

LABOUR CODE

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*Amended SG 6/1988; 21, 30, & 94/1990; 27, 32, & 104/1991;
23, 26, 88, & 100/1992; 69 & 87/1995; 2, 12 & 28/1996*

INTRODUCTION - repealed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) This Code shall aim to ensure the freedom and protection of labour, as well as equitable and dignified working conditions.

Article 2- repealed.

Tripartite Cooperation

Article 3

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

(2) The procedure for conducting the cooperation and consultations under the preceding paragraph shall be specified by the Council of Ministers after consultations with the employees' and the employers' representative organizations.

(3) Such employees' organizations on the national level can be recognized as representative which have a membership of at least 50,000, unite employees in more than half the industries, and have established national and regional bodies.

(4) Such employers' organizations on the national level can be recognized as representative which unite at least 500 employers, unite employers in more than one industry, and have established national and regional bodies.

(5) (Amended - SG, No. 2/1996) The employees' and the employers' representative organizations at the national level shall be recognized by the Council of Ministers. It shall set forth the procedure for ascertainment of availability and the criteria for recognition of representation pursuant to paragraphs (3) and (4). The Council of Ministers shall rule by decision on requests for recognition within three months. The refusal may be appealed before the Supreme Administrative Court.

(6) All divisions of organizations recognized as representative on the national level shall be recognized as representative too.

(7) (New - SG, No. 2/1996) The tripartite cooperation shall be implemented on national, industry and branch level, as well as by administrative-territorial units.

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) The employers' organizations under the preceding paragraph shall represent and protect their economic interests through collective bargaining, participation in the tripartite cooperation, and through other actions, pursuant to the law.

Employees' General Meeting

Article 6

(1) The employees of one and the same enterprise may, at their general meeting (proxies' meeting) elect one or more representatives of theirs to defend their common interests on the issues of labour and social security relations before their employer, or before government agencies and organizations.

(2) The representatives under the preceding paragraph shall be elected by a majority of two-thirds of the general meeting members (proxies' meeting members). The general meeting (proxies' meeting) shall establish the terms and procedures for its proceedings.

Convening and Quorum of the General Meeting of Employees

Article 6a

(New - SG, No. 2/1996)

(1) 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.

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

(3) The general meeting (the meeting of proxies) shall take decisions by simple majority of the attending employees (proxies), unless otherwise provided by this Code.

Employees' Participation in the Management of the Enterprise

Article 7

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

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) In the exercise of labour rights and duties no discrimination, privileges or restrictions shall be allowed on grounds of ethnicity, origin, sex, race, political and religious convictions, affiliation to trade union and other public organizations and movements, social and property status.
- (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.

Article 34 -36 - repealed.

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) The collective agreement shall not contain clauses which are more unfavourable to the employees than the provisions of the law.

Parties and Representation

Article 51

(Amended - SG, No. 2/1996)

(1) Collective agreements shall be concluded by enterprises, industries, branches, professions and administrative and territorial units.

(2) Collective agreements shall be concluded between an individual employer, a group of employers, organizations of employers or association of organizations of employers on the one hand, and the respective trade union organizations or associations of trade union associations, on the other hand.

(3) Only one collective agreement may be concluded with one employer or representative of employers, of their organizations or of association of such organizations.

(4) Within one enterprise the employer shall conclude the collective agreement with representatives of the trade unions in the enterprise, after they submit a draft coordinated between themselves.

(5) Where within the enterprise the trade union organizations fail to coordinate 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.

(6) The collective agreements by industries, branches, professions and administrative and territorial units shall be concluded between the respective representative organizations of employers and employees.

Obligation to Negotiate and to Provide Information

Article 52

(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) information on their financial position which is significant for the conclusion of the collective agreement.

(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.

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 General Labour Inspectorate. Disputes as to the competent inspectorate shall be settled by the Minister of Labour and Social Welfare.

(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) The collective agreement shall be deemed concluded for a term of one year, insofar as it does not provide otherwise.

Extension of the Effect of the Collective Agreement

Article 55

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.

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, No. 2/1996) The employees who are not members of a trade union organization may accede to a collective agreement concluded by their employer by applications in writing submitted to him and to the leadership of the trade union organization which has concluded the agreement, without any other conditions whatsoever.

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

In case the employer does not observe the collective agreement actions may be brought by the trade union organizations which have concluded the agreement, as well as by any employee who is a party to the agreement.

Article 60 - repealed.

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 Welfare.

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) The employment contract shall specify the place and nature of work, and the wage or salary of the employee.

(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.

Employment Contract for a Fixed Term

Article 68

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.

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

(3) 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.

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

Employment Contract with a Pensioner

Article 72

(1) An employment contract with a pensioner shall be concluded only in the event that there is no applicant for the same job who is not a pensioner. The absence of such an applicant shall be certified by the labour bureau.

(2) An employment contract with a pensioner who has reached 60 years of age for men, and 55 years of age for women, shall be concluded for a fixed term not longer than 1 year.

(3) An employment contract with a pensioner who has not reached the age under the preceding paragraph may also be concluded for an indefinite period or for a term longer than 1 year.

(4) An employment contract with a pensioner who has not reached 60 years of age for men, and 55 years of age for women, which has been concluded for an indefinite period or for a period longer than one year, shall be transformed into an employment contract for a term of 1 year as of the date of reaching the respective age, insofar as the parties have not agreed on a shorter period.

(5) The provision of Article 69, para 1 shall not apply to an employment contract with a working pensioner under the preceding paragraphs.

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) A competitive examination shall be announced in case the job 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

(1) The employee may also conclude employment contracts with other employers for a second job outside his working hours under his primary employment relationship (outside additional work).

(2) For an employment contract under the preceding paragraph to be concluded, the prior consent of the employer for whom the employee primarily works shall be required.

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

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.

Contract for Working for up to 5 Days a Month

Article 114

An employment contract may also be concluded for working on certain days of the month. In the event that a person is working for one and the same employer for not more than 5 working days or 40 hours a month in total, whether continuously or in broken succession, this time shall not be included in his 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.

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 Restructuring of the Enterprise

Article 123

(1) The employment relationship with the employee shall be not terminated in the event of a merger of enterprises, of a transfer of a part of one enterprise to another enterprise, or distribution of the operations of one enterprise between several enterprises.

(2) The obligations towards the employees arising from the employment relationships, which have been created before the restructuring, the liabilities shall fall:

1. in case of merger of enterprises - to the new enterprise;
2. in case of transfer of a part of one enterprise to another - to both enterprises jointly and severally;
3. in case of distribution of the operations of one enterprise between several enterprises - to the enterprises taking the operations over jointly and severally.

(3) The employment relationship with the employee shall not be terminated in the event of a change of the enterprise owner or of leasing it out. In this case, the new owner, the lessee respectively, shall be the employer.

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. uphold the good name of the enterprise, not betray the employer's trust, as well as not divulge confidential data on the employer;
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

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. instructions on the sequence and manner of accomplishing the tasks, including acquaintance with the job description, with the internal rules, and with the rules on healthy and safe working conditions.

Obligation of the Employer to Pay the Labour Remuneration

Article 128

The employer shall pay the employee, within the specified periods, the agreed labour remuneration for the work done.

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.

Article 130-135 - repealed.

Chapter Seven

WORKING HOURS AND REST

Section I

REGULAR WORKING HOURS

Normal Duration of Working Hours

Article 136

(1) The normal duration of the weekly working hours for a five-day work week shall be up to 40 hours.

(2) The normal duration of the weekly working hours for the sectors where the five-day work week has not been introduced shall be up to 46 hours for a six-day work week.

(3) The normal duration of the working hours during the day shall be:

1. for a five-day work week - up to 8 hours;
2. for a six-day work week - up to 8 hours, and on days before days off or holidays - up to 6 hours.

(4) The normal duration of the working hours under the preceding paragraph shall not be extended.

(5) The transition from a six-day to a five-day work week shall be done upon a decision of the Council of Ministers.

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) - repealed

Part-Time

Article 138

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) - repealed

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) For some categories of employees, due to the special nature of their work, the Minister of Labour and Social Welfare may establish open-ended working hours. 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 Welfare.

Night Work

Article 140

(1) The normal duration of the weekly working hours at night for a five-day work week shall be 35 hours, and for a six-day work week it shall be 36 hours. The normal duration of the night working hours for a five-day work week shall be 7 hours, and for a six-day work week it shall be 6 hours.

(2) Night work shall be work performed between 10.00 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. pregnant female employees, and mothers whose children are under 3 years of age;
3. mothers of children between 3 and 6 years of age, as well as mothers raising handicapped children irrespective of the latter's age, except with their own 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.

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) For continuous production processes and other types of work where working conditions do not allow a daily calculation of the working hours the employer may establish a summarized calculation of working hours (weekly, monthly, or for another calendar period which shall not be longer than 6 months).

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

(4) The maximum duration of a work shift under a summarized calculation of working hours can be up to 12 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) 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 over and above 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

In the cases under subparagraph 6 of the preceding article, overtime work can be done only by the prior written permission of the respective labour inspectorate.

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. pregnant female employees, and mothers whose children are under 3 years of age;
3. mothers of children between 3 and 6 years of age, as well as mothers raising handicapped children irrespective of the latter's age, except with their own 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 and Prohibition of Compensation

Article 150

- (1) Pursuant to Article 262, a labour remuneration in an increased amount shall be paid for overtime work, irrespective of the fact whether it shall be done legally or not.
- (2) It shall be prohibited to compensate for overtime work by rest.

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) In continuous production processes or in enterprises where the work is uninterrupted, the employer shall provide to the employee time for a meal which is included in 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) For summarized calculation of working hours, in case of working in continuous production processes, in case of a change in the shifts, as well as for a six-day work week, the uninterrupted weekly rest shall be at least 24 hours.

Legal Holidays

Article 154

(1) (Amended - SG, No. 2/1996) 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 24 - the Day of Bulgarian Education and Culture and of Slavonic Letters;

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) 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.

Chapter Eight

LEAVES

Section I

TYPES OF LEAVES

Regular and Extended Annual Paid Leave

Article 155

(1) Each employee who has a length of service of at least 8 months shall acquire the right to an annual paid leave.

(2) The duration of the regular annual paid leave shall be:

1. not less than 14 working days - for a length of service of up to 10 years;

2. not less than 16 working days - for a length of service from 10 to 15 years;
3. not less than 18 working days - for a length of service of over 15 years.

(3) Some categories of employees, depending on the special nature of work, shall be entitled to an extended annual paid leave. 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

Pursuant to Article 155, para 1, 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 the Performance of Civic and Public Duties

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. in the event of the death of a parent, a child, a spouse, a brother, a sister, a parent of the spouse or other relatives in direct lineage without restriction, and for relatives in collateral lineage up to the second degree - for 2 working days;
4. in case the employee has been called to appear in court or other bodies as a party, a public prosecutor, a public defender, 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. for voluntary participation in training and exercises organised by the Bulgarian Red Cross - up to 5 working days for exercises and up to 3 working days.

(2) For the period of the leave under the preceding paragraph, except when the employee appears in court as a party or an expert, the employer shall pay him a remuneration set pursuant to Article 177.

Leave During Reservist Military Training

Article 158

(1) An employee called up for reservist military training 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 reservist military 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 reservist military training and of a leave under the preceding paragraph, the employee shall be paid a remuneration set pursuant to Article 177.

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) The employee may be permitted a paid or unpaid official or creative leave of up to 1 year, for the accomplishment of important tasks of public significance, or of creative tasks, under terms and procedures to be established by the Council of Ministers, the 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) 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) Female employees shall be entitled to the following leaves for pregnancy and birth: 120 calendar days for the first child, 150 days for the second child, 180 for the third child, and 120 days for the fourth and every subsequent child; of these, 45 shall be granted before the date of birth.

(2) Should twins, triplets, etc. be born, the leave under para 1 shall be granted in amount due for the last child. Should one of the twins be the mother's third child, the leave shall be granted in the amount due for the third child.

(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.

Paid Leave for Raising a Young Child

Article 164

(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) In case the family has twins and either of them is a second or a third child, the leave under the preceding paragraph shall be used until the twins complete 3 years of age.

(3) With the consent of the mother (adoptive mother), the leave under paras 1 and 2 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) In case the leave under paras 1 and 2 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 to the amount of 50 per cent of the statutory minimum monthly salary in the country.

Unpaid Leave for Raising a Young Child

Article 165

(1) After using a leave under para 1 of the preceding article, upon the request of the female employee she may also be granted an unpaid leave until the child reaches 3 years of age, in case it is not placed in a child-care establishment. With the consent of the mother this leave may also be used by the persons under Article 164, para 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) Should the mother (adoptive mother) of a child under the age of 3 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) Should both parents of a child under the age of 3 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.

Additional Leave for Two and More Surviving Children

Article 168

(1) 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) Instead of the mother, the father or another person taking care of the children may use the leave under the preceding paragraphs.

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

Paid Leave for Studies

Article 169

(1) Employees studying at an educational establishment while remaining in employment shall be entitled to a paid leave as follows:

1. distance learning students at a higher educational establishment, college, secondary or another school, and distance learning post-graduate students:

a) on a five-day work week - 25 working days;

b) on a six-day work week - 30 working days, and 20 work weeks reduced by 1 day each for students at a higher educational establishment or a college,

and for distance learning post-graduate students; and 15 working days reduced by 1 day each for students in a secondary or another educational establishment.

2. for students attending night school or shift educational courses - 12 working days;

3. distance learning students sitting for an examination to pass separate grades in an educational establishment - 12 working days for each grade.

(2) The leave under the preceding paragraph shall be used regardless of all other types of leaves, and shall be granted each academic year. It may be used in whole or in part, and shall not be granted to an employee who will repeat an year through his fault.

(3) The students under para 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) Employees registered as distance learning or correspondence post-graduate students 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.

(5) Employees attending night school, with the exception of those working at reduced working hours - 7 hours or less, shall be released from work an hour earlier on each day they have classes.

Leave for an Entrance Examination at an Educational Establishment

Article 170

(1) An employee shall be entitled to six working days of paid leave to sit for entrance examinations to a secondary school, should such examinations be in order, and to 12 working days to sit for entrance examinations to a higher educational establishment or a college, or post-graduate studies.

(2) Should an employee use such paid leave but fail to gain entrance to the respective educational establishment or post-graduate studies, for the following years he shall be entitled to unpaid leave for the duration specified under the preceding paragraph which shall be recognized as length of service.

Unpaid Leave for Students

Article 171

(1) Students who remain under employment 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. 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 or colleges - 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 post-graduate students to prepare and present a thesis - up to four months.

(2) The unpaid leave under the preceding paragraph shall be recognized as length of service.

Section II

USE OF THE ANNUAL PAID LEAVE

Manner of Using

Article 172

The annual paid leave shall be used by the employee all at once or in two parts.

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) The employer shall be entitled to grant the annual paid leave to the employee, even without his consent, in case of extended idle time, as well as in case all employees use their leaves simultaneously.

(5) 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.

Use of Leave by Underaged 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. by the employer - due to important production reasons;
2. by the employee - in case he uses another type of leave, or upon his request with the consent of the employer.

(2) Where the leave is postponed, the employer shall ensure its use during the following calendar year.

(3) In the event that the employer has not permitted the use of the annual paid leave by the end of the following calendar year, 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.