

iGlobal Law 2021 Annual Alert : Bulgaria

Legal Change	Effective Date	Action required
<p>Expected Changes to the Labour Code In December 2020 the Bulgarian Parliament is contemplating important changes to the Bulgarian Labour Code in several directions:</p> <ol style="list-style-type: none"> 1. Through a collective agreement, employers and the trade unions may negotiate a longer annual duration of overtime work (currently limited to 150 hours per annum), but no more than 300 hours in a calendar year. This will double the permitted overtime work, however only in the cases when there is a collective labour agreement. The existing monthly limits for daily overtime work (up to 30 hours) and night-time overtime work (up to 20 hours) will remain. 2. The reporting period in cases of summarised calculation of the working hours will be shortened from 6 to 4 months. 3. The minimum duration of employment service after which the employee is entitled to annual paid leave is shortened from 8 months to 4 months. 	<p>Expected date of entry into force: January 1st 2021</p>	<p>Nothing at this stage but keep an eye out for the draft legislation.</p>
<p>Remote Working Arrangements during the declared Covid emergency Until December 21st 2020 employers were obliged, where possible, to introduce remote working or attendance of no more than 50% of the staff. On November 25th the Council of Ministers adopted a decision to prolong the declared emergency situation to January 31st 2021, therefore the remote working could also be extended after December 21st 2020 depending on the Covid situation in the country and the orders to be issued by the Minister of Health. The introduction of home-working arrangements is by an order of the employer. The employer is responsible for providing: (1) working equipment (unless otherwise agreed); (2) internet connectivity; and (3) Health & Safety (H&S) working conditions. After December 21st 2020 there are several options:</p> <ul style="list-style-type: none"> • If nothing changes, the employer and the employee must agree on homeworking arrangements (i.e. the employer cannot unilaterally impose a homeworking arrangement). Such arrangement must cover the conditions for home working (e.g. equipment, time-tracking, etc.) and must be in writing. • If the Covid emergency situation continues (a decision of the Council of Ministers is required for this), but there is no explicit order of the Minister of Health, then employers will be entitled (but not obliged) to introduce homeworking unilaterally. • If the Covid emergency situation continues and there is an order of the Minister of Health obliging employers to introduce home-working arrangements, then such arrangement could be introduced through a unilateral internal order. 	<p>Date is extended until January 31st 2021</p>	<p>If working from home is not possible, then the employer must introduce measures according order RD-01-675 / 25.11.2020 by the Minister of Health (which are mandatory until January 31st 2021. This includes:</p> <p>Regular ventilation and disinfection according to a specific official Schedule by the authorities (attached to the order of the Minister of Health);</p> <p>Instructions to staff on personal hygiene and providing soap and water and disinfectant;</p> <p>Personal protective equipment of the employees considering the type of work (masks, gloves, etc.);</p> <p>Social distancing between the employees at least 1.5 meters and, failing that, wearing a protective face mask; and</p> <p>Barring access for employees or visitors having symptoms of</p>

		<p>acute contagious disease (fever, cough, difficulty breathing, loss of sense of smell, disturbance or loss of taste, etc.).</p> <p>All employers shall provide protective face masks for employees performing their duties outdoors in the event of an inability to keep a physical distance of 1,5 m.</p> <p>In the case of direct customer service requiring a distance of less than 1,5 metres, it is mandatory to use a protective face mask or protective helmet. Exceptionally, customer service without a protective face mask or protective helmet is allowed when mechanical partitions of glass or other transparent material allowing wet cleaning or disinfection are provided.</p> <p>While the above measures are formally mandatory until 31 January 2020, they should be applied afterwards as well (as even without an order of the Ministry of Health, the H&S risk assessment will likely show that they are applicable.)</p>
<p>Protection of Vulnerable Employees During the state of Covid emergency (currently until January 31st 2020), the employer is obliged, on request, to grant paid or unpaid leave to the following categories of vulnerable employees:</p> <ul style="list-style-type: none"> - a female employee who is pregnant and/or in an advanced stage of in vitro treatment; - a mother of a child (included an adopted child) of up to 12 years or of a disabled child irrespective of the age thereof; - a single father of a child (including an adopted child) of up to 12 years or of a disabled child irrespective of the age thereof; - an employee under the age of 18; - an employee with 50% or more disability; or - employees with degree of working incapacity or suffering from specific diseases (e.g. cancer, diabetes, psychiatric diseases, etc.). 	<p>Date is extended until January 31st 2021</p>	<p>Keep up to date with the rules and deadlines.</p>