph by the heirs of an employee who has died as a result of an occupational injury or disease shall not be deemed acceptance of the legacy.

Exclusion or Reduction of Liability

Article 201

(1) The employer shall not be liable pursuant to the preceding paragraph if the injury is caused by the injured intentionally.

(2) The liability of the employer shall be subject to reduction if the injured has contributed towards the occupational injury by gross negligence.

Recourse Action

Article 202

The employer shall be entitled to an action against the employees at fault, in accordance with the provisions of Section II of this Chapter, for recovering the compensation paid to the injured or to his heirs.

Section II
FINANCIAL LIABILITY OF THE EMPLOYEE

Scope of the Financial Liability

Article 203

(1) The employees shall be financially liable subject to the provisions of this Chapter for the damages caused to the employer as a result of negligence during or in connection with the performance of their employment obligations.

(2) The liability for damages caused intentionally or as a result of a crime or caused not during or in connection with the performance of employment obligations shall be determined by the civil laws.

(3) The financial liability of employees shall apply irrespective of the disciplinary, administrative and penal liability for the same action.

Exclusion of Liability

Article 204

The employees shall not be financially liable for damages caused by a normal manufacturing and business risk.

Losses Subject to Compensation

Article 205

(1) The employees shall be liable for the losses inflicted, but not for missed benefits.

(2) The extent of the losses shall be determined as of the day of their occurrence; and if that day cannot be determined, as of the day of the discovery of the losses.

Extent of Liability

Article 206

(1) For losses inflicted upon the employer by negligence during or in connection with the performance of the employment obligations the employee shall be liable to the extent of such losses, but not more than the agreed monthly labour remuneration.

(2) Where the losses have been caused by a manager, including the immediate superior, during or in connection with the exercising of his managerial functions the liability shall be to the extent of such losses, but not more than the triple value of the agreed monthly labour remuneration.

(3) The liability shall also be within the amounts established by the preceding paragraphs in cases where the employer has compensated third parties for losses caused by the employee under the same conditions.

Extent of Liability for Damage Caused By Accounting Activities

Article 207

(1) An employee to whom the collection, keeping, spending or accounting of money and material values has been assigned as an employment obligation shall be liable to the employer:

1. to the extent of the loss but not exceeding the triple value of the agreed monthly remuneration;
2. in case of shortage - to the full value including the interest determined by operation of law from the date of the causing of the losses, and if that date cannot be established, from the date of discovery of the shortage.

(2) Persons who have acquired benefits without grounds from the person causing the losses or who have benefited from the incurred losses pursuant to sub-paragraph 1 of the preceding paragraph shall owe, jointly and severally with the person causing the losses, the repayment of the acquired benefits up to the amount of the enrichment, except in the cases under Article 271, para 1. The persons shall also owe the return of the benefits they have received as gifts from the person causing the losses when the gifts have come from sums derived from the losses.

(3) The statute of limitations for actions pursuant to para 1, subparagraph 2, and para 2 shall be 10 years from the date of causing the losses.

(4) Other cases of full financial liability may be established by law.

Liability For Losses Caused By Several Employees

Article 208

Where the damage has been caused by several 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 of the losses; if each one's part cannot be established, in proportion to the agreed labour monthly remuneration. The total sum of the compensations due from them cannot exceed the value of the damage;
2. In the case of full liability, jointly and severally.

Work-Team Liability

Article 209

(1) The work-team liability for shortages may be undertaken by a contract in writing signed between the employer and employees who perform accounting activities together or in shifts. Where the specific person causing the losses cannot be identified the compensation shall be distributed among the employees who have signed the contract, in proportion to the total gross salary received by each one for the period of time corresponding to the established shortage.

(2) - repealed.

Implementation of Limited Financial Liability

Article 210

(1) In cases of limited financial liability the employer shall issue an order which shall define the grounds for and the extent of the employee's liability. Where the loss has been caused by the employer the order shall be issued by the superior body, and if no such body exists, by the collective body managing the enterprise.

(2) The order shall be issued within one month of the discovery of the loss or of the payment of the sum to a third party, but not later than one year of its causing; and within three months of its discovery when the loss has been caused by a manager of the enterprise or in the process of performing accounting activities, but not later than 5 years of its causing. These time periods shall be suspended if full financial liability proceedings have been undertaken, until the latter are pending.

(3) If the employee challenges in writing within one month of the date of serving of the order its grounds or the extent of the liability the employer shall have the right to bring an action before the court.

(4) If the employee does not challenge within the period established in the preceding paragraph the grounds or the extent of the liability the employer shall deduct it from his remuneration in the amounts provided for by the Civil Procedure Code .

(5) In cases where as a result of termination of employment or of other reasons the amount due cannot be deducted in accordance with the preceding paragraph the order of the employer or the organ under paragraph 1, clause 2, shall be grounds for the issuing of a writ of execution pursuant to the Civil Procedure Code.

(6) repealed.

Implementation of Full Financial Liability

Article 211

Full financial liability shall be implemented by court order. In these cases deduction shall be made only on the basis of a court decision in force.

Application of the Civil Law

Article 212

Civil law shall apply for issues related to the financial liability of the employer in cases of death or occupational injuries of an employee, as well as of financial liability of the employee to the employer not treated in this chapter.

Section III
OTHER FORMS OF COMPENSATION

Compensation for Non-Admission to Work

Article 213

(1) In cases of unlawful non-admission to work of an employee with whom an employment relationship pursuant to the provisions of chapter five exists, the employer or the officials found guilty shall be liable jointly and severally to the full amount of the gross labour remuneration for the relevant position from the day of the employee's reporting for work to the day of his actual admission to work.

(2) The employer and the guilty officials shall owe compensation jointly and severally to the employee who has unlawfully not been admitted to work for the duration of the performance of the employment relationship. The compensation shall amount to the gross labour remuneration of the employee for the period of unlawful non-admission to work.

Compensation For Temporary Suspension From Work

Article 214

An employee who has been unlawfully suspended from work by his employer or immediate superior shall be entitled to a compensation to the extent of the gross labour remuneration for the period of his suspension. The compensation shall be due jointly and severally by the employer and the guilty officials.

(2) - repealed.

Business Travel Compensation

Article 215

When travelling on official business the employee shall be entitled, in addition to his gross labour remuneration, to travelling expenses, per diems and accommodation under terms and in an amount to be determined by the Council of Ministers.

Reassignment Compensation

Article 216

(1) An employee who has been reassigned to work in another community shall, by agreement with the employer, be entitled to:

1. travelling expenses for him and his family;
2. expenses for removing of his household belongings;
3. remuneration for the days of travel plus two extra days.

(2) An employee whose employment relationship has been terminated not through his fault or upon his request by notice shall, by agreement with the employer, be entitled to the expenses pursuant to subparagraphs 1 and 2 of the preceding paragraph for his and his family's return to their permanent place of residence.

(3) An employee shall be entitled to the compensation pursuant to the preceding paragraphs when, pursuant to a procedure established by law, is being or has been reassigned to a permanent position in another community not upon his own request. When the distance to the new community is over 100 km and the reassignment is for more than 1 year the employee shall be entitled to both the agreed monthly remuneration for the new job and a remuneration equal to the value of one fourth of the same amount for each member of his family dependent on the employee. The compensation shall be paid by the employer to whom the employee is assigned.

Compensation in Case of Rehabilitation Reassignment

Article 217

(1) The employer shall owe the employee with reduced work ability subject to rehabilitation reassignment a compensation to the extent of his gross labour remuneration from the day of issue of the ruling for rehabilitation reassignment to the day of its consummation.

(2) An employee who refuses with no excusable grounds to accept the reassignment in the same or another enterprise shall not be entitled to the compensation pursuant to the preceding paragraph.

Compensation in Case of Natural or Social Disasters

Article 218

(1) When due to natural or social disasters the employee is unable to report to work he shall be compensated to the extent of 50 per cent of his gross labour remuneration for the period of inability but not less than 75 per cent of the minimum salary decreed for the country.

(2) In cases where the employee has taken part in rescue operations during natural or social disasters he shall be entitled to the full amount of his gross labour remuneration.

(3) The compensation pursuant to the preceding paragraphs shall be paid by the employer with whom the employee is working.

(4) The reasons for non-reporting to work or participation in rescue operations shall be certified by the mayor's office, the municipal council or by any other state authority.

Compensation for Lawful Refusal of the Employee to Perform the Job

Article 219

(1) Any employee who has refused to perform or has suspended performing his job on legitimate grounds because of a serious and direct threat to his life and health shall be entitled to a compensation to the extent of his gross labour remuneration for the period of refusal or suspension.

(2) The right to compensation pursuant to the preceding paragraph shall be extended to employees who refuse to perform a job assigned to them, which does not fall within the admissible categories of unilateral change of place and nature of work, if the employee is prevented from performing his job under the existing conditions.

Compensation for Failure to Provide Notice

Article 220

(1) The party entitled to terminate the labour relationship with notice may terminate it before the expiration of the notice period, in which case it shall owe the other party compensation equal to the amount of the employee's gross labour remuneration for the remainder of the notice period.

(2) The party which has received notice of termination of the employment contract may terminate it before the expiration of the notice period, in which case it shall owe the other party compensation equal to the amount of the employee's gross labour remuneration for the remainder of the notice period.

Compensation for Terminating the Employment Relationship without Notice

Article 221

(1) (Amended – SG, No. 52/2004) In terminating the employment relationship by an employee without notice in the cases of Article 327, paras 2, 3 and 3a, the employer shall owe compensation to the extent of the gross labour remuneration for the notice period in case of an employment contract for an indefinite period; and to the amount of the real damages in case of an employment contract for a fixed term.

(2) In case of disciplinary dismissal the employee shall owe the employer compensation to the extent of his gross labour remuneration for the notice period in case of an employment contract for an indefinite period; and to the amount of the real damages in case of an employment contract for a fixed term.

(3) The preceding paragraph shall also apply in cases where the employee is dismissed pursuant to Article 330, para 1 because of sentencing for a crime which at the same time constitutes a violation of his employment obligations.

(4) The actual losses pursuant to the preceding paragraphs shall be calculated on the basis of the gross labour remuneration of the employee as follows:

1. in the cases of para 1 - for the period during which the employee was unemployed but not more than the remainder of the employment relationship;
2. in the cases of para 2 and 3 - for the period during which the employer has been left without an employee for the same position, but not more than the remainder of the employment relationship;

Compensation for Dismissal on Other Grounds

Article 222

(1) Upon dismissal due to closing down of the enterprise or part of it, staff reduction, reduction of the volume of work and work stoppage for more than 30 days, the employee shall be entitled to compensation from the employer. The

compensation shall be in the amount of his gross labour remuneration for the period of unemployment but not for more than one month. A compensation for longer periods may be stipulated by an act of the Council of Ministers, by a collective agreement or by the labour contract. If within this period the employee starts work with a lower remuneration he shall be entitled to the difference for the said period.

(2) Upon termination of the employment relationship due to an illness (Article 325, para 9, and Article 327, para 1) the employee shall be entitled to a compensation from the employer in the amount of his gross labour remuneration for a period of two months, provided his length of service is at least 5 years and during the last 5 years of service he has not received any compensation on the same grounds.

(3) (Amended - SG, Nos. 2/1996, 25/2001) Upon termination of the employment relationship after the employee has acquired the right to a pension on the grounds of length of service covered by social security and age, irrespective of the grounds for the termination, he shall be entitled to compensation by the employer in the amount of his gross labour remuneration for a period of two months; and where the employee has worked with the same employer for the last ten years of the length of service the compensation shall equal his gross labour remuneration for a period of six months. The compensation pursuant to this paragraph shall be paid only once.

Article 223 - repealed.

Compensation for Unused Paid Annual Leave

Article 224

(1) Upon termination of the employment relationship the employee shall be entitled to a cash compensation for unused paid annual leave in proportion to the time recognized for length of service.

(2) The compensation pursuant to the preceding paragraph shall be calculated in accordance with the provisions of Article 177 as of the date of termination of the employment relationship.

(3) The paid leave for the training of students and students for Ph.D. degree by correspondent courses, as well as for entrance examinations in educational institutions, when unused, shall not be compensated in cash.

Compensation for Unlawful Dismissal and for Non-Admission to Work of a Reinstated Employee

Article 225

(1) In case of unlawful dismissal the employee shall be entitled to a compensation by the employer in the amount of his gross labour remuneration for the period of unemployment caused by that dismissal, but not for more than six months.

(2) When during the period pursuant to the preceding paragraph the employee has worked on a lower paid job he shall be entitled to the difference in the remuneration. The same right shall apply to unlawful reassignment of an employee on another lower paid job.

(3) When an unlawfully dismissed employee is reinstated and upon reporting to work to his former position he is prevented from taking that position, the employer and the guilty officials shall be liable jointly and severally to the employee in the amount of his gross labour remuneration from the day of reporting to the day of his actual admission to work.

Employer's Liability for Other Damages Caused to the Employee

Article 226

(1) The employer and the guilty officials shall be liable jointly and severally for the damages caused to the employee because of:

1. failure to issue or a delay in issuing documents, certifying facts related to the employment relationship of the employee;
2. recording of false data in the said documents.

(2) The employer and the guilty officials shall be jointly liable to the employee for damages ensuing from the unlawful withholding of his service record after his employment relationship has been terminated.

(3) The compensation pursuant to para 1 shall comprise all damages caused to the employee including the non-material ones. The compensation pursuant to para 2 shall be in the amount of his gross labour remuneration from the day of the termination of the employment relationship to the day of the handing over of the service record to the employee.

Recourse Liability

Article 227

The officials through whose fault the compensations pursuant to Articles 213, 214, 225, para 3 and 226 were paid shall owe the repayment of the sums to the employer in accordance with the rules of Section II of this Chapter.

Gross Labour Remuneration as Basis for Calculation of the Compensations

Article 228

(1) The gross labour remuneration as a basis for the calculation of the compensations under this Section shall be the gross labour remuneration received by the employee in the month preceding the month of the arising of the

grounds for the respective compensation, or the last monthly gross labour remuneration received by the employee, unless otherwise provided.

(2) The amounts of the compensations pursuant to Article 215, 218, 222 and 225 shall apply as long as no greater amounts have been provided in acts of the Council of Ministers, in collective agreements or in labour contracts.

Chapter Eleven
PROFESSIONAL QUALIFICATION

Contract for Acquiring of Qualification
Article 229

(1) The employer may conclude a contract with a person who is entering or has entered a training institution for acquiring a qualification.

(2) The contract under to the preceding paragraph shall bind the employer:

1. to support the trainee and other terms related to the training;
2. upon termination of the training to give employment to the trainee suitable for his acquired qualification for a period agreed by both parties, which cannot be longer than 6 years.

(3) The contract pursuant to paragraph 1 shall bind the trainee:

1. to finish his training for the agreed qualification according to schedule;
2. to take up employment with the employer in the agreed period of time.

(4) For failure perform the obligations under paras 2 and 3 through a fault of one of the parties, as long as no other provisions exist, the party at fault shall be held liable in accordance with civil law.

Apprenticeship Contract
Article 230

(1) The apprenticeship contract binds the employer to train the novice while working in a specified profession or speciality; and the novice to master it.

(2) The contract shall set down the forms, the place and the duration of training, which cannot be longer than 6 months, the compensation due by the parties in case of non-performance as well as other issues related to the training.

(3) The parties shall set down in the contract the period of mandatory work by the trainee with the employer after successful completion of the training course, and the employer shall provide work in accordance with the acquired qualification. That period shall not be longer than 3 years.

(4) During the training the trainee shall receive labour remuneration in proportion with the work done but not less than 90 per cent of the minimum work salary decreed for the country.

Recognition of the Qualification of the Trainee
Article 231

(1) The results of the training by apprenticeship contract shall be established by a theoretical and practical test of the trainee.

(2) Upon successful passing of the test the trainee shall qualify for a certain degree of qualification in the corresponding profession or speciality.

(3) Upon completion of the training course the trainee shall be entitled to a paid leave for preparation and taking of a test for a period agreed with the employer but not less than 12 working days. For a repeat test the trainee shall be entitled to an unpaid leave of 12 working days, which shall be recognized as length of service.

Obligation for Work and Liability in Case of Non-Performance of the Apprenticeship Contract.
Article 232

(1) After successful completion of the training the employer, in accordance with the apprenticeship contract, must appoint the trainee to a job corresponding to the acquired qualification, and the trainee must take up the job and work during the agreed period.

(2) In case the employer fails to provide a trainee, who has successfully completed his training, with a job corresponding to the acquired qualification he shall be liable in the amount of the gross labour remuneration for the corresponding position for the period when such work was not provided, but for not more than 3 months, unless otherwise agreed upon.

(3) If the trainee fails to complete the training course without serious cause or fails after completion of the course to take up the job provided by the employer, or leaves before the expiration of the agreed period, he shall owe the employer a compensation in proportion to the non-performance in an amount agreed upon by both parties, but not more than the triple amount of the minimum monthly salary decreed for the country.

Applicability of Labour Laws to the Apprenticeship Contract

Article 233

The current labour legislation shall apply to relationships between the parties to an apprenticeship contract for the period of training.

Contract for Higher Qualification Training and Re-Training

Article 234

(1) The parties to an employment relationship may enter into a contract for higher qualification training of the employee or for training in another profession or speciality (re-training).

(2) The contract under the preceding paragraph shall stipulate:

1. profession and speciality in which the employee is to be trained;
2. place, form and duration of the training;
3. financial, living and other conditions during the period of training.

(3) The contract under paragraph 1 may provide:

1. an obligation of the employee to work with the employer for a fixed period, but not longer than 5 years;
2. liability for non-completion of the training, as well as non-observance of the obligations under the preceding subparagraph.

Contract for Qualification With a Non-Working Person

Article 235

A Contract for training for acquiring a higher qualification or for re-training may be concluded between the employer and a person who is preparing to start work with the employer upon completion of the training.

Termination of the Contract for Qualification

Article 236

Each party may by a notice in writing terminate the contract subject of this Chapter before completion of the training course:

1. because of nonperformance of the obligations of the other party through that other party's fault; the party at fault, though, shall be given an appropriate time period to perform its obligations;
2. in other cases agreed upon in the contract.

Labour Contract After the Training.

Article 237

Upon completion of the training on the basis of a contract subject of this Chapter the employment relationship shall be governed by a labour contract or by an appropriate amendment of the labour contract.

Article 238 - 241 - repealed

Chapter Twelve
LABOUR REMUNERATION
Section I
GENERAL PROVISIONS

Mandatory Consideration for Work Performed

Article 242

Work performed under an employment relationship shall be compensated.

Article 243 - repealed

Right to Equal Remuneration

Article 243

(New – SG, No. 25/2001)

(1) Women and men shall be entitled to equal remuneration for the same or equivalent labour.

(2) Paragraph (1) shall apply to all payments under the employment relationship.

Regulation of the Minimum Labour Remunerations and Compensations

Article 244

The Council of Ministers shall decree:

1. the minimum labour salary for the country;

2. the types and minimum amounts of the additional labour remunerations and compensations for employment relationships in so far as they have not been defined in this Code.

Guarantee for payment of the labour remuneration (Title Amended - SG, No. 52/2004)

Article 245

(1). (Amended - SG, No. 100 of 1992, No. 52/2004) With performance in good will of the labour obligations by the worker or employee, it is guaranteed the payment of the labour remuneration of 60% of the brutto labour remuneration , but not less than the minimal work salary for the country.

(2). (Amended - SG, No. 52/2004) The difference to the full amount of the labour remuneration shall stay requireble, and shall be paid additionally with the legal interest.

Article 246 - repealed.

Section II
SYSTEMS OF LABOUR REMUNERATION

Determination of the Amount of the Labour Remuneration

Article 247

(1) The amount of the labour remuneration shall be determined in accordance with the duration of work or the results of work.

(2) The amount of the labour remuneration for a produced unit (labour norm) shall be agreed upon by the employee and the employer and may not be less than the one provided in the collective agreement.

Article 248 - repealed.

Article 249 - repealed.

Setting and Revising Labour Norms

Article 250

(1) Labour norms shall be set with a view to establish a normal intensity of work.

(2) Labour norms shall be set and revised by the employer after obtaining the opinion of the interested employees.

Article 251-256 - repealed.

Section III
ADDITIONAL AND OTHER LABOUR REMUNERATIONS

Article 257 - repealed.

Article 258 - repealed.

Labour Remuneration for Internal Substitution

Article 259

(1) Where an employee shall perform the job or work of an absent employee he shall be entitled to the rights of this job or work, including the labour remuneration if it proves more favourable for him. If at the same time he is performing his work or job he shall be entitled to an additional labour remuneration agreed upon by the parties to the employment relationship.

(2) An employee whose position is deputy to the absent employee may not avail himself of the rights of the preceding paragraph.

(3) Substitution pursuant to paragraph 1 shall be carried out with the consent of the employer and the employee in writing. Lack of consent in writing shall not be an impediment for the employee to receive the substitution remuneration.

Labour Remuneration for External Additional Work

Article 260

An employee who performs external additional work shall be entitled to the full amount of the labour remuneration for his basic work and a remuneration for the external additional work in accordance with the agreement between the parties.

Remuneration for Night Work

Article 261

Night work shall be paid with an increase agreed upon by the parties to the employment relationship, but not less than the amounts set by the Council of Ministers.

Remuneration for Overtime Work

Article 262

(1) Overtime work performed shall be remunerated with an increase agreed upon by the 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 official holidays;
4. 50 per cent for work with an accumulated calculation of the working time.

(2) Where there is no other provision the increase in accordance with the preceding paragraph shall be calculated on the basis of the labour remuneration set in the labour contract.

Remuneration for Overtime Work in case of Open-Ended Work Day

Article 263

(1) No additional labour remuneration shall be paid for overtime work on working days to employees with open-ended work day.

(2) Overtime work performed by employees with open-ended work day on weekends and official holidays shall be remunerated pursuant to Article 262, para 1, subparagraph 2 and 3.

Labour Remuneration for Work on Official Holidays

Article 264

Work on official holidays, irrespective of whether it represents overtime work or not, shall be remunerated pursuant to the agreement, but not less than the double amount of the labour remuneration.

Article 265 - repealed.

Labour Remuneration in case of Non-fulfillment of the Labour Norms

Article 266

(1) An employee who fails to fulfil his labour norms through no fault of his shall be remunerated according to the output, but not less than the agreed remuneration for full output.

(2) In case of non-fulfillment of the labour norms through the employee's fault he shall be remunerated according to the output.

Labour Remuneration in case of Stoppage and Production Necessity

Article 267

(1) The employee shall be entitled to his gross labour remuneration for stoppage through no fault of his.

(2) An employee shall receive no labour remuneration for the duration of a work stoppage caused through a fault of his.

(3) For the time of performing other work due to production necessity the employee shall be entitled to the labour remuneration for the work performed, but not less than the gross labour remuneration for his basic work.

Labour Remuneration for Low-Quality Output

Article 268

(1) In case of output of entirely unfit products through the fault of the employee he shall receive no remuneration.

(2) When through the fault of the employee the products conform partially to the required quality standards (partial waste), the amount of his labour remuneration shall be reduced in accordance with the fitness of the products.

(3) In case of output of unfit products not through a fault of the employee the latter shall be entitled to a labour remuneration equal to the remuneration for fit products.

Section IV

PAYMENT OF LABOUR REMUNERATION

Payment in Cash and In Kind

Article 269

(1) Labour remuneration shall be paid in cash.

(2) Additional labour remunerations or part of them may be paid in kind if this is provided in an act of the Council of Ministers, in a collective agreement or in the labour contract.

Place and Periods of Payment

Article 270

(1) Labour remuneration shall be paid at the enterprise where the work has been performed.

(2) Labour remuneration shall be paid in advance or as final payment twice a month, unless otherwise agreed.

(3) Labour remuneration shall be paid to the employee in person from a pay-roll or against receipt or, upon a request by the employee in writing, to his relatives. Upon a request in writing of the employee his labour remuneration shall be deposited in a bank chosen by him.

Receiving Labour Remuneration in Good Faith

Article 271

(1) The employee shall not be obliged to repay the labour remuneration and compensation he has received pursuant to an employment relationship in good faith.

(2) The officials at fault who have ordered or authorized payment without grounds of the sums under the preceding paragraph shall bear financial liability.

Deductions from Labour Remuneration

Article 272

(1) Without the consent of the employee no deduction shall be made of his labour remuneration except for:
1. advance payments received;
2. excessive sums received due to technical error;
3. taxes deductible from the labour remuneration in accordance with specific laws;
4. assurance contributions on the expense of the employee who is assured for all the assurance events; (in force as from 01.03.1996)
5. attachments in accordance with established procedures;
6. deductions in the case of Article 210, para 4.

(2) The total amount of the monthly deductions under the preceding paragraph shall not exceed the amount set forth in the Civil Procedure Code.

Chapter Thirteen
SAFE AND HEALTHY CONDITIONS OF WORK

Article 273 - repealed.

Article 274 - repealed.

Obligation To Provide Safe and Healthy Conditions of Work.

Article 275

(1) (Amended - SG, No. 25/2001) The employer shall be obliged to ensure healthy and safe conditions of work so that any danger for the life and health of the employee shall be eliminated, restricted or mitigated.

(2) (Amended - SG, No. 25/2001) The Government executive bodies shall implement, within the framework of their authority, the Government policy for ensuring healthy and safe conditions of work.

Normative Acts, Uniform and Sectorial Rules

Article 276

(1) (Amended - SG, No. 25/2001) The Minister of Labour and Social Policy shall issue, on his own or together with other ministers, acts for ensuring healthy and safe conditions of work. Should it be necessary, the Minister of Labour and Social Policy shall determine the bodies and organizations that 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, on their own or jointly, approve uniform rules for ensuring healthy and safe conditions of work, which shall apply to all sectors and activities.

(3) (Amended - SG, No. 25/2001) The ministers and the other Government executive bodies under Article 19, paragraph (4) of the Administration Act shall approve sectorial rules for ensuring healthy and safe conditions of work in the enterprises of the relevant sectors.

(4) (Repealed – SG, No. 25/2001).

(5) (Repealed – SG, No. 25/2001).

(6) (Amended - SG, No. 25/2001) The orders for approval of the rules under paragraphs (2) and (3) shall be promulgated in the *State Gazette* and the rules shall be issued by the respective approving body.

Rules in Enterprises

Article 277

(1) (Amended - SG, No. 25/2001) The employer shall work out and endorse rules for ensuring safe and healthy conditions of work in the enterprise, which may not contravene the normative requirements.

(2) The rules under the preceding paragraph shall be displayed in an appropriate manner at the working places.

Responsibilities in the Design and Construction Process

Article 278

(Repealed – SG, No. 25/2001)

Requirements to Machines and Equipment Manufactured Abroad

Article 279

(Repealed – SG, No. 25/2001)

Commissioning of Projects

Article 280

(Repealed – SG, No. 25/2001)

Instruction and Training

Article 281

(1) (New – SG, No. 25/2001) All employees shall be instructed and trained in the safe methods of work.

(2) Employees engaged in use, servicing and maintenance of machines and other technical equipment, as well as employees engaged in activities creating a threat to their health and life shall receive mandatory instruction and training and shall pass an examination on the rules of safe and healthy conditions of work.

(3) Hazardous machines, equipment and technological processes shall be serviced only by competent employees. Their competence shall be certified by special regulations. The list of hazardous equipment and activities shall be approved by the respective administrative bodies.

(4) (Amended - SG, No. 25/2001) No persons without the necessary knowledge and skills provided by the rules for safe and healthy conditions of work shall be admitted to work in the enterprise.

(5) (Amended - SG, No. 25/2001) The employer shall be bound to organize periodic training of the employees on rules for ensuring safe and healthy conditions of work according to terms and procedures set forth by Ordinance of the Minister of Labour and Social Policy.

Obligations To Provide Sanitation and Medical Service

Article 282

The employer shall be obliged to provide sanitary and medical service to employees in accordance with the sanitary norms and requirements.

Refusal of the Employee to Perform an Assignment

Article 283

An employee shall have the right to refuse performance or to stop work when a serious and immediate hazard arises for his life and health, informing without delay his immediate manager. In these cases the continuation of work shall be permitted only after the elimination of the hazard, upon the order of the employer or the immediate manager.

Special Work Clothes and Personal Protective Means

Article 284

(1) The employer shall provide free of charge special work clothes and personal protective means to the employees who work with or at hazardous machines, equipment, liquids, gases, melted metals, heated objects and the like.

(2) The employees shall be obliged to use special work clothes and personal protective means only in accordance with their functions, the use being confined only during working hours.

(3) The terms and procedures for providing special work clothes and personal protective means, as well as their type, shall be determined by the Minister of Labour and Social policy and the Minister of Health.

Free Preventive Meals and Anti-Toxins

Article 285

(Amended - SG, No. 25/2001)

(1) Employees engaged in production related to health-hazardous effects shall receive at the expense of the employer free preventive meals, anti-toxins and other means neutralizing the harmful effects of the working environment.

(2) The categories of employees enjoying the right to free preventive meals, anti-toxins and other means pursuant to the preceding paragraph shall be determined on the basis of professions, specialities and kinds of work by the Minister of Labour and Social Policy and the Minister of Health.

(3) The exchange of the specified kinds of free preventive meals, anti-toxins and personal protection means, as well as payment of their value in cash, shall be prohibited.

Time Limitation of Work in a Hazardous Environment

Article 286

(1) A maximum number of years shall be determined for work in particularly hazardous types of production and work, upon the expiration of which the employee shall be transferred to other suitable work.

(2) The list of productions and types of works and the maximum number of years permitted in accordance with the preceding paragraph shall be approved by the Council of Ministers upon proposal of the Minister of Health and the Minister of Labour and Social policy.

Periodical Medical Check-Ups

Article 287

(1) All employees shall be subject to mandatory periodical medical check-ups. The frequency of these check-ups in accordance with the nature of work, conditions of labour and age of the employees shall be determined by the Minister of Health.

(2) (New – SG, No. 25/2001) The medical check-ups shall be on account of the employer.

(3) (New – SG, No. 25/2001) The employer and the officials in the enterprise shall be bound to keep in confidence the information from the medical check-ups of the employees.

Data on Safe and Healthy Conditions of Labour

Article 288

The employer shall be obliged to establish annually the data on the safe and healthy conditions of work in his enterprise in accordance with individual indices and through a procedure to be determined by the Ministry of Labour and Social policy and the Ministry of Health.

Prevention and Recording of Labour Accidents and Diseases

Article 289

(1) The employer shall take measures for the prevention and reduction of occupational injuries and of general and professional illness.

(2) (Repealed – SG, No. 25/2001).

Legal Regulation of Occupational Injuries and Illnesses

Article 290

Occupational injuries and general and professional illnesses, as well as the manner of their registration and effects, shall be governed by a special law.

Chapter Fourteen

SOCIAL AND CULTURAL SERVICES IN THE ENTERPRISE

Article 291 - repealed.

Financing

Article 292

The social and cultural services in the enterprise shall be financed by the employer and by other sources.

Distribution and Use of the Funds

Article 293

(1) The manner of allocation of the funds for social and cultural services shall be decided by the general meeting of employees.

(2) The funds for social and cultural services shall not be diverted and used for other purposes.

Fulfillment of Social and Cultural Necessities

Article 294

(Amended - SG, No. 25/2001) The employer may independently or jointly with other bodies and organizations, provide to the employees:

1. organized meals in accordance with rational norms and the specific conditions of work;
2. commercial and public services by building and maintaining commercial shops and service centres;
3. transportation from residences to the enterprise and back;
4. facilities for short and long-term rest, physical culture, sports and tourism;
5. facilities for cultural activities, clubs, libraries etc.;

6. assistance to young and to newly appointed employees;
7. meeting of other social and cultural needs.

Article 295 - repealed.

Working Clothes and Uniforms

Article 296

(1) The employer shall provide to the employees working clothes and uniforms under terms and conditions to be approved by the Council of Ministers or laid down in the collective agreement.

(2) (New - SG, No. 25/2001) The employees shall be obliged to wear the working clothes or uniforms during working hours and keep them as property of the employer.

Housing and Workers Hostels

Article 297

(1) (Amended - SG, No. 25/2001) The employer may make efforts to provide housing to the employees and their families by using resources from his funds set aside specially for the purpose.

(2) The housing units shall be allocated in accordance with criteria recorded in the collective agreement.

(3) (Amended - SG, No. 25/2001) The employer may build with his own resources and maintain workers' hostels.

Article 298 - repealed.

Care for the Employees' Families

Article 299

(1) (Amended - SG, No. 25/2001) The employer shall provide assistance for placing the employees' children in child-care establishments by maintaining, building or taking part in the building and maintaining of such establishments with his own resources or jointly with other employers and the municipal councils.

(2) (Amended - SG, No. 25/2001) The employer shall place at the disposal of the employees' children the available facilities for rest, physical culture, sports and tourism, youth and cultural activities.

3) The social funds and the forms of social services shall be used also by the employee's families upon decision of the general meeting (meeting of proxies) and in conformity with the collective agreement.

Care For Retired Former Employees.

Article 300

Upon the decision of the general meeting of the employees the social funds and the forms of social services shall be used also by pensioners having worked with the same employer.

Chapter Fifteen
SPECIAL PROTECTION FOR SOME CATEGORIES OF EMPLOYEES

Section I

SPECIAL PROTECTION FOR THE ADOLESCENTS

Article 301

(1) The minimum age for employment shall be 16. The employment of persons under 16 years of age is prohibited.

(2) As an exception persons between 15 and 16 years of age may be employed to perform work of easy nature and not dangerous or harmful to their health and to their proper physical, mental and moral development.

(3) As an exception the circuses may recruit on student jobs girls, who have turned 14 years of age and boys, who have turned 13, and, for the participation in shooting of films, in the preparation and giving theatrical and other performances, persons under 15 years of age may be recruited under easier conditions and in conformity with the requirements for their proper physical, mental and moral development. The labour terms in these cases shall be determined by the Council of Ministers.

Employment of Persons Under 16 Years of Age

Article 302

(1) Persons under 16 shall be employed after a thorough medical examination and a medical ruling that they are fit to perform the respective job and that it would not impair their proper physical and mental development.

(2) Persons under 16 shall be employed upon permission of the Labour Inspectorate in each separate case.

Employment of Persons between 16 and 18 Years of Age

Article 303

(1) Employment of persons between 16 and 18 years of age in heavy, harmful and dangerous jobs shall be prohibited.

(2) Persons between 16 and 18 years of age shall be employed after a thorough preliminary medical examination and a medical ruling which certifies their fitness to perform the respective work.

(3) Persons between 16 and 18 years of age shall be employed upon permission of the Labour Inspectorate in each separate case.

Employment of Persons Under 18 Years of Age

Article 304

(Amended - SG, No. 25/2001)

(1) Prohibited for underage persons shall be jobs which are:

1. beyond their physical or mental capacity;
2. related to exposure to harmful physical, biological or chemical effects, and in particular to toxins, cancerogenes and agents causing hereditary genetic or intrauterine impairments;
3. related to hazards which cause continuous detrimental effects on human health in any other way;
4. exposed to radiation;
5. at extremely low or high temperatures, noise or vibration;
6. related to risk of occupational accidents, which the underage persons presumably are unaware of because of their physical or mental adolescence.

(2) The list of jobs under paragraph (1), as well as jobs to which persons from 15 to 16 years of age could be admitted as an exception, shall be issued by the Minister of Labour and Social Policy.

Particular Care for Adolescents

Article 305

(1) The employer shall take special care for the work of persons under 18 by providing alleviated working conditions and opportunities to acquire professional qualification and to raise the qualification level.

(2) (New – SG, No. 25/2001) The employer shall be bound to inform the underage employees and their parents or guardians about the eventual risks on the job and about the measures taken to ensure healthy and safe conditions of work.

(3) (Amended - SG, No. 25/2001) The working hours of employees under 18 shall be 35 working hours weekly and 7 hours daily for 5-day work week.

(4) Employees under 18 shall be entitled to a paid annual leave of not less than 26 working days, including during the calendar year when they turn 18 years of age.

Section II

SPECIAL PROTECTION FOR WOMEN

Article 306 - repealed

Protection of pregnant women and suckling mothers

Article 307

(1). (Amended - SG, No. 100 of 1992, No. 52 of 2004) The employer may not order, as well as, oblige pregnant women and suckling mothers to do work, which is dangerous of threatens their security and health.

(2). A pregnant woman, or suckling mother may refuse to do the work, which is defined as dangerous for the health of the mother or the child, or about which after the risk assessment, has been defined that contains substantial risk for the health of the mother or her child.

(3). The list with jobs and labour conditions, as provided by Paragraph 1 shall be defined by an ordinance of the Minister of Labour and Social Policy, and the Minister of Health."

Women's Rooms

Article 308

Employers employing 20 or more women shall provide rooms for personal hygiene of the women and rooms for rest of the pregnant as established by the Minister of Health.

Job Reassignment for Pregnant and Nursing Mothers

Article 309 (Amended and supplemented - SG, No. 100 of 1992)

(1). (Amended - SG, No. 52 of 2004) In cases where a pregnant woman, or suckling mother does inappropriate for her state job, upon prescription of the healthcare authorities, the employer shall undertake the necessary measures for

temporary adjustment of the work conditions and/or the working time in view to abolishing the security and health risk for the pregnant woman or suckling mother. If the adjustment of the work conditions at the work place and/or the working time is technically and/or objectively impossible, or inappropriate to be required because of valid arguments, the employer shall undertake the necessary measures for placing the female worker or employer to another suitable for her job.

(2). (Supplemented - SG, No. 52 of 2004) The health authorities' prescription shall be mandatory for the pregnant or nursing woman and for the employer. By implementing the prescribed placement, she shall be released from the obligation to perform the inappropriate for her condition work, and her employer shall pay compensation amounting to the received brutto labour remuneration for the month before the day of issuing the prescription.

(3). (Amended - SG, No. 52 of 2004) In the cases under Paragraph 1, the female worker or employee shall receive remuneration for the work performed. If it is lower than the labour remuneration of the previous work, she shall have the right to monetary compensation for the difference in the labour remunerations as provided by a separate law.

(4) The employer, jointly with the health authorities, shall annually designate positions and jobs suitable for pregnant women and nursing mothers.

Missions for pregnant women and mothers of children

Article 310

(Amended - SG, No. 25/2000, No. 52 of 2004)

The employer shall not send a pregnant woman and mother of a child of up to 3 years of age without her written consent.

Article 311 - repealed

Work to be done at Home

Article 312

(1) A female employee who is a mother of a small child shall be entitled to work at home with the same or another employer until the child reaches the age of 6.

(2) Where a female employee under the preceding paragraph is reassigned to work at home with the same employer, he shall provide upon ceasing of the work at home, but not later than reaching of the age of 6 by the child, the job performed before reassignment at home, and if the job has been eliminated, another job with her consent.

(3) Where the female employee under paragraph 1 begins work at home with another employer, her employment relationship with the employer with whom she had worked prior to her reassignment shall not be terminated, but she shall be given unpaid leave. When she ceases to work at home, but not later than reaching of the age of 6 by the child, the unpaid leave shall be terminated. If the job has been eliminated the employer shall provide with her consent another job.

Use of Mother's Rights by the Father

Article 313

The rights of the mother pursuant to Article 310 and 312 may be used by the father if the mother is not in a position to use them.

Obligation for notification

Article 313a

(1). A pregnant woman or employee shall have the rights as provided by Article 140, Paragraph 4, item 2; Article 147, Paragraph 1, item 2; Article 157, Paragraph 2; Articles 307, 309, 310 and 333, Paragraph 5, after certifying her condition to the employer through a due document, issued by the competent healthcare authorities.

(2). In case of interruption of pregnancy, the female worker or employee under Paragraph 1 shall be obliged to inform the employer within 7-day term.

(3). The employer and the official persons in the enterprise shall be obliged to keep secrete on the circumstances, referred to in Paragraph 1 and 2.

Section III
SPECIAL PROTECTION OF PERSONS WITH PARTIAL INCAPACITY

Grounds for Reassignment
Article 314

An employee who after an illness or occupational accident is not able to continue with his former job, but who is able to perform with no harm to his health another suitable job or the same job under alleviated conditions, shall be reassigned to another job or to the same job with alleviated conditions upon prescription of the health authorities.

Jobs by Reassignment
Article 315

(1) (Amended - SG, No. 2/1996) An employer with more than 50 employees shall provide annually jobs suitable for reassignment of partially incapacitated persons, their number being 4 to 10 per cent of the total number of jobs depending on the economic sector.

(2) The portion of the total number of employees under the preceding paragraph by economic sectors shall be specified by the Minister of Labour and Social policy.

Specialized Enterprises and Workshops for Partially Incapacitated Persons
Article 316

(Amended - SG, No. 25/2001)

(1) (Amended - SG, No. 2/1996) The Ministers, the heads of other agencies and the municipal councils shall set up special state (municipal) enterprises, and the employers with more than 300 employees shall set up workshops and other units designed for partially incapacitated persons.

(2) The activities of the specialized enterprises, workshops and units under the preceding paragraph shall be planned and accounted for separately, and the employees working there shall enjoy special rules for output rates, accounting and labour remuneration under a procedure to be determined by the Council of Ministers.

Reassignment of Partially Incapacitated Employees
Article 317

(1) The necessity of reassignment of the partially disabled employee to another suitable job or to the same job with alleviated working conditions, the character of the work done, the work conditions and the period of reassignment shall be set in accordance with a prescription of the health authorities.

(2) The reassignment prescription issued by the health authorities shall oblige the employee not to perform the job from which he shall be reassigned and the employer not to admit him to this job.

(3) The employer shall reassign the employee to a suitable work in accordance with the prescription of the health authorities within 7 days of its receipt.

(4) Failure to perform the prescription of the health authorities by the employer shall oblige him to compensate the employee in accordance with Article 217.

Article 318 - repealed.

Paid Annual Leave
Article 319

(Amended - SG, No. 25/2001) Employees with loss of working capacity of 50% and more than 50% shall be entitled to a paid annual leave of not less than 26 working days.

Labour Remuneration
Article 320

(1) An employee who is reassigned in accordance with this Section shall be remunerated for the work done.

(2) (Amended - SG, No. 25/2001) An employee with loss of working capacity less than 50% who is reassigned for a fixed period and who receives at his new job lower labour remuneration than the remuneration for the former job shall be entitled to a cash compensation for the difference between remunerations in accordance with a separate law.

Article 321 - repealed.

Section IV

Article 322 - 324 - repealed.

Chapter Sixteen

TERMINATION OF EMPLOYMENT RELATIONSHIP

Section I

TERMINATION OF EMPLOYMENT CONTRACT

General Grounds for Termination of Contract of Employment

Article 325

A contract of employment shall be terminated without notice due from either party in the following cases:

1. By mutual consent of the parties, expressed in writing. The party to which the proposal is addressed shall inform the other party of its position within 7 days of receipt of the proposal. Failure to do so shall be deemed refusal to accept the proposal;
2. When the dismissal of an employee is found unlawful, or he is reinstated to his previous job by ruling of the court, but he does not report to work within the term stipulated under Article 345, para 1;
3. Upon expiry of the contractual term;
4. Until the completion of some specified work;
5. Upon return of the substituted employee to work;
6. When a position is listed to be occupied by a pregnant employee or an employee reassigned for rehabilitation, and a candidate entitled to that position appears;
7. - repealed;
8. Upon the appointment of an employee who has been elected or has passed a competitive examination for the position;
9. In case of inability of the employee to perform the assigned job because of illness resulting in permanent disability (invalidism), or because of health contraindications established by an expert medical commission. In such a case the contract of employment shall not be terminated whenever the employer can provide another job, suitable to the employee's health status, and he consents to perform it;
10. Upon the death of the person with whom the employee has concluded a contract of employment with consideration to his personality;
11. Upon the death of the employee.
12. (New, SG No.67/1999) When a position is listed to be occupied by a state employee.

Termination of Contract of Employment by Employee by Notice

Article 326

(1) An employee may terminate a contract of employment by giving the employer a notice in writing.

(2) The notice period for termination of an employment contract of unlimited duration shall be 30 days, unless a longer period has been agreed by the parties, but not longer than 3 months. The notice period for termination of an employment contract of an indefinite period shall be 3 months, but not more than the remaining period of the contract.

(3) Employees accountable for assets, whenever unable to hand over the assets within the 30 day period under para 2, shall have that period extended, but by no more than 2 months, including the notice period.

(4) The notice period shall begin on the day following receipt of the notice. A notice shall be considered withdrawn upon the employee's request to do so before or at the time of its receipt. With the consent of the employer, a notice may also be withdrawn before the period has expired.

(5) - repealed.

Termination Employment Contract by Employee Without Notice

Article 327

An employee may terminate his employment contract in writing without notice, in the following circumstances:

1. Should he be unable to perform the assigned job because of illness, and should the employer fail to provide him with suitable work as per the prescription of the medical authorities;
2. Should the employer delay the payment of remuneration or compensation pursuant to this Code or for social security;
3. Should the employer change the place or character of work or the agreed remuneration, except in cases where entitled to make such changes, and also should he fail to meet other obligations, stipulated in the employment contract or the collective agreement, or established by a normative act;

3a. (New - SG, No. 52 of 2004) As a result of the amendment made under Article 123, Paragraph 1 the labour conditions are substantially worsened under the new employer;

4. Should he assume a paid elective office or begin research work on the basis of a competitive examination;
5. Should he be enlisted for regular military service. Should an employee, called up for military service, be postponed or released from regular military service, at his request his contract of employment shall be considered not terminated if within 1 month of the postponement or release, but not later than 3 months after leaving work, he should report back to work;
6. Should he continue his education as a regular student at an educational establishment, or as a student for Ph.D.;

7. Should he be employed as a substitute for an absent employee and take up employment elsewhere under a contract of employment for an indefinite term;
8. Should he be reinstated in the established manner to work as a result of finding his dismissal unlawful, in order to perform the work to which he is reinstated.
9. (New, SG No. 67/1999) Should he become a state employee.

Termination of Contract of Employment by Employer with Notice

Article 328

(1) An employer may terminate a contract of employment by giving a notice in writing to the employee in observance of the terms of Article 326, para 2, in the following cases:
1. Closing down of the enterprise;
2. Partial closing down of the enterprise or staff cuts;
3. Reduction of the volume of work;
4. (Amended - SG, No. 25/2001) Work stoppage for more than 15 work days;
5. When an employee lacks the qualities for efficient work performance;
6. When an employee does not have the necessary education or vocational training for the assigned work;
7. When an employee refuses to follow an enterprise or a division thereof, in which he is employed, when it is relocated to another community or locality;
8. When the position occupied by the employee should be vacated for reinstatement of an unlawfully dismissed employee, who had previously occupied the same position;
9. Should the occupied position be vacated due to the return of an employee, who has been released ahead of schedule or postponed from regular military service, and had previously occupied the same position;
10. (Amended - SG, Nos. 2 & 28/1996; 25/2001) When an employee has become eligible for retirement for length of service covered by social security and age, and for Professors, Associate Professors and Senior Research Assistants I and II degree and Academic Doctors – upon completion of 68 years of age;
11. When the requirements for the job have been changed and the employee does not qualify for it;
12. When it is objectively impossible to implement the contract of employment.

(2) (Amended - SG, No. 25/2001) In addition to the cases under para 1 enterprise management employees may be dismissed by advance notice as per the terms under Article 326, para 2, and by reason of conclusion of an enterprise management contract. The dismissal may be effected after the start of the management contract, but not later than 9 months.

Termination of an Employment Contract with Persons in Management Positions

Article 328bis

(Repealed - SG, No. 2/1996)

Termination of an Employment Contract with Persons Working in the Field of Culture

Article 328ter

(Repealed - SG, No. 2/1996)

Right to Selection

Article 329

In case of partial closing down of an enterprise, as well as in case of staff cuts or reduction of the volume of work, the employer shall be entitled to selection and in the interest of production or business may dismiss employees whose positions have not been made redundant, in order to retain employees of higher qualifications and better performance.

(2) (Repealed – SG, No. 25/2001).

(3) (Repealed – SG, No. 25/2001).

(4) (Repealed – SG, No. 25/2001).

Termination of Employment Contract by Employer Without Notice

Article 330

(1) An employer may terminate without notice an employment contract of an employee who has been detained for execution of a sentence.

(2) An employer shall terminate an employment contract without notice in the following cases:
1. Whenever an employee has been divested by sentence of the court or by an administrative order of the right to practice a profession or to occupy the position to which he has been appointed;
2. Whenever an employee is divested of his academic title or academic degree, if the contract of employment has been concluded in view of his holding the respective title or degree;

3. (New, SG No. 83/1998) The employee has been deleted from the registers of the Bulgarian Union of Medical Doctors and the Union of Dentists in Bulgaria pursuant to the Professional Organizations of Medical Doctors and Dentists Act.
4. (Repealed – SG, No. 52 of 2004).
5. Whenever an employee refuses to take a suitable job offered to him in case of medically prescribed reassignment;
6. In case of disciplinary dismissal.

Termination of Employment Contract on the Initiative of the Employer for Agreed Compensation

Article 331

(New – SG, No. 25/2001)

(1) The employer may, on his own initiative, propose to the employee to terminate the employment contract in return for compensation. Where the employee fails to state his position on the proposal in writing within 7 days, the proposal shall be deemed not accepted.

(2) Where the employee accepts the proposal under paragraph (1), the employer shall owe him compensation to the amount of not less than four times the last gross labour remuneration of the employee, unless the parties have agreed a higher amount of compensation.

(3) Where the compensation under paragraph (2) has not been paid within one month following the date of termination of the employment contract, the grounds for payment shall be deemed invalid.

Article 332 - repealed.

Protection Against Dismissal

Article 333

(1) (Amended, SG Noσ. 110/1999; 25/2001) In the cases under Article 328, para 1, items 2, 3, 5 and 11 and Article 330, para 2, item 6, an employer may dismiss only with prior consent of the labour inspectorate for each specific case:

1. (Amended - SG, No. 52 of 2004) Employees mothers of children younger than 3 years of age, or spouses of persons who have entered their regular military service;
2. Employees who have been reassigned due to reasons of health;
3. Employees suffering from certain diseases, listed in a Regulation of the Minister of Health;
4. Employees who have commenced a period of permitted leave.

(2) In the cases under items 2 and 3 of the preceding paragraph prior to dismissal the opinion of an expert medical commission should also be considered.

(3) (Amended, SG Nos. 110/1999, 25/2001) In the cases under Article 328, para 1, items 2, 3, 5 and 11, and Article 330, para 2, item 6, an employer may dismiss an employee who is a member of the enterprise trade union leadership belonging to a territorial, industrial or national elected trade union body, throughout the period of occupation of the trade union position and not earlier than 6 months after that, only with prior consent of the trade union body, specified by decision of the central leadership of the respective trade union organization.

(4) When provided for in the collective agreement, and employer may dismiss an employee due to staff cuts or reduction of the volume of work after obtaining a prior consent from the respective trade union body of the enterprise.

(5) (New – SG, No. 52 of 2004) A pregnant worker or an employee may be discharged with a given notice, only under Article 328, Paragraph 1, items 1,7,8,9 and 12, and without given notice, under Article 330, Paragraph 1 and Paragraph 2, item 6. In the cases provided by Article 330, Paragraph 2, item 6, the discharge may become only after preliminary permission, given by the inspection on labour.

(6) (New – SG, No. 52 of 2004, previous para. 5, No. 25 of 2001) A female employee who uses leave for pregnancy and childbirth may be dismissed only pursuant to Article 328, paragraph (1), sub-paragraph 1.

(7) (New – SG, No. 52 of 2004, previous para. 6, No. 25 of 2001) The protection under this article is towards the moment of serving the order of dismissal.

Termination of Employment Contract for Additional Work

Article 334

(1) In addition to cases provided for by this Code, an employment contract for additional work (Articles 110, 111 and 114) may be terminated by the employee or the employer with a 15 days notice.

(2) Article 333 shall not apply in case of dismissal under the preceding paragraph.

Form and Time of Termination of an Employment Contract

Article 335

(1) (New – SG, No. 25/2001) An employment contract shall be terminated in writing.

(2) An employment contract shall be terminated:

1. Upon expiry of the notice period - in case of termination with notice;
2. Upon expiry of the respective part of the notice period - in case where the period has not been observed;
3. As from the date of receipt of a written statement for termination of a contract - in case of termination without notice.

Applicability of Provisions for Termination of Employment Contract

Article 336

The provisions of this Section shall also apply to the termination of an employment relationship resulting from competitive examination.

Section II
TERMINATION OF EMPLOYMENT RELATIONSHIPS RESULTING FROM AN ELECTION

Termination of Employment Relationships Resulting from an Election

Article 337

Employment relationships resulting from an election shall be terminated upon expiry of the term for which the person has been elected. Should no new election be provided upon expiry of the term, the employment relationship shall be extended until such election is held.

Recall

Article 338

Employment relationships resulting from an election may be terminated without notice by the respective electoral body.

Application of Provisions for Termination of Employment Contract

Article 339

(1) The grounds for termination of an employment contract, except for termination in case of disciplinary dismissal, shall also apply mutatis mutandis for termination of employment relationships resulting from an election.

(2) In the cases under the preceding paragraph, where for termination of an employment relationship a binding statement by the employer is required, it shall be substituted for by a decision of the electoral body.

Non-application of Protection Against Dismissal

Article 339bis

Article 333 shall not apply to termination of an employment relationship resulting from an election.

Termination of an Election Employment Relationship by Reason of Other Normative Acts or By-laws

Article 340

The provisions of this Section shall apply in so far as a law, another regulation or a by-law do not provide otherwise.

Section III

Articles 341-343 - repealed.

Section IV
PROTECTION AGAINST UNLAWFUL DISMISSAL

Contest of Lawfulness of Dismissal

Article 344

(1) An employee shall be entitled to contest the lawfulness of dismissal before the employer or in a court and demand:

1. Recognition of dismissal as unlawful and its repeal;
2. Reinstatement to his previous position;
3. Compensation for the period of unemployment due to dismissal;
4. Revision of the grounds for dismissal, entered in his service record or other documents.

(2) On his own initiative an employer may cancel an order of dismissal prior to the bringing of the action before the court by the employee.

(3) In cases where for dismissal a prior consent of the labour inspectorate or a trade union body is required, and no such consent has been asked for or given before the dismissal, the court shall cancel the order of dismissal as unlawful on these grounds only, without considering the merits of the labour dispute.

(4) (New - SG, No. 2/1996) Labour disputes under paragraph (1) shall be considered by the district court within three months following the receipt of the claim and by the regional court - within one month following the receipt of the appeal.

Reinstatement to the Previous Position

Article 345

(1) Following the reinstatement of the employee to his previous position by the employer or a court he may assume the position provided he reports to work within 2 weeks of receipt of the reinstatement notice, unless this term be exceeded for valid reasons only.

(2) An employee dismissed pursuant to Article 330, para 1, shall be reinstated to his previous position pursuant to the preceding paragraph on the grounds of a verdict of acquittal which is in effect.

Entering the Annulment of the Dismissal

Article 346

(1) Should the employee's dismissal be found to be unlawful by the employer or a court, or should the grounds for termination of an employment relationship be revised, the revisions shall be entered in the service record of the employee.

(2) The entry in the service record shall be made by the employer who terminated the employment relationship; should the employer refuse to do so the entry shall be made by the labour inspectorate.

Chapter Seventeen
SERVICE RECORD AND LENGTH OF SERVICE
Section I
SERVICE RECORD

Purpose

Article 347

The service record is an official document certifying of circumstances entered therein related to the labour activities of the employee.

Presentation, Issue and Keeping

Article 348

(Amended - SG, No. 25/2001)

(1) Upon entering into employment, the employee shall be obliged to present his service record to the employer.

(2) Where an employee enters into employment for the first time the employer shall be obliged to provide him with a service record within 5 days from starting work. The employee shall verify by his passport or by a declaration that this is his first ever employment.

(3) The service record shall be kept by the employee, who shall be obliged to present it to the employer upon request, as well as for entry of new circumstances therein.

Contents

Article 349

(1) The following data about the employee shall be entered in the service record:

1. Name, date and place of birth;
2. Address;
3. (Amended - SG, No. 25/2001) Number of personal ID card or another identification document and civil ID number;
4. Education, profession, specialty;
5. Position occupied and organizational unit where employed (department, workshop, office);
6. Agreed remuneration;
7. Date of starting work;
8. Date and grounds for termination of employment relationship (article, paragraph, item and letter under this Code);
9. Duration of period recognized as length of service, as well as period not recognized as length of service;
10. Compensations paid upon termination of employment relationship;
11. Notices of attachments provided by Article 395, para 4 of the Civil Procedure Code.

(3) The employer shall enter precisely and on time the data listed under the preceding paragraph and any changes therein.

Record of Dismissal and Restoration of Lost Service Record

Article 350

(1) Upon termination of the employment relationship the employer shall enter in the service record the data relevant to the termination and submit the record immediately to the employee.

(2) Where a service record has been lost by fault of the employer, upon request of the employee a new service record shall be issued by the respective labour inspectorate. In such case the employer shall provide the labour inspectorate with the necessary data from previous employers.

(3) Where a service record has been lost by the employee, the labour inspectorate shall issue a new service record based on veritable data provided by the employee.

Section II
LENGTH OF SERVICE

Length of Service Under Employment Relationship

Article 351

(Amended, SG No. 67/1999) For the purposes of this Code length of service shall be the time period during which an employee has worked under an employment relationship, unless otherwise provided by this Code or another law, and also the period during which the person has been employed as a state employee.

Period of Employment Relationship Considered as Length of Service Without Actual Work on the Part of the Employee

Article 352

Periods under an employment relationship during which an employee has done no actual work shall be recognized as length of service in the following cases:

1. Days off and holidays;
2. Paid leave used, regardless of the grounds and mode of payment;
3. Unpaid leave used, as established by this Code or other normative acts, whenever explicitly provided for;
4. Unpaid leave used because of temporary disability;
5. Time spent at courses, schools and other forms of vocational training and retraining off the job;
6. Periods throughout which an employee has not worked because of unlawful refusal to be admitted to work;
7. The period of suspension from work pursuant to Article 33, paras 2 - 4, of the 1951 Labour Code for a crime committed in connection with the employee's job, if the employee has not been indicted pursuant to relevant procedures;
8. The period of suspension from work pursuant to Article 33, paras 2 - 4, of the 1951 Labour Code after an employee has been indicted, as well as the period of suspension from work pursuant to the provisions of the Penal Procedure Code, provided the employee has been acquitted or the criminal prosecution has been terminated on the grounds that the employee has not committed the act or that the act does not constitute a criminal offence;
9. In other cases specified by the Council of Ministers.

Length of Service Under a Void Employment Relationship

Article 353

The time spent at work prior to the declaring of an employment relationship void, provided the employee has acted in good will when it was created, shall be recognized as length of service.

Periods Recognized as Length of Service Without an Existing Employment Relationship

Article 354

Periods throughout which no employment relationship existed shall be recognized as length of service in the following cases:

1. When an employee has been unemployed as a result of dismissal which has subsequently been found to be unlawful by the competent authorities - as from the date of dismissal till the date of reinstatement to work;
2. When an employee dismissed because of detention by the authorities has remained unemployed as a result of that dismissal, provided he has not been indicted, he has been acquitted or the criminal prosecution has been terminated on the grounds that he has not committed the act or that the act does not constituted a criminal offence;
3. When the person has served a sentence of imprisonment which has subsequently been found pursuant to established procedures to have been imposed without grounds;
4. When an employee to whom reassignment due to health reasons has been prescribed, or a pregnant employee, do not work due to failure of the employer to provide such employees with a suitable job in compliance with prescriptions of the medical authorities;

5. When an employee has stayed unemployed because of unlawful detention of his service record;
6. When a mother, a father or an adoptive parent has been raising a child under the age of 3;
7. (Amended - SG, No. 2/1996) When an employee has remained out of job and has received unemployment benefits or has been enrolled in schools or courses for retraining;
8. in other cases specified by the Council of Ministers.

Calculation of Length of Service

Article 355

(1) The length of service shall be calculated in days, months and years.

(2) One day's length of service shall be recognized whenever an employee has worked for at least one half of the legally established working hours for that day under one or several employment relationships.

(3) (Amended - SG, No. 25/2001) One month's length of service shall be recognized whenever throughout the calendar month an employee has worked not less than 21 days in a five-day working week.

(4) As one year's length of service shall be recognized 12 months of service, calculated by the method established in the preceding paragraph.

(5) Under this Labour Code the time served in excess of the actual time served under a employment relationship, which shall be recognized for retirement pension eligibility, as well as the extra time resulting from transformation of work of one category into another in calculating an employee's retirement eligibility, shall not be recognized as length of service.

Subsidiary Legislation

Article 356

The Council of Ministers shall issue a regulation to implement this Chapter.

Chapter Eighteen
LABOUR DISPUTES

Definition

Article 357

(Amended - SG, No. 25/2001) Labour disputes shall be disputes between an employee and an employer on creation, existence, implementation and termination of employment relationships, as well as disputes on implementation of collective agreements and ascertainment of length of service.

Statute of Limitation

Article 358

(1) Labour dispute actions shall be brought within the following terms:
1. one month for disputes on limited financial liability of an employee and for repeal of the administrative sanction "reprimand";
2. (Amended - SG, No. 25/2001) two months for disputes on the repeal of the disciplinary sanction "dismissal notice", changes in the location and nature of work and termination of employment relationship;
3. three years for all other labour disputes.

(2) The periods under the preceding paragraph shall commence as follows:
1. for actions to repeal a disciplinary sanction and on changes in the location and nature of work - as from the date on which the respective order has been served on the employee, and for actions on termination of an employment relationship - as from the date of termination;
2. for other actions - as from the date on which the right subject of the action has become executable or exercisable. For claims in cash the executability shall be considered in effect on the date on which payment should have been properly made.

(3) The term under para 1 shall not be deemed expired, provided prior to expiry the action has been brought with a body not competent to examine it. In such case the action shall be transferred to a court on the motion of the erroneously seized organ.

Free Proceedings in Labour Cases

Article 359

(Amended - SG, No. 25/2001) Proceedings in labour cases shall be free of charge for employees. They shall not pay fees and expenses for proceedings, including for applications for repeal of effective rulings on labour cases.

Jurisdiction

Article 360

(1) Labour disputes shall be reviewed by the courts. They shall be reviewed pursuant to the rules of the Civil Procedure Code, unless otherwise provided by this Code.

(2) (Amended - SG, Nos. 2/1996; 25/2001) The courts shall not review disputes on dismissal of:

1. elected employees of bodies of the executive, of public organizations and of political parties and movements;
2. employees under Article 28, paragraph (2) of the Administration Act.

Jurisdiction over Labour Disputes with Foreign Nationals

Article 361

Labour disputes between employees who are foreign citizens and employers who are foreign nationals or joint ventures with a domicile in the Republic of Bulgaria, when the work has been performed in this country, shall fall under the jurisdiction of the respective court of domicile of the employer, unless otherwise agreed between the parties.

Jurisdiction over Labour Disputes of Bulgarian Employees Abroad

Article 362

Labour disputes between employees who are Bulgarian citizens working abroad and Bulgarian employers abroad shall fall under the jurisdiction of the proper court in Sofia and, in case the employee is a defendant, under the jurisdiction of the proper court of his domicile in this country.

Rulings of the Court not Subject of Appeal before the Court of Cassation

Article 363

(Amended - SG, No. 25/2001)

Rulings of the court of appeal that may not be subject of appeal before the court of cassation shall be such:

1. where judgement is rendered in favour or against claims of the employee for determining duration of holidays, providing of free preventive food and anti-toxins, of work garments or uniforms or devices for personal protection;
2. where judgement is rendered against the employer to pay the employee an amount not exceeding the minimum monthly wage, established in this country; in such case the ruling may be appealed before the court of cassation by the employee;
3. where a disciplinary sanction "reprimand" or "dismissal notice" is upheld or repealed.

Article 364-398 - repealed.

Chapter Nineteen
CONTROL OVER OBSERVANCE OF LABOUR LEGISLATION AND ADMINISTRATIVE PENAL LIABILITY FOR VIOLATIONS THEREOF

Section I
CONTROL OVER OBSERVANCE OF LABOUR LEGISLATION

Executive Agency "General Labour Inspectorate"

Article 399

(Amended - SG, No. 25/2001)

Overall control over observance of labour legislation in all sectors and activities shall be exercised by the Executive Agency "General Labour Inspectorate" of the Minister of Labour and Social Policy.

External Departmental Control

Article 400

Other state authorities, in addition to those mentioned under the preceding Article, shall exercise overall or special control over observance of labour legislation by force of law or an act of the Council of Ministers.

Internal Departmental Control

Article 401

Ministers, heads of other agencies and local government authorities shall exercise control over the observance of labour legislation through their own special bodies.

Rights of Controlling Bodies

Article 402

(1) Within the framework of their competence controlling bodies shall have the following rights:

1. to visit at all times ministries, other agencies, enterprises and other places of work, as well as premises used by employees;
2. to demand from employers explanations and presentation of all necessary documents, papers and data with reference to the exercise of control;
3. to obtain information directly from employees on all issues related to the exercise of control;
4. to take specimens, samples, and other similar materials for lab tests;
5. to establish the reasons and circumstances of occupational injuries.

(2) Employers, officials and employees shall be obliged to cooperate with controlling bodies in implementation of their functions.

(3) (Amended - SG, No. 25/2001) The controlling bodies under Articles 399, 400 and 401 shall exercise their rights in cooperation with the employers, the employees and their organizations.

Obligations of Controlling Bodies

Article 403

(1) The controlling bodies shall have the following obligations:
1. to keep secret all classified and confidential information that has come to their knowledge in the course of exercising control, and not to use such information in business activities of their own;
2. to keep secret the source of information about violation of labour legislation;

(2) (Repealed – SG, No. 25/2001).

(3) Control over observance of labour legislation may not be exercised by persons who have direct or indirect interest in the activities of controlled sites.

Compulsory Administrative Measures

Article 404

(1) For prevention and termination of violations of labour legislation, as well as for prevention and elimination of damages resulting therefrom, the General Labour Inspectorate and its bodies, as well as the bodies under Articles 400 and 401, by their own initiative or by proposal of the trade union organizations, may apply the following compulsory administrative measures:
1. to issue mandatory instructions to employers and officials for elimination of violations of labour legislation, including their obligations with respect to social and community services for employees, as well as for elimination of flaws in providing safe and healthy working environment;
2. to suspend approval of designs and commissioning of buildings, machines and facilities, production lines and projects, which violate the regulations for healthy and safe working environment and social services;
3. to halt the operation of enterprises, production lines and projects, including construction or overhaul thereof, as well as machines, facilities and work stations, whenever the violation of the regulations for healthy and safe working environment are hazardous to the life and health of people;
4. to cancel the implementation of unlawful decisions or orders of employers and officials, related to hygiene and labour safety, to allocation of social funds and the social services to employees;
5. to suspend from work employees who are not familiar with the regulations for healthy and safe work environment and do not have proper qualifications;
6. (New – SG, No. 25/2001) to give instructions for introduction of special regime of safe work in the case of serious and immediate hazard for the life and health of the employees, where it is not possible to apply sub-paragraph 3;
7. (New – SG, No. 25/2001) to halt operations on the work site or the operation of the enterprise in the event of repeated violation of Article 62, paragraph (1), till elimination of the offence.

(2) Should the mandatory instruction under subparagraph 1 of the preceding paragraph refer to elimination of violations of labour legislation, it may be issued upon request of an employee prior to bringing an action before the court; after the action has been brought the issue may be settled only by the court.

(3) Whenever pursuant to the preceding paragraph on the same issue there are both a mandatory instruction and an effective court ruling which contradict, the ruling of the court shall be valid.

Appeal of Compulsory Administrative Measures

Article 405

Compulsory administrative measures under para 1 of the preceding Article may be appealed pursuant to the Administrative Procedure Act. An appeal shall not suspend the execution of the compulsory administrative measure.

Notifying the Existence of Employment Relation

Article 405a

(New - SG, No. 2/1996)

(1) (Amended - SG, No. 25/2001) The labour inspectorate shall be entitled to announce the existence of employment relation, should it ascertain the provision of labour force in violation of Article 1, paragraph (2). Such announcement shall be done in the form of ruling of the labour inspectorate, which shall be delivered to the parties to the employment relation.

(2) (Amended - SG, No. 25/2001) In the cases under paragraph (1) the labour inspectorate shall instruct the employer to propose the conclusion of employment contract with the employee.

(3) (Amended - SG, No. 25/2001) Until ruling for the instruction under paragraph (2) is issued, the relations between the parties shall be regulated as under a real employment contract, provided the employee has acted in good faith. Where the parties to the employment relation fail to agree in writing on the conditions thereof, the ruling under paragraph (1) shall substitute for the employment contract, which shall be deemed concluded for an indefinite period at 5-day work week and 8-hour work day.

(4) The employer may appeal the instruction before the district court by domicile or by place of residence within seven days following its submission. The appeal shall not stop the execution of the employment relation.

(5) Should the court repeal the instruction of the Labour inspectorate, the employer may terminate unilaterally the employment contract without prior notification.

Notifying Function of Trade Union Organizations

Article 406

(1) Trade union organizations shall have the power to notify controlling bodies about violations of labour legislation, and to demand enforcement of administrative sanctions against the offenders.

(2) (New – SG, No. 25/2001) In implementation of their functions under paragraph (1) the representatives of the trade union organizations shall be entitled to:

1. visit at any time the enterprises and other locations where work is done, as well as the premises used by the employees;
2. demand from the employer explanations and provision of the required information and documents;
3. obtain information directly from the employees on all issues concerning compliance with the labour legislation.

(3) (New – SG, No. 25/2001) In implementation of their warning function the representatives of the trade union organizations shall be bound to comply to the requirements of Article 403, paragraph (1).

(4) The controlling bodies shall be obliged to inform the trade union organizations within one month of the measures undertaken.

Notifying Function of Controlling Bodies

Article 407

Whenever controlling bodies establish violations involving data of a criminal offence or other violations of the law, they must inform the public prosecutor's office.

Inspection Book

Article 408

All employers must have an inspection book for registration of findings and instructions of controlling bodies on observation of labour legislation. This book shall be certified by the Labour Inspectorate and presented to the controlling bodies whenever they carry out inspections.

Article 409 - 412 - repealed.

Section II
ADMINISTRATIVE PENAL LIABILITY FOR VIOLATIONS OF LABOUR LEGISLATION

Liability for Violation of Normative Requirements for Safe and Healthy Conditions of Work

Article 413

(1) (Amended - SG, No. 2/1996) A person who violates the regulations for provision of a safe and healthy work environment shall be fined to the amount of 20 to 250 Leva, unless liable to a heavier sanction.

(2) (Amended - SG, No. 2/1996) An employer or official who fails to perform his obligations to provide a safe and healthy work environment shall be fined to the amount of 250 to 1000 Leva, unless liable to a heavier sanction.

(3) (Amended - SG, No. 2/1996) For repeated violations the penalties shall be:

1. under paragraph (1) - a fine of 40 to 500 Leva;
2. under paragraph (2) - a fine of 500 to 2000 Leva.

Liability for Violation of Other Provisions of Labour Legislation

Article 414

(Amended - SG, Nos. 2/1996; 25/2001)

(1) An employer or official who violates provisions of labour legislation, inclusive of such applicable to employment of persons in violation of the requirements of Article 62, paragraph (1), beyond the rules for ensuring safe and healthy conditions of work, shall be penalized by fine of 250 to 1000 Leva, unless liable to a heavier sanction.

(2) For repeated violations the sanction shall be a fine of 500 to 2000 Leva.

Liability for Implementing Instructions and Obstructing Controlling Bodies

Article 415

(Amended - SG, Nos. 2/1996; 124/1997)

(1) (Amended – SG, No. 25/2001) A person who fails to implement a mandatory instruction of controlling bodies for observation of the labour legislation, shall be fined to the amount of 250 to 2000 Leva.

(2) (Amended – SG, No. 25/2001) An employer or an official who unlawfully obstructs controlling bodies for observation of labour legislation in implementing their duties, shall be fined to the amount of 1000 to 5000 Leva.

Establishing Violations, Issuing, Appealing and Executing Penal Decrees

Article 416

(1) Violations of labour legislation shall be established by statements, prepared by state controlling bodies.

(2) Penal decrees shall be issued by the head of the respective controlling body or by persons authorized by him in compliance with the departmental subordination of the authors of the decrees.

(3) Establishing of violations, issuing, appealing and executing of sanction decrees shall be effected pursuant to the stipulations of the Administrative Violations and Sanctions Act.

(4) A violation shall be considered repeated when committed within 1 year of the coming into force of a penal decree by which the offender has been sanctioned for the same type of violation.

(5) (Amended - SG, No. 2/1996; No. 25/2001) Amounts collected from imposed fines pursuant to this section shall be contributed to the budget of the Ministry of Labour and Social Policy to account of the Executive Agency "General Labour Inspectorate" and shall be used for improvement of control activities under procedure set forth by the Minister of Labour and Social Policy and by the Minister of Finance.

SUPPLEMENTARY PROVISIONS

Explanation of some words:

§ 1. For the purposes of this Code:

1. "Employer" shall be any natural person, body corporate or division thereof, as well as any other organizationally and economically autonomous entity (enterprise, office, organization, cooperative, farm, establishment, household, association and the like), that independently hires employees under employment relationships;
2. "Enterprise" shall be any place - enterprise, office, organization, cooperative, establishment, project and the like, where work against payment is done;
3. "Enterprise management" shall be the manager of the enterprise, his deputies and other persons entrusted with management of the work process, within the enterprise and its divisions, as well as the collective elected management bodies (business council, management board, executive board, operative bureau and the like);
4. "Work place" shall be any premises, workshop, room, location of a machine, facility or another similar territorially defined place in an enterprise, where an employee on assignment from the employer works in performance of his duties under an employment relationship;
5. "Official" shall be an employee assigned to manage the work process in an enterprise, in its divisions and lower level units, as well as an employee who works as a specialist in the functional service units of the enterprise;
6. "Trade union leadership" shall be the president and the secretary of the respective trade union organization.
7. (New – SG, No. 25/2001) "Indirect" discrimination shall be such where decisions seemingly admissible by law decisions are applied in the implementation of labour rights and duties, but are applied in a manner, which in view of the criteria under Article 8, paragraph (3), actually and as a matter of fact render some employees in a more disadvantaged or a more privileged position compared to other. The differences or preferences based on qualification requirements for performing certain work, as well as such for the purpose of special protection of some employees (underage, pregnant women and mothers of young children, disabled persons, persons transferred to more appropriate jobs, etc.), set by normative acts, shall not be deemed discrimination.
8. (New – SG, No. 25/2001) "Exception" for the purposes of Article 68, paragraph (3) shall occur where specific economic, technological, financial, market and other similar objective reasons exist as of the time of conclusion of the employment contract, such as may be stated in the contract as grounds for its fixed term.
9. (New - SG, No. 52 of 2004) “Collective redundancies” shall be the redundancies, based on one or more reasons, under Article 328, Paragraph 1, items 1-4, in cases where the number of discharge is:

a) at least 10 in enterprises, where the list of the employed staff during the month, which is before the general discharge, is more than 20, and less than 100 workers and employees for the period of 30 days;

b) at least 10% of the number of workers and employees in enterprises, where the list of the employed staff during the month, before the general discharge is at least 100, but not more than 300 workers and employees for the period of 30 days;

c) at least 30 in enterprises, where the list of the employed staff during the month before the general discharge is at least 300, or more workers and employees for the period of 30 days;

d) at least 20 un enterprises, notwithstanding of the number of workers and employees for the period of 90 days.

While calculating the number of discharges, as referred to letters: a) - d), the discharge of a worker or employee, based on one or more reasons, under Article 328, Paragraph 1, items 1-4, reefers to the total number of redundancies under the condition that before that at least 5 discharges were made.

10. “Information about the parties”, under Article 66, Paragraph 1, item 1 includes:

a) about the employer – a legal person or sole proprietor - the name, the head office, the address of management of the legal person or the sole proprietor, BULSTAT, Tax N, the name/names of the person/persons, who represents it, the identity civil N (the personal number for a foreigner);

b) for employer – natural person – the name of the person, the permanent address, the identity civil N (the personal number for a foreigner);

c) for worker or employee – the name of the person, permanent address, the identity civil N (the personal number for a foreigner), the kind and degree of the education, as well as information for a scientific degree, if connected with the work performed by him.

Applicability to Employment Relationship of Members of Cooperatives

§ 2. The provisions of this Code shall apply mutatis mutandis to employment relationships of members of cooperatives, unless otherwise provided by law or by-laws.

TRANSITIONAL PROVISIONS

§ 3. (1) - repealed

(2) Pending cases before conciliation committees shall be presented for examination by committees on labour disputes pursuant to the regulations of this Code.

CONCLUDING PROVISIONS

§ 4. This Code shall repeal:

1. Article 1 thru 144 and Article 171 thru 185 of the Labour Code (promulgated in "Izvestia" No.91 of 1951; as amended No.93 of 1951; as amended No.92 of 1957; State Gazette No.No.24, 36 and 92 of 1963, No.No.1, 61, 90 and 99 of 1965, No.No.15 and 33 of 1968, No.68 of 1970, No.No.53, 81, of 1973, No.27 of 1975, No.63 of 1976, No.32 of 1977, No.57 of 1981 and No.44 of 1984);
2. Providing Control over Labour Safety to Bulgarian Trade Unions Act (SG, No.53 of 1973);
3. Articles 23, 29 and 30 of the Closer Relations Between Education and Life and Further Development of People's Education in the People's Republic of Bulgaria Act (prom. "Izvestia", No.54 of 1959; as amended SG No.99 of 1963 and No.36 of 1979);
4. Decree to Implement Certain Provisions of the Labour Code with Respect to the Administrative, Engineering and Technical Personnel and Machinery Operators in Cooperative Farms ("Izvestia" No.65 of 1961);
5. Decree to Implement Provisions of the Labour Code concerning Technical Safety and Labour Hygiene with Respect to Members of Cooperative Farms ("Izvestia" No.100 of 1962);
6. Decree on Introduction of a Five-Day Work Week (SG, No.1 of 1968);
7. Articles 5, 10, 12, 15, paras 2, 19 and 20 of the Decree on Mutual Insurance of Members of Producer Cooperatives (prom. in "Izvestia" No.63 of 1953; as amended No.82 of 1953; as amended No.17 of 1955, No.69 of 1956, No.62 of 1958, as amended No.82 of 1958, as amended No.68 of 1960, No.38 of 1962; SG No.50 of 1963, No.21 of 1964 and No.32 of 1968).

§ 5. Sections III and IV of the 1951 Labour Code shall be amended as follows:

1. In Article 155bis the text "as provided by Article 118 and 118bis" shall read "as provided by Article 309 of the 1986 Labour Code".
2. In Article 156:
   a) in para 1, sentence 1, the text "within the periods under Article 60, paras 1, 2 and 3 of this Code" shall read "within the periods under Article 163, paras 1 thru 6 of the 1986 Labour Code";
   b) in para 3 the text "under Article 60, paras 4 or 5" shall read "under Article 164, paras 1 or 2 of the 1986 Labour Code";
   c) in para 4, sentence 1, the text "under Article 60, paras 4 or 5" shall read "under Article 164, paras 1 or 2 of the 1986 Labour Code", and in sentence 2 the text "under Article 60, para 6" shall read "under Article 164, para 3 of the 1986 Labour Code";
   d) in para 6 the text "under Article 119, para 2" shall read "under Article 313, para 3 of the 1986 Labour Code".

3. In Article 162, para 1 the text "in the event of death (Article 29, (f))" shall read "in the event of death of employee (Article 325, item 11 of the 1986 Labour Code)".
4. - repealed

§ 6. In Article 27 of the Mines and Quarries Act (prom. "Izvestia" No.92 of 1957, as amended No.17 of 1957, as amended No.68 of 1959, No.104 of 1960; SG No.84 of 1963, No.27 of 1973, No.36 of 1979) the text "for violation of labour safety regulations" shall be repealed.

§ 7. In Article 99, para 1 of the Public Health Act (prom. SG, No.88 of 1973, as amended No.63 of 1976, No.28 of 1983 and No.66 of 1985) after the digit 9 the following text shall be inserted: "with the exception of those related to labour hygiene", and after the digit of 13 - "with the exception of those related to noise intensity within hygiene standards in the enterprise".

§ 8. The Financial Control Act (prom. "Izvestia" No.91 of 1960; as amended SG, No.32 of 1977 and No.57 of 1978) shall be amended as follows:

1. In Article 15, para 1 shall be amended to read:

   "(1) For violations of financial discipline, established by the financial control bodies of the Ministry of Finance, for failure to carry out mandatory instructions issued by the Minister of Finance, or for refusing to provide information or testify before a controlling body, the Minister of Finance shall impose on offenders disciplinary penalties pursuant to Article 188, para 1 of the Labour Code. Any demotion to a lower paid job, or demotion in qualifications degree or dismissal shall be cleared with the respective minister, head of another agency or Chairman of the Executive Committee of a people's council. For violations committed by persons holding elective office the penalties shall be imposed by the respective body by proposal of the Minister of Finance. Disciplinary penalties shall be imposed within 3 months of establishing the violation, but not later than 3 years from the date on which it was committed."
2. In Article 17, para 3 shall be repealed.
3. In Article 18, the text "for the reasons of para 3 of the preceding Article" shall read "for the reasons of Article 207, para 2 of the Labour Code".
4. Article 19 shall be repealed.
5. In Article 20, para 1, (d), and in para 2 the text "under Article 17 para 3" shall read "under Article 207, para 2 of the Labour Code".
6. Article 23 shall be repealed.
7. In Article 32 the text "Article 82 of the Labour Code" shall read "Article 271 para 1 of the Labour Code".
8. Article 24 shall be repealed.
9. Article 29 shall be amended as follows:
   a) para 1 shall read:

      "(1) Where the damage inflicted on institutions, enterprises or organizations is not covered by the causes listed under Article 17, para 2 and Article 18 of this Act, or under Article 206 and 209 of the Labour Code, limited financial liability shall be applied, pursuant to Article 207, para 1, item 1 of the Labour Code";
   b) para 2 shall be repealed;
   c) para 3 shall become para 2 and shall read:

      "(2) The limited financial liability pursuant to the preceding paragraph shall be sought regardless of the persons' liability under Article 207, para 2, of the Labour Code, and shall not be taken into account in determining the liability of persons who have availed themselves thereof."
10. Article 17 shall be amended as follows:
    a) the following sentence shall be appended to end of para 1:

       "These deductions shall be to the amount determined by the Civil Procedure Code";
    b) para 2 shall be repealed.

§ 9. The State and Public Control Act (prom. SG No.54 of 1974, as amended No.64 of 1976, No.32 of 1977, No.57 of 1978 and No.49 of 1981) shall be amended as follows:

1. In Article 1, para 2 the text "and the State Council of the People's Republic of Bulgaria" shall read "the State Council and the Council of Ministers of the People's Republic of Bulgaria".
2. Article 8 shall be amended as follows:
   a) sentence 2 of para 1 shall read: "it shall work under the direct leadership of the Council of Ministers and shall report to it";
   b) para 2 shall be repealed.
3. In Article 9 para 2 sentence 2 shall read: "The Deputy Chairmen of the Committee shall be appointed by the State Council and its members shall be approved by the Council of Ministers upon proposal by the Chairman of the Committee for State and Public Control.
4. Article 17 shall be amended as follows:
   a) in item 6 the text "State Council" shall read "Council of Ministers";

b) in item 7 the text "the National Assembly and its standing committees, the State Council and" shall be repealed.

5. In Article 20, item 6 shall read:

"6. The offenders shall receive disciplinary sanctions pursuant to Article 188 para 1 of the Labour Code".

6. In Article 23, para 2, the text "or demotion to a less-paid job" shall be repealed.

7. Article 24 shall be amended as follows:

a) in para 1, the text "three years" shall read "two years";

b) para 3 shall read as follows:

"(3) The deletion of the sanction 'dismissal' shall not entail an obligation to reinstate the person to his previous job."

8. Article 25 shall be amended as follows:

a) para 1 shall read:

"(1) Whenever a committee for state and public control established damage which might provide grounds for limited material liability pursuant to Article 206, para 1 of the Labour Code, the committee shall levy a cash sanction; should there be evidence entailing full material liability, the committee shall draw up a statement of deficiency in accounts and shall demand that an audit be performed by the bodies of financial control.";

b) paras 2 and 3 shall be repealed;

c) para 4 shall become para 2.

9. In Article 26 para 2 the text "reassignment or demotion to a lower paid job" shall read "demotion to a lower paid job or demotion in qualifications degree".

10. Article 28 shall read:

"Article 28. The Labour Code shall be applied whenever this Act contains no special stipulations as to the disciplinary penalties pursuant to Article 20, para 6 and as to limited or full material liability for the reasons of Article 25; likewise, the Financial Control Act shall be applied in drawing up statements of deficiency in accounts."

§ 10 In Article 20, para 2 of the Civil Procedure Code, the text "Article 5 para 2 of the Labour Code" shall read "Article 45 of the Labour Code".

§ 11 A new Article 23 a shall be appended to the Prosecutor's Office Act (SG No.87 of 1980) and shall read as follows:

"Dismissal of Prosecutors"

"Article 23bis

(1) In addition to the reasons cited in the Labour Code, Prosecutors may be dismissed also for reasons of unfitness, pursuant to Article 21, item 6.

(2) Orders for dismissal and imposing disciplinary penalties on prosecutors may not be subject to appeal before labour dispute committees or courts."

§ 12 In Article 136 para 2 of the Punishment Execution Act (prom. SG No.30 of 1968; as amended No.34 of 1974, No.84 of 1977, No.36 of 1979 and No.28 of 1982) the text "under Article 58 para 1" shall read "under Article 160".

§ 13 In Article 81, para 3 of the Courts Structure Act (prom. SG No.23 of 1976; as amended No.36 of 1979 and No.91 of 1982) the text "under Article 91 paras 1 and 2 of the Labour Code, provided they have the uninterrupted length of service required by these provisions" shall read "under Article 222 of the Labour Code, provided they have the length of service required by this provision".

§ 14 In Article 12 para 1, sentence 1 of the Comrades' Courts Act (prom. "Izvestia" No.50 of 1961; as amended SG No.101 of 1966, No.27 of 1975 and No.36 of 1979) the text "under Articles 95 and 96" shall read "Article 206".

§ 15 In Article 53, para 2 of the People's Deputies and People's Councillors Act (prom. SG No.32 of 1977; as amended No.72 of 1981) the text "under Article 30, para 1" shall read "under Article 326, para 2".

§ 16 - repealed

§ 17 This Code shall come into force as from 1 January 1987. Items 1 - 4 of 9 shall come into force as from the date of promulgation in the State Gazette.

§ 18 The implementation of this Code is hereby assigned to the Chairman of the Council of Ministers.

PROVISIONS TO THE AMENDMENT ACT ON THE LABOUR CODE

TRANSITIONAL PROVISIONS

§256(1) Pending labour disputes before labour dispute committees and superior administrative bodies shall be forwarded immediately for examination by a competent court, and the parties shall be informed thereof in writing.

(2) Pending labour cases of the second instance before district courts shall be completed pursuant to the regulations in force so far.

§257(1) Existing trade unions may retain their capacity of legal persons, by submitting an application for registration pursuant to Article 49 within 6 months following the coming into force of this Act.

(2) Providing the term under the preceding paragraph has been observed, trade unions shall retain their capacity of legal person until the court ruling for registration comes into force.

§258 Holidays and compensations which have only minimum amounts pursuant to the amendments to the Labour Code by this Act, until regulated by an act of the Council of Ministers shall be used or paid, accordingly, in compliance with their amounts so far, established for each specific case.

CONCLUDING PROVISIONS

§259 The following amendments shall be made to the 1951 Labour Code (prom. "Izvestia", No.91 of 1951, as amended No.93 of 1951, as amended No.No.91 and 92 of 1957, SG No.No.24, 36 and 92 of 1963, No.No.1, 61, 90 and 99 of 1965, No.15 of 1968, as amended No.33 of 1968, as amended No.68 of 1970, No.No.53 and 81 of 1973, No.27 of 1975, No.63 of 1976, No.32 of 1977, No.57 of 1981, No.44 of 1984, No.27 of 1986, No.46 of 1989, No.52 of 1992):

1. In Article 150, para 1 the text "uninterrupted length" shall read "length" and in para 3 the text "uninterrupted" shall be repealed.
2. In Article 151 the text "uninterrupted" shall be repealed.
3. In Article 152, para 2 the text "with exception of dismissals, indicated under Article 177, para 2" shall be repealed.
4. In Article 156, para 6 the text "Article 313, para 3" shall read "Article 333".

§260 In sentence 2 of Article 15, para 1, of the Financial Control Act (prom. SG No.91 of 1960, as amended No.32 of 1977 and No.57 of 1978, as amended No.27 of 1986) the text "Demotion to a lower paid job or demotion in qualifications degree and dismissals shall be effected in coordination" shall read "Demotion shall be coordinated".

§261 In Article 23 a, para 2 of the Prosecutor's Office Act (prom. SG No.87 of 1980, as amended No.27 of 1986, No.91 of 1988, No.46 of 1991) the text "before labour dispute committees and" shall be repealed.

§262 In Article 81, para 3 of the Courts Structure Act (prom. SG No.23 of 1976, as amended No.36 of 1979, No.91 of 1982, No.No.27 and 29 of 1986, No.91 of 1988, No.31 of 1990 and No.46 of 1991) shall read:

"(3) Judges from district and regional courts and the Supreme Court with terminated employment relationships shall be entitled to the rights under Articles 220 - 222 of the Labour Code pursuant to the regulations and terms provided therein."

§263 Article 9, para 2 of Decree 9 On the Functions of the Management and Executive Staff in the Railway Transport (SG No.3 of 1981) shall read:

"(2) Disciplinary penalties shall be:

1. Reprimand;
2. Dismissal notice;
3. Demotion in rank;
4. Dismissal."

§264 The Higher Education Act (prom. "Izvestia" No.12 of 1958, as amended SG No.99 of 1963, No.No.36 and 65 of 1972, as amended No.81 of 1972, as amended No.58 of 1978, No.68 of 1988, No.82 of 1989 and No.10 of 1990) shall be amended as follows:

1. Article 18 shall read:

"Article 18. Disciplinary penalties shall be:

1. Reprimand;
2. Dismissal notice;
3. Dismissal."

2. Article 20, para 1 shall read:

"(1) Disciplinary penalties "reprimand" and "dismissal notice" shall be imposed by the rector."

3. Article 23 shall be repealed.

§265 Decree No. 2227 On the Discipline of Employees in the Civil Aviation (SG No.55 of 1985) shall be amended as follows:

1. In Article 3 the text "Disciplinary By-Laws, approved by the Council of Ministers" shall read "Labour Code".
2. Article 4 shall read:

"Article 4. Disciplinary penalties, except dismissal, may be appealed only before superior bodies. A disciplinary dismissal may be appealed in court in the established manner."

3. In Article 6 the figure "131" shall be replaced by "194".
4. Articles 7 and 8 shall be repealed.
5. The Concluding Provisions shall be amended as follows:
   a) a new § 1 shall read:
      "§ 1. Specific discipline issues of employees in the civil aviation shall be governed by Disciplinary By-Laws, approved by the Council of Ministers."
   b) the existing paragraphs 1 and 2 shall become 2 and 3, accordingly.

§266 The Act shall come into force as from 1 January 1993.

§267 The implementation of this Act is hereby assigned to the Council of Ministers.

PROVISIONS TO THE AMENDMENT ACT ON THE LABOUR CODE

Promulgated in State Gazette No. 25/2001

TRANSITIONAL AND CONCLUDING PROVISIONS

§ 116 (1) Employees who prior to the coming into force of this Act have been entitled to rights related to work performed at open-ended working hours, shall continue to use such rights till the employer specifies the jobs under Article 139, paragraph (4).

(2) The employers shall be bound to specify, within three months following the coming into force of this Act, the jobs and the work to be performed at open-ended work day.

§ 117 Students who continue their education as of the time of coming into force of this Act may use leave pursuant to Article 169, paragraph (1) and Article 171, paragraph (1), provided the employer grants his consent for continuation of the education.

§ 118 By 31 March 2002, upon mutual consent of the parties to the employment relationship, the paid annual leave or parts thereof not used before 1 January 2001 may be settled by compensation determined pursuant to Article 177, although the employment relationship has not been terminated.

§ 119 Claims concerning labour disputes of the employees, whose employment relationships have been terminated before the coming into force of this Act, may be lodged within the term under Article 358, paragraph (1), sub-paragraph 2, prior to its amendment.

§ 120 Persons who as of the time of coming into force of this Act have started to use leave pursuant to the repealed paragraph (2) of Article 164, may use the leave with duration as prior to the repealing of the paragraph.

§ 121 Normative acts relevant to the application of the Labour Code shall be issued by the Council of Ministers, unless otherwise provided in the Code.

§ 122 This Act shall come into force as of 31 March 2001, except for § 109, § 110 and § 112, which shall come into force as from 1 September 2000.

This Act has been passed by the XXXVIII National Assembly on 2 March 2001 and the official seal of the National Assembly has been affixed thereto.

Chairman of the National Assembly: **Yordan Sokolov**

REPUBLIC OF BULGARIA
COUNCIL OF MINISTERS

DECREE No. 31
of 11 February 1994

on Increasing in Certain Cases the Amount of the Compensations under Article 222, para 3 of the Labour Code

Promulgated State Gazette No. 16/22.02.1994

THE COUNCIL OF MINISTERS HAS DECREED:

Article 1

(1) Upon termination of the employment relationship after January 1, 1993 employees of budget-supported organizations and departments, after having acquired the right to pension for length of service and old age, irrespective of the grounds for the termination, they shall be entitled to compensation under Article 222, para 3 of the Labour Code which shall be increased by the amount of their gross labour remuneration for a period of six months, whenever, irrespective of restructuring changes, close-down, opening, merger or division of the budgetary organizations and departments, the employees have served during the last ten years prior to acquiring

the right to pension in one and the same (in terms of main functions and jobs performed) budgetary organization or department.

(2) The compensation under Article 222, para 3 of the Labor Code in the amount and as of the date under the preceding paragraph shall also be provided for teaching staff and medical personnel, as well as persons employed in the arts, whenever in the last ten years prior to acquiring the right to pension for length of service or old age they have served in budgetary organizations and departments in the sphere of education, health care, social services, culture and art.

Article 2

In respect to trading companies, organizations, factories and economic departments with state participation, which have been restructured, closed, opened, merged or divided, an increase in the compensation under Article 222, para 3 of the Labour Code for employees who have served for the last ten years prior to retiring in that particular field, shall be settled through the collective or individual labor contracts.

Article 3

The compensations under Article 1 shall be payable to employees only once.

CONCLUDING PROVISION

Sole paragraph

This Decree was adopted pursuant to Article 228, para 2 of the Labour Code.

Chairman of the Council of Ministers: **Lyuben Berov**

Chief Secretary of the Council of Ministers: **Stoyan Denchev**

Transitional and Final Provisions

to the Law on Amendment of the Labour Code
(SG, No. 52 of 2004, in force from 1.08.2004)

§37. In cases where the leave for taking care of a child up to 3 years of age for the time after the child having the age of 2, under the previous Article 165, Paragraph 1 was not taken, the leave under Article 167a may be taken until the child' age of 8. If only a part of the leave was taken for the time after the child's age of 2, the leave under Article 167 may be taken for the period, which was not used, by the time the child has 8 years of age.

§38. In cases where the leave for taking care of a child up to 3 years of age, as provided by the current Article 165, Paragraph 1 was taken in full length, the provision of Article 167a shall not be applied.

§39. By 31 December 2006 the whole leave under Article 167a, Paragraph 1, with one of the parent's consent, may be taken by the other parent.

§40. In the Law on Employment Encouragement (published SG. N112/2001, amended N54 and 120/2002; N26, 86 and 114/2003), the following amendments are made:

1. In Article 24:

a) in Paragraph 1, the figure "30" is replaced by: "45";

b) Paragraph 3 is amended as follows:

"3) The notification under Paragraph 1 contains the information under Article 130a, Paragraph 2 of the Labour Code in reference to the envisaged general discharges, as well as in reference to the preliminary consultations with the representatives of the workers and employees."

2. In § 1 of the additional provision, item 9 is amended as follows:

"9. "General discharges" are discharges in the meaning of §1. item 9 of the additional provisions of the Labour Code."

§41. In the Code of Social Insurance (published SG, N 110/1999, N55/2000 – Decision N5 of the Constitutional Court of 2000; amendments N64/2000; N 1, 35 and 41/2001; N1,10, 45, 74, 112,119 and 120/2002; N 8,42,67,112 and 114/2003; N12 and 38/2004), the following amendments and supplements are made:

1. In Article 9, Paragraph 2, item 1, the word "little" is deleted.

2. In Article 45, Paragraph 5 is added:

"5) The monetary compensation under Paragraph 1, items 2, 3, 4 and 5 shall be paid also for taking care of a child, placed with close friends, relatives or accepting family, as provided by Article 26 of the Law on the Child Protection."

§42 This law shall come into force on 1 August, 2004.

The Law was adopted by the XXXIX National Assembly on 3 June 2004, and was sealed by the official stamp of the National Assembly.