

Gugushev & Partners

L A W O F F I C E

LEGAL REVIEW

OF THE REGULATORY DEVELOPMENTS
IN RELATION TO THE COVID-19 PANDEMIC
AND THE STATE OF EMERGENCY

AMENDMENTS RELATED TO LABOUR AND
SOCIAL SECURITY LEGISLATION



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I. INTRODUCTION

The present document represents a general analysis of the main regulations and amendments, introduced by the Emergency Act Regarding the Measures and Safeguards During the State of Emergency declared by the National Assembly of Bulgaria with its Resolution from March 13th, 2020 („the Emergency Act“ or “the Act”) as published in State Gazette, issue 28 of March 24th, 2020 (special issue).

The present review, updated as of March 24th, 2020, presents an analysis of all legal changes introduced by the final version of the bill that became law. This report has been prepared by the legal specialists of Gugushev & Partners Law Office and is to be used for information purposes only. This report does not represent a legal advice/statement, cannot be relied upon in any way as such and shall not in any way be considered legally binding with regards to Gugushev & Partners Law Office.

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II. AMENDMENTS RELATED TO LABOUR AND SOCIAL SECURITY LEGISLATION

1. Labour Code

The changes in the Labour Code envisage right of the employer unilaterally:

- to assign to the employee without his/her consent home office and/or work from distance by changing the location of the working place. The order should arrange the new working conditions such as location of the working place, working remuneration, order, assignment and accounting of the work, supply of materials and stationery, stationery expenses and payment way;
- to stop the work of the whole enterprise, part of it or only of some employees. Work can be stopped for the whole period of the state of emergency or only for part of it until its repeal;
- to establish part-time work, for the employees who work full-time for the whole period of the state of emergency or only for part of it. The duration of the working time cannot be less than half of the duration of the working time provided by the law;
- to provide the paid annual leave to the employee without his/her consent, in case of cease work of the whole enterprise, part of it or its employees, including an employee who doesn't have 8 months of experience. The period of leave is acknowledged for work experience.

The changes in the Labour Code envisage the following obligations of the employer during the state of emergency:

- to pay the gross wages of his employees in case of cease work;
- to allow the use of paid annual leave or unpaid annual leave in case of the state of emergency if requested by;
- ✓ pregnant women;
- ✓ women in an advanced stage of in-vitro treatment;

- ✓ mothers, single fathers and adoptive parents of a child under 12 years old or with disabilities, regardless of his/her age;
- ✓ minors;
- ✓ disabled workers with 50 and over 50% disability as well as employees with coronary heart disease, an active form of tuberculosis, oncologic disease, professional disease, mental disease or diabetes.

2. Law on Civil Servants

With the amendment of the Law on Civil Servants are introduced similar measures regarding professional relations.

The authority appointing civil servants can as well by its order assign home office or work from distance for its employees without their consent. In case it cannot assign work from distance or home, the authority is obliged to allow paid or unpaid annual leave, requested by the above described in the LC individuals.

During the state of emergency, the introduced legal restrictions for overtime and its duration are not applicable for the employees, performing or supporting medical care. The police and fire safety authorities can work overtime only after their explicit written consent. In case they do not give such consent, they will not be liable to disciplinary action.

3. Social Security Code

The changes in the Social Security Code:

- stop the periods provided by law of all compensations, compensations for accidents at work, and professional disease, statutory pension insurance, implementation control and disputes;
- applications, complaints and other documents in relation to money compensations, aids and pensions are submitted online or through a licensed postal operator;
- documents submitted by insured persons and pensioners up to 14 days after the end of the state of emergency in the relevant office of the National Insurance Institute are treated as submitted within the period;
- the financial compensations for unemployment are granted based on application, submitted online with a qualified electronic signature or with personal identification code in the National Insurance Institute or on paper at the relevant directorate of the Labour Office.

There is an option for state support for the employers, affected by the measures during the state of emergency by covering expenses in the amount of 60% of the insurable earning for January 2020 for the people insured by them. The criteria which they should cover will be determined by act of the Council of Ministers.

The aid will be paid by bank transfers to the employers within 5 working days based on written information provided by the Employment Agency. The measure is envisaged for the duration of the law, but not more than 3 months. In case the insurer does not pay the full amount of the working remuneration to the employees for whom he received the aid, he will be obliged to restore them.

Until September 30th, 2020, some deadlines related to the activity of the pension companies are prolonged.

CONCLUSION

The amendments introduce the possibility that the employers at any time during the state of emergency can unilaterally assign by his order, home office or work from distance office to his workers and employees without their consent, to provide half of the paid annual leave of the worker or employee without his/her consent, to stop work or to switch the employees of the company to part-time employment for some or all of the duration of the state of emergency.

We are looking forward to assisting you further, including for statements with the described topics.

*Faithfully Yours,
Gugushev & Partners Law Office Team*

*Victor Gugushev – Partner
Antoniya Markova – Senior Associate
Iliyan Trifonov – Associate*

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