

Law amending the Labour Code

ORDINANCE № 208

On the basis of Article 101, Paragraph 3 of the Constitution of the Republic of Bulgaria

STATING :

To be published in the "Official Gazette" Law amending the Labour Code, adopted by the National Assembly of HLI 23 June 2010, re-adopted on 22 July 2010

Released in Sofia on 27 July 2010.

President of the Republic: **Georgi Parvanov**

State seal.

Minister of Justice: **Margarita Popova**

LAW

amending the Labour Code (promulgated, SG. 26 and 27 of 1986, as amended. No.. 6, 1988, issue. 21, 30 and 94 of 1990, issue. 27th , 32 and 104 of 1991 pieces. 23, 26, 88 and 100 in 1992, Decision № 12 of the Constitutional Court of 1995 - No.. 69 of 1995, as amended. No.. 87th, 1995 , SG. 2, 12 and 28 of 1996, issue. 124 of 1997,. 22 1998, Decision № 11 of the Constitutional Court of 1998 - No.. 52 of 1998; amended. No.. 56, 83, 108 and 133 of 1998,. 51, 67 and 110 of 1999, issue. 25th, 2001, issue. 1, 105 and 120 of 2002, No. . 18, 86 and 95 of 2003, issue. 52 of 2004, issue. 19, 27, 46, 76, 83 and 105 of 2005 pieces. 24, 30, 48, 57, 68, 75 , 102 and 105 of 2006 pieces. 40, 46, 59, 64 and 104 of 2007 pieces. 43, 94, 108 and 109 of 2008 pieces. 35, 41 and 103 of 2009 and n. 15 and 46 of 2010)

§ 1. in art. 34, paragraph 2, the words "National Classification of Economic Activities" are replaced by "Classification of Economic Activities."

§ 2. In Art. 35, para. 1, item 2 the words "National Classification of Economic Activities" are replaced by "Classification of Economic Activities."

§ 3. In Art. 46, para. 1, first sentence, after the words "public authorities" a comma and added "local authorities."

§ 4. In Art. 51b, para. Two words "National Classification of Economic Activities" are replaced by "Classification of Economic Activities."

§ 5. in art. 66 makes the following amendments:

1. A new paragraph. 4:

"(4) The term of office is determined according to the National Classification of Occupations, approved by the Minister of Labour and Social Policy, in consultation with the Chairman of the National Statistical Institute."

2. The previous paragraph. 4 becomes paragraph. 5.

§ 6. Article 172 is amended as follows:

"How to use

Art. 172. Paid sick leave is granted to the employee whole or in part and is used in accordance with the schedule approved by the employer during the calendar year for which they are entitled. "

§ 7. Article 173 is amended as follows:

"Order of Service

Art. 173. (1) At the beginning of each calendar year, the employer establishes a schedule for the use of paid annual leave by employees in consultation with representatives of trade unions and representatives of employees under Art. 7, para. 2. The schedule is designed so as to enable all employees to take paid annual leave by the end of the calendar year for which they are due.

(2) The employee must use paid annual leave by the end of the calendar year for which they are entitled.

(3) If within the period specified in the schedule under par. 1, the employee is off in another, he can use his fair annual leave at another time within the same calendar year.

(4) The employee who profess religion other than the Eastern, the employer shall permit their choice using part of their annual paid leave or unpaid leave under Art. 160, para. One for the days of the holidays, but not more than the number of days for the Eastern religious festivals of art. 154.

(5) days for religious holidays of religions other than Orthodox, are determined by the Council of Ministers on a proposal from the official manual of the respective religion.

(6) Paid sick leave is used after written permission of the employer.

(7) The employer is entitled to paid annual leave of the employee without his written request or consent:

1. during the stay more than 5 days;

2. for use granted by all employees as provided for in legislation, a collective agreement or rules of internal labor;

3. if the employee has not requested leave to 5 working days specified in the schedule under par. 1 start date for its use.

(8) The employer shall grant paid annual leave to an employee when he asked for the period specified in the schedule under par. 1, unless its use is deferred pursuant to Art. 176.

(9) Where the employer has not authorized the use of leave for the period specified in the schedule under par. 1, the employee has the right to determine the time to use it, and notify the employer in writing at least two weeks in advance. "

§ 8. Article 176 is amended as follows:

"Postponement of use

Art. 176. (1) Due to significant production reasons the employer may postpone the next calendar year using the proportion of paid annual leave of not more than 10 working days.

(2) Use of paid annual leave may be postponed when the calendar year to which it relates, the employee was unable to use it in whole or in part because of the use of temporary disability leave for pregnancy, childbirth and adoption or raising a child. In this case, paid annual leave may be taken all at once in the calendar year in which it is no longer reason for not using it.

(3) The right of the worker to paid annual leave shall expire after two years from the end of the year for which the leave is applied. When paid annual leave is canceled under the terms and conditions of par. 2, the right of the worker to paid annual leave shall lapse after two years from the end of the year that has been dropped in lieu of his reason. "

§ 9. in art. 221, para. 1, after the words "Art. 327 "insert" paragraph. 1 ".

§ 10. in art. 222, para. 2 after the words "Art. 327 "insert" paragraph. 1 ".

§ 11. in art. 224 para. 1 is amended as follows:

"(1) Upon termination of employment an employee is entitled to monetary compensation for unused annual leave for the current calendar year in proportion to the time which is recognized for service and for unused leave, deferred pursuant to Art. 176, the right to which is barred. "

§ 12. in art. 327 makes the following amendments:

1. The existing text becomes paragraph. 1 and it is created items 10 and 11:

"10. employer ceases to trade;

11. employer provided paid leave the employee without his consent. "

2. Created al. 2 and 3:

"(2) In the cases under para. 1, item 10, where the employee is unable to submit his written application for termination of the contract because the employer, the person it represents, or the person designated to receive correspondence employer can not be found address, specified in the contract, the application may be filed in the labor inspection at the headquarters and address of the employer. If after inspection, performed by the control authorities of the Labour Inspectorate, the National Insurance Institute and the National Revenue Agency is established that the employer actually ceased, the contract is considered terminated from the date of filing of the application in labor inspection in registered office or registered office of the employer.

(3) The procedure for the verification of para. 2 is determined by the Minister of Labour and Social Policy, in coordination with the Governor of the National Social Security Institute and the Executive Director of the National Revenue Agency. "

§ 13. in art. 349 a new paragraph. 3:

"(3) In the cases under Art. 327, para. 2, the date and reason for termination of employment is entered in the service record of labor inspection in which the application is made. "

§ 14. A Art. 403a:

"Duties of employers in relation to monitoring compliance with labor legislation

Art. 403a. (1) The company, its subsidiaries, facilities and work sites, and other places that make wage employment, the employer shall make available to the control authorities a copy of the rules for the internal work order and related documents distribution of working time and work organization: orders overtime for duty, the time available for the establishment of part-time and personal schedules for the period, which is found summarized calculation of working time.

(2) The employer is obliged to determine the officials now in its offices, facilities and work sites, and other locations where hired labor is applied to represent the supervisory authorities of the labor inspectorate. "

§ 15. in art. 413, para. Two words "from 10,000 to 15,000 lev" is replaced with "1,500 to 15,000 lev" and the words "2,500 to 10,000 lev" is replaced with "1,000 to 10,000 lev".

§ 16. in art. 414 is amended as follows:

1. In para. 1, "from 10,000 to 15,000 lev" is replaced with "1,500 to 15,000 lev" and the words "2,500 to 10,000 lev" is replaced with "1,000 to 10,000 lev".

2. In para. 3 "15 000 lev" is replaced with "1,500 to 15,000 lev" and the words "10,000 lev" is replaced with "1,000 to 10,000 lev".

§ 17. in art. 415, para. 1, 'a fine of 2,500 to 10,000 lev' is replaced by "a penalty or a fine of 1,500 to 10,000 lev".

§ 18. in art. 415v words "guilty person shall be punished by a fine or a penalty of 50 to 100 lev" is replaced by "the employer shall be liable to a penalty or a fine ranging from 100 to 300 lev and the guilty official - a fine 50 to 100 lev. "

§ 19. § 1 of the Supplementary Provisions shall be created item 14:

"14. "Suspension of operations" is the actual suspension of production and / or business of the enterprise for more than 15 days without stay or is declared suspension of work due to technical reasons or manufacturing need. "

§ 20. transitional provisions in the following amendments and additions:

1. Paragraph 3b is amended as follows:

"§ 3b. (1) From 1 January 2010 to 31 December 2010 after prior consultation with representatives of trade unions and representatives of employees under Art. 7, para. Second period for introducing part-time work of art. 138a, para. 1 may be extended by three months, provided that the employer uses measures to maintain employment, financed from the state budget and / or Operational Programme "Human Resources Development".

(2) In the cases under para. 1 if the month following the period for which was introduced part-time employment of the employee is terminated, benefits under Art. 220, art. 221, para. 1, Art. 222 and 224 are determined by the contract of employment and additional basic wage of a permanent nature. "

2. § Creating 3d, 3e and 3f:

"§ 3d. (1) Until 31 December 2011 the period for which the employer may assign the employee to temporarily perform other work in the same or another undertaking, but in the same location or area of art. 120, para. 1 may be extended by 45 calendar days in a calendar year.

(2) In the cases under para. 1 for the period after the 45th day of art. 120, para. One needs the consent of the employee.

§ 3e. (1) Until December 31, 2010 in reducing the amount of work the employer may grant unpaid leave to an employee without his consent up to 60 days per calendar year, provided that the period of unpaid leave benefit measures Retention of employment financed from the state budget and / or Operational Programme "Human Resources Development", and that was previously introduced part-time art. 138a, para. 1 § 3b al. 1 and during this period were used measures to maintain employment, financed from the state budget and / or Operational Programme "Human Resources Development".

(2) In the cases under para. 1 unpaid leave are recognized for length of service.

(3) If during use or in the month following the period for which it is granted unpaid leave al. 1, the employment of the employee is terminated, benefits under Art. 220, art. 221, para. 1, Art. 222 and 224 are determined by the contract of employment and additional basic wage of a permanent nature.

§ 3f. Unused to January 1, 2010 paid annual leave for the current year may be used only until 31 December 2011 "

Final provisions

§ 21. in the Civil Servants Act (promulgated, SG. 67 of 1999, as amended. No.. 1 of 2000 pcs. 25, 99 and 110 of 2001 pieces. 45th 2002 , SG. 95 2003 pcs. 70, 2004, issue. 19th of 2005 pcs. 24, 30 and 102 of 2006 pieces. 59 and 64 of 2007, No. . 43, 94 and 108 of 2008 pieces. 35, 42, 74 and 103 of 2009 pieces. 15 and 46 of 2010) shall be amended as follows:

1. In art. 56 para. 3 and 4 are repealed.

2. In art. 57:

a) paragraph 1 is amended as follows:

"(1) Paid annual leave may be taken by written permission of the appointing authority during the calendar year for which they are due."

b) Paragraph 3 is amended as follows:

"(3) The civil servant paid annual leave by the end of the calendar year for which they are due. The appointing authority shall grant paid annual leave of civil servants by the end of the calendar year, unless its use is deferred pursuant to Art. 59. "

3. Article 59 is amended as follows:

"Postponement of use

Art. 59. (1) When the exigencies of the service require, the appointing authority may suspend the following calendar year using the proportion of paid annual leave of not more than 10 working days.

(2) Use of paid annual leave may be postponed when the calendar year to which it relates, the civil servant was unable to use it in whole or in part because of leave for temporary disability, pregnancy, birth, adoption or raising a small child. In this case, paid annual leave may be taken all at once in the calendar year in which it is no longer reason for not using it.

(3) In the cases under para. 1 or when the appointing authority refuses to allow the use of the requested annual leave, he shall issue a reasoned written order.

(4) If the appointing authority does not provide the use of the postponed leave by the end of the following calendar year, the civil servant is entitled to determine the time of its use, as it gives notice seven days before the leave.

(5) The right of civil servants to paid annual leave shall expire after two years from the end of the year for which the leave is applied. When paid annual leave is canceled under the terms and conditions of par. 2, the right of civil servants to paid annual leave shall lapse after two years from the end of the year that has been dropped in lieu of his reason. "

4. In art. 61:

a) paragraph 2 shall be amended as follows:

"(2) Upon termination of service, the civil servant is entitled to monetary compensation for unused annual leave for the current calendar year in proportion to the time they are recognized as official practice for unused leave, deferred pursuant to Art. 59, the right to which is barred. "

b) the paragraph. 3:

"(3) The amount of cash compensation under par. 2 is determined according to the gross salary of a civil servant on the date of termination of service. "

5. In the transitional and final provisions are created § 8a and 8b:

"§ 8a. Unused to January 1, 2010 paid annual leave for the current year may be used only until December 31, 2011

§ 8b. (1) The 2010 does not provide clothing representative of art. 40, para. 1.

(2) Within one month of the entry into force of the Act, the Minister of Finance makes the resulting al. 1 change on municipal budgets spending and budget relationships with municipalities in 2010 at the proposal of the spending. "

§ 22. At the Health and Safety at Work Act (promulgated, SG. 124 of 1997, as amended. No.. 86th of 1999 pcs. 64 and 92 of 2000, issue. 25th and 111 of 2001 pieces. 18 and 114 of 2003 pieces. 70, 2004, issue. 76th of 2005 pcs. 33, 48, 102 and 105 of 2006 pieces. 40th from 2007 pcs. 102 and 108 from 2008, SG. 93 of 2009 and No.. 12 of 2010) in Art. 55 after the number "415" a comma and add "415v."

§ 23. in the Social Insurance Code (promulgated, SG. 110 of 1999, N° 5 Decision of the Constitutional Court of 2000 - No.. 55 of 2000, as amended. No.. 64 2000 . No.. 1, 35 and 41 of 2001, issue. 1, 10, 45, 74, 112, 119 and 120 of 2002 pieces. 8, 42, 67, 95, 112 and 114 of 2003 . No.. 12, 21, 38, 52, 53, 69, 70, 112 and 115 of

2004 pieces. 38, 39, 76, 102, 103, 104 and 105 of 2005 pieces. 17 30, 34, 56, 57 and 68 of 2006, amended. No.. 76 of 2006, as amended. No.. 80, 82, 95, 102 and 105 of 2006 pieces. 41, 52, 53, 64, 77, 97, 100, 109 and 113 of 2007 pieces. 33, 43, 67, 69, 89, 102 and 109 of 2008 pieces. 23, 25, 35, 41, 42, 93, 95, 99 and 103 of 2009 pieces. 16, 19 and 43 in 2010) in the transitional and final provisions created § 22p:

"§ 22p. (1) Until 31 December 2010 the pensionable service employees, which was introduced part-time under § 3b al. 1 of the transitional provisions of the Labor Code, is fully respected, regardless of the duration of working time.

(2) Until 31 December 2010 pension, without making contributions count time during which unpaid leave under § 3e al. 1 of the transitional provisions of the Labor Code. "

§ 24. in the Health Insurance Act (promulgated, SG. 70 of 1998, as amended. No.. 93 and 153 of 1998,. 62, 65, 67, 69, 110 and 113 of 1999 , SG. 1 and 64 of 2000, issue. 41 2001, issue. 1, 54, 74, 107, 112, 119 and 120 of 2002 pieces. 8, 50, 107 and 114 from 2003 pcs. 28, 38, 49, 70, 85 and 111 of 2004 pieces. 39, 45, 76, 99, 102, 103 and 105 of 2005 pieces. 17, 18, 30 , 33, 34, 59, 80, 95 and 105 of 2006 pieces. 11 2007, № 3 Decision of the Constitutional Court of 2007 - No.. 26 of 2007, as amended. No.. 31 , 46, 53, 59, 97, 100 and 113 of 2007 pieces. 37, 71 and 110 of 2008 pieces. 35, 41, 42, 93, 99 and 101 of 2009 pieces. 19th , 26 and 43 in 2010) in the transitional and final provisions created § 19l:

"§ 19l. Up to 31 December 2010 for those on unpaid leave provided under § 3e al. 1 of the transitional provisions of the Labour Code, and not subject to any other provision of law, health insurance contribution determined in accordance with Art. 29, para. 3 is borne entirely by the employer. Contribution is determined on half the minimum monthly insurance income for self-employed persons established by the Law on Budget of the State Social Security in 2010, and submitted by the company or organization to the end of the month following the month for which concerned. "

§ 25. law shall enter into force on the day of its publication in the "Official Gazette" except:

1. paragraph 21, section 1, which entered into force on 1 January 2011;

2. paragraph 11 and § 21 paragraph 4, letter "a", which come into force on January 1, 2012

The law was passed by the 41 th National Assembly on 23 June 2010 and 22 July 2010 and is stamped with the official seal of the National Assembly.

President of the National Assembly: **Tsacheva** 6,207