

AVAILABLE MEASURES FOR BULGARIAN EMPLOYERS DURING THE COVID-19 STATE OF EMERGENCY

as at 24.03.2020

*In response to the COVID-19 spread in Bulgaria the National Assembly announced state of emergency as from 13 March 2020 (the “**State of Emergency**”).*

*Since then number of measures and interventions were introduced by the Government and on 23 March 2020 most of them are incorporated in the new Law on the Measures and Actions during State of Emergency, Announced with a Decision of the National Assembly on 13 March 2020 (the “**State of Emergency Measures Law**”).*

Based on this, the Bulgarian employers should be able to manage the employment related issues and the economic difficulties resulting from the State of Emergency with the following rights and obligations:

➤ TELEWORK AND HOMEBASED WORK

If the nature of work and the technical solutions allows it, the employers may introduce telework or homebased work unilaterally for the term of the State of Emergency.

The main differences with the general rules for these flexible forms of employment are:

- ✓ no need of employees’ consent and special written agreements;
- ✓ all terms and conditions of are to be stipulated in an order of the employer;
- ✓ No special requirements for the new place of work.

➤ PAID LEAVE USE WITHOUT THE CONSENT OF THE EMPLOYEE

- ✓ employers may order the use of **up to half** of the annual paid leave allowance during the State of Emergency;
- ✓ the Employer may order stoppage of the work of the entire enterprise or part/s of it. In this case the Employer may order use of the **entire** annual paid leave allowance even for employees who have not acquired 8-month length of service for such allowance eligibility.

NB: No possibility the employer to order use of unpaid leave without employees’ consent is currently available. However, it is discussed that the Government may ensure interest free loans to employees using unpaid leave. This, along with the better alternative to keep his/her employment, may lead to higher percentage of employees agreeing on such practical measure at some point.

➤ HIGH ANTI-EPIDEMIC MEASURES

For the employees who are presented at the employer’s premises, the Employer should provide anti-epidemic measures, including but not limited to: filters, regular disinfection and airing out, trainings for personal hygiene, restricted access to the working premises of employees or third parties with evident symptoms of acute infections.

It is advisable employers to **ask their labour medicine service provider for recommendations** about the most proper measures that should be taken in view of the specifics of their own business.

The World Health Organization also listed such recommendations: https://www.mh.government.bg/media/filer_public/2020/03/05/podgotovka_na_rabotnoto_vi_miasto_za_covid-19.pdf



➤ PART TIME WORK WITHOUT EMPLOYEES' CONSENT

For entire or part of the duration of the State of Emergency the employers may unilaterally decrease the working time of the employees in the entire enterprise or separate departments.

➤ EMPLOYMENT REMUNERATION

- ✓ even the work is stopped, full monthly remuneration is due (in case of part time work introduced – the remuneration is due on a pro rata basis).
- ✓ other general rule requires guaranteed minimum monthly payment of 60% of the due salary but not less than the minimum monthly salary for the country (BGN 610). All unpaid amounts remain due along with statutory interest.
- ✓ the State of Emergency Measures Law provides for a temporary state compensation of 60% of the declared social security income for January payable for up to three months to eligible employees. The Council of Ministers will shortly issue a decree stipulating who are the businesses which may apply for this compensation and the respective procedure and other requirements. It is expected only business activities which are directly affected by the anti-epidemic measures to be eligible for such compensation.

➤ DISMISSAL WITH PRIOR NOTICE

The Labour Code allows employers to dismiss employees with prior notice in case of stoppage of the work for more than 15 working days or decrease of the volume of the work.

For both cases the employer's obligations for selection and employees' protection from dismissal apply and if needed all mandatory procedures with this regard are to be followed.

©2020 Dinova Rusev & Partners Law Office

All rights reserved. Any distribution or reproduction of part or all of the contents in any form is prohibited without the written consent of Dinova Rusev & Partners Law Office.

This material represents a general overview of the recent developments in the discussed Bulgarian legislation herein. Nothing in this legal alert is intended to provide legal or other professional advice. You should not rely on this material as if it were legal or other professional advice. Legal advice can be provided only after thorough analysis of the specific circumstances of your case, as well as consideration of issues that may not be addressed in this material.

Dinova Rusev & Partners Law Office does not accept any liability for losses to any person or entity, acting or resulting from the use of this publication.

For more information please contact:

Anelia Dinova – Managing Partner Anelia.Dinova@drp-legal.com

Vesela Kabatliyska – Partner Vesela.Kabatliyska@drp-legal.com

P: +359 (0)2 943 4350 / F: +359 (0)2 944 1508