

## Law for Encouragement of Employment (last amended 30 December 2003)

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Author Minister of Justice

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### LAW OF ENCOURAGEMENT OF EMPLOYMENT

Chapter one.

#### GENERAL

Art. 1. This law settles the public relations in:

1. the encouragement and support of employment;
2. the professional information and consulting, the education for acquiring professional qualification of unemployed and of employed persons;
3. the mediation in informing and hiring for work of Bulgarian citizens in other countries and of Bulgarian and foreign citizens in the Republic of Bulgaria.

Art. 2. Not admitted in exercising the rights and obligations under this law shall be direct or indirect discrimination, privileges or restrictions based on nationality, origin, sex, sexual orientation, race, skin colour, age, political and religious convictions, membership in trade union and other public organisations and movements, marital, public and material status and presence of psychic and physical injuries.

Art. 3. The state shall implement a policy of employment in co-operation and upon consultation with the

representative organisations of the employers and of the workers and employees and with representatives of other non-profit corporate bodies.

Chapter two.

## BODIES OF EMPLOYMENT

Section I.

Central bodies of employment

Art. 4. (1) The Council of Ministers shall determine the state employment policy.

(2) Upon proposal of the Minister of Labour and Social Policy the Council of Ministers shall adopt annually a National Operative Employment Plan.

(3) (new ? SG 26/03) After co-ordination with the National council for encouragement of employment the Minister of Labour and Social Policy after the elapse of the six months of the financial year can redistribute unused resources from one regions and/or programmes to other regions and/or programmes and measures, which can utilise additional resources.

Art. 5. (1) The bodies of the executive authority shall create conditions for encouraging employment of the citizens who wish and can work and who actively seek jobs, exercising the rights assigned to them by this law.

(2) The bodies of the executive authority shall implement the policy of encouraging employment and for education for acquiring professional qualification of the persons outside the system of the national education and the higher education.

Art. 6. (1) The Minister of Labour and Social Policy shall work out, co-ordinate and implement the state policy of encouraging employment of the unemployed and for education for acquiring professional qualification of the unemployed and of employed persons and shall provide protection of the national labour market.

(2) The Ministry of Labour and Social Policy, jointly with the other ministries and social partners, shall work out annually a National Operative Employment Plan.

Art. 7. (1) (amend. SG 26/03) Established is Employment Agency with the Minister of Labour and Social Policy for the implementation of the state policy on encouraging of employment, protection of the labour market, professional information and consulting, professional and motivation training of unemployed and employed persons, as well as for carrying out mediation activity for employment.

(2) The Employment Agency is an executive agency ? secondary administrator of budget credits with the Minister of Labour and Social Policy, and it is a corporate body with headquarters in Sofia.

(3) The Employment Agency shall be represented and managed by an executive director.

(4) In his activity the executive director of the Employment Agency shall be assisted by a board which shall consist of representatives of the representative organisations of the employers and of the worker and employees on national level.

(5) The activity, the structure and the number of the personnel of the Employment Agency, the number and the territorial range of its divisions shall be determined by structural regulations adopted by the Council of Ministers upon proposal of the Minister of Labour and Social Policy.

Art. 8. (1) Established is National Council for Encouraging Employment with the Minister of Labour and Social Policy as a standing body for co-operation and consultations in working out the employment policy.

(2) The National Council for Encouraging Employment shall consist of an equal number of representatives determined by the Council of Ministers, the representative organisations of the employers and of the workers and employees on national level.

(3) By decision of the National Council for Encouraging Employment invited to participate in its meetings can be representatives of other non-profit corporate bodies.

(4) Chairman of the National Council for Encouraging Employment shall be the Minister of Labour and Social Policy or an official authorised by him.

(5) The National Council for Encouraging Employment shall adopt regulations for its structure and activity.

(6) The National Council for Encouraging Employment shall:

1. discuss and give opinion on the development and implementation of the employment policy and of the National Operative Employment Plan;
2. periodically be informed about the data regarding the status of the market labour and for the effectiveness of the applied measures and programmes for encouraging employment;
3. propose to the Ministry of Labour and Social Policy the working out of draft normative acts, measures and programmes for encouraging of employment;
4. discuss and give opinion on draft normative acts related to the labour market;
5. discuss projects and give opinion on agreements of the Ministry of Labour and Social Policy with other ministries, state institutions and non-government organisations for joint activities on the issues of employment.

(7) The organisational and technical servicing of the National Council for Encouraging Employment shall be provided by the Ministry of Labour and Social Policy.

## Section II.

### Regional employment bodies

Art. 9. (1) The state employment policy and the education for acquiring professional qualification in regions

shall be implemented by the regional administrations, the bodies of local independent government jointly with the territorial divisions of the Employment Agency, the territorial divisions of ministries, organisations and social partners.

(2) By a decision of the Council for regional development at the Council of Ministers and by a decision of the regional councils for regional development shall be established standing or temporary commissions for the employment.

(3) Chairman of the Commission of employment at the regional council for regional development shall be the regional governor or a representative of the regional administration authorised by him.

(4) The regulations for the structure and activity of the Commission of employment shall be adopted by the regional councils for regional development.

(5) The Commission of employment with the regional council for regional development shall include representatives of:

1. the regional administration and of the municipalities on the territory of the region;
2. the territorial divisions of the Employment Agency;
3. the ministries and other state institutions;
4. the regional structures of the representative organisations of the employers and the representative organisations of the workers and employees;
5. sector and branch organisations;
6. non-profit corporate bodies in the region whose activity is related to the problems of the employment and education for acquiring professional qualification;
7. other territorial structures.

Art. 10. In carrying out its activity the Commission of employment at the regional council for regional development shall observe the priorities of:

1. The National Economic development Plan;
2. The National Plan for regional development;
3. The National Operative Employment Plan;
4. The Regional Development Plan;
5. the municipal strategies and plans of development.

Art. 11. (1) The organisational and technical servicing of the Commission of employment at the regional council shall be carried out under the conditions and by the order of the Regulations for the organisation and activity of the Council for regional development at the Council of Ministers and of the regional councils for regional development.

(2) The members of the commissions under art. 9 shall not receive remuneration for their participation in the meetings.

Art. 12. (1) Established at the divisions of the Employment Agency shall be Council for co-operation which shall carry out direct supervision and control of the implemented state employment policy.

(2) The Council for co-operation shall consist of 9 members ? one representative each of the division of the Employment Agency, of the territorial structure of the Ministry of Education and Science and of the municipality and three representatives each of the organisations of the workers and employees and of the employers acknowledged as representative.

(3) By a decision of the Council for co-operation invited for participation in its meetings can also be representatives of other non-profit corporate bodies.

(4) The Council for co-operation shall elect a chairman from among its members on the principle of rotation for a period of one year.

(5) The Council for co-operation shall adopt regulations for its structure and activity.

Art. 13. The regional governor shall provide co-ordination between the national and the local interests on the issues of employment in working out and fulfilment of regional plans for regional development and reduction of the unemployment and carrying out interaction with the bodies of the local independent government and local administration.

Chapter three.

## FINANCING OF THE ACTIVE EMPLOYMENT POLICY

Art. 14. (1) Annually, the Law for the state budget of the Republic of Bulgaria shall provide resources for financing measures and programmes for the active employment policy adopted by the Council of Ministers.

(2) Financing of the active employment policy shall be carried out pursuant to approved applications by the Ministry of Labour and Social Policy under conditions and by an order determined by the regulations for implementation of this law.

Art. 15. The Employment Agency shall be administrator of the following proceeds:

1. (amend. SG 26/03) fees of art. 28, para 6;
2. fees for permits for carrying out free-lance activity;
3. proceeds from advertising and information and publishing activity.

Art. 16. The resources for active policy shall be spent for:

1. (amend. SG 26/03) programmes and measures for acquiring of professional qualification, motivation

training of unemployed and employed persons;

2. programmes and measures for preservation and encouragement of employment;
3. programmes and measures for encouraging the unemployed for independent activity;
4. protection of the home labour market and for fulfilment of international agreements for exchange of manpower party to which is the Republic of Bulgaria;
5. the development of national, branch and regional programmes of employment and training for acquiring professional qualification;
6. implementation of projects for social integration of risk groups on the labour market;
7. advertising and informational and publishing activity related to the employment, unemployment and training for acquiring professional qualification;
8. study of the labour market, as well as for the gathering, processing and dissemination of information for the labour market and assessment of the effect from the implementation of the measures and programmes of the active policy;
9. financing of the activity of centres for professional training established by virtue of inter-governmental agreements by an act of the Council of Ministers;
10. expenses for transport, accommodation and scholarships during the training of unemployed;
11. other expenses for the improvement of the employment if provided by an act of the Council of Ministers.

Chapter four.

## RIGHTS AND OBLIGATIONS OF THE PERSONS LOOK FOR JOB AND OF THE EMPLOYERS

Section I.

General

Art. 17. The persons who are actively looking for job can use, according to this law:

1. information for announced vacancies;
2. information for programmes and measures for preservation and encouragement of employment;
3. mediation in informing and hiring for work;
4. professional information, consultation and orientation;
5. professional and motivation training;
6. inclusion in programmes and measures of employment;

7. scholarships for training for acquisition of professional qualification.

(2) The employers can use, according to this law:

1. information for the persons who are actively looking for job;
2. information for programmes and measures for encouraging employment;
3. mediation in hiring for work;
4. inclusion in programmes and measures for employment;
5. preferences and premiums for preservation and/or increase of the employment;
6. premiums for training for acquiring professional qualification and/or work on probation.

(3) The conditions and the order of providing the services under para 1 and 2 shall be determined by the regulations for implementation of this law.

## Section II.

Registration, rights and obligations of the persons actively looking for job

Art. 18. (1) Every Bulgarian citizen actively looking for a job can register in the territorial division of the Employment Agency.

(2) Persons actively looking for job shall be registered in one of the following groups:

1. unemployed;
2. employed who wish to change their job;
3. students who wish to work during their free time;
4. retired persons.

(3) The rights under this chapter can also be exercised by:

1. foreigners having permit for permanent stay in the Republic of Bulgaria;
2. the persons who have been given right to asylum;
3. (amend. SG 26/03) the persons to whom refugee or humanitarian status has been conceded;
4. the persons for whom it is stipulated by an international agreement party to which is the Republic of Bulgaria.

(4) The registration shall be made at the permanent or present address. The conditions and the order of registration shall be settled by the regulations for implementation of this law.

(5) (amend. SG 26/03) At the time of registration the person shall declare his status according to para 2.

Within 7 days from the change of the declared circumstances the person shall inform the division of the Employment Agency.

(6) The registration of the persons according to para 2 and 3 shall be certified by an order determined by the regulations for implementation of the law.

Art. 19. (1) (suppl. SG 26/03) An operative plan and time-table of visits shall be prepared for every registered unemployed person.

(2) The persons actively looking for a job can exercise the rights under art. 17, para 1 as follows:

1. the unemployed ? according to item 1 ? 7;
2. the employed who wish to change their job and the students who wish to work in their free time ? according to item 1, 3 and 4;
3. the retired ? according to item 1 and 3.

Art. 20. (1) The person registered as actively looking for a job shall be obliged to fulfil the recommendations of the employment mediator, as well as the stipulated activities, terms and time-table of visits.

(2) Upon written invitation by the division of the Employment Agency the person actively looking for a job shall be obliged to appear on the indicated date and hour.

(3) The registration shall be terminated if the persons looking for job:

1. do not fulfil the recommendations of the employment mediator or the activities, the terms and the time table of visits included in the operative plan;
2. do not appear on the date and hour indicated in the written invitation of the division of the Employment Agency or within 3 working days from this date;
3. do not observe the determined time table of visits in the division of the Employment Agency;
4. change their permanent address without informing about that the division of the Employment Agency;
5. file application by their own will;
6. die.

(4) The registration of the unemployed shall also be terminated in the cases when:

1. they start working and have been insured or are subject to insurance by the order of art. 4 of the Code for the obligatory public insurance;
2. acquire right to pension for insured time of service and age or professional pension for early retirement;
3. do not fulfil the requirements of art. 18, para 5, second sentence.

(5) The person shall have the right to a subsequent registration not earlier than the expiration of 12 months upon termination of the preceding one.



(6) Upon presentation of evidence for the presence of valid reasons the registration terminated pursuant to para 3, item 1, 2 and 3 or para 4, item 3 shall be restored.

Art. 21. (1) The registration shall be terminated and restored by a decision of the head of the division of the Employment Agency.

(2) The decisions under para 1 shall be appealed in court by the order of the Law for the administrative proceedings.

(3) The Employment Agency shall submit information to the National Insurance Institute for the issued decisions under para 1.

### Section III.

#### Rights and obligations of the employers

Art. 22. (1) (revoked ? SG 26/03).

(2) The employers can announce in the divisions of the Employment Agency:

1. the vacant positions;
2. the needs of training for professional qualification of the hired persons and the own capacity for its organising.

(3) (amend. SG 26/03) The employers shall be obliged to inform, within 7 working days, the divisions of the Employment Agency for:

1. the occupied and closed down positions which have been announced as vacant;
2. (new ? SG 26/03) the accepted to work persons, directed by the Employment Agency;
3. (prev. 2 ? SG 26/03) the unemployed who have refused to accept the offered suitable job;
4. (prev. 3 ? SG 26/03) their refusal to hire persons looking for job directed by the divisions of the Employment Agency.

(4) The employers shall file applications for training for acquiring professional qualification of the hired personnel, as well as for the needs of manpower in types of specialities under conditions and by an order determined by the regulations for implementation of this law.

(5) The employers can themselves make selection of persons looking for job recommended by the division of the Employment Agency or to require from the Employment Agency to make selection according to an application filed in advance.

(6) Foreign employers can use mediation services of the Employment Agency by an order determined by the Council of Ministers.

Art. 23. In announcing vacant positions the employers shall not have the right to determine conditions by sex, age, nationality, ethnic belonging and health condition. Exclusions shall be made only regarding sex, age and reduced working capacity when, as a result of the nature of work the sex, respectively the age or the health condition represent a substantial element of it.

Chapter five.

## PROCEDURE OF NOTIFICATION IN CASES OF MASS DISMISSAL

Art. 24. (1) (suppl. SG 26/03) The employer shall notify in writing the division of the Employment Agency and the representatives of the workers and the employees in the enterprise regarding planned mass dismissal not later than 30 days before the date of dismissal.

(2) (amend. SG 26/03) The division of the Employment Agency shall send a copy of the notification of para 1 to:

1. the municipal administration;
2. the territorial division of the National Insurance Institute;
3. the territorial division of the Executive Agency "Chief labour inspection".

(3) The notification under para 1 must contain the whole necessary information regarding the planned mass dismissal, including: the reasons for the planned dismissal; the number and the category of workers and employees to be dismissed; the period during which the dismissal must be carried out; the stipulated criteria for selection of the workers and employees to be dismissed, as well as regarding the preliminary consultations with representatives of the workers and employees.

Art. 25. (1) Upon receipt of the notification under art. 24 teams shall be formed consisting of a representative of the employer, representatives of the organisations of workers and employees of the enterprise, a representative of the division of the Employment Agency and a representative of the municipal administration.

(2) The teams under para 1 shall work out projects of the necessary measures directed to:

1. mediation for employment;
2. training for acquiring professional qualification;
3. starting independent economic activity;
4. alternative employment programmes.

(3) The projects under para 2 shall be presented for approval by the regional employment commission, on whose grounds financing can be applied for under conditions and by an order determined by the regulations for implementation of this law.

Chapter six.

# ENCOURAGING OF EMPLOYMENT

## Section I.

### Mediation services

Art. 26. The mediation services for employment include:

1. informing and consulting the persons looking for job and the employers;
2. psychological assistance to the persons looking for job;
3. directing to suitable programmes and employment measures;
4. directing to professional and/or motivation training;
5. directing and assisting in starting work, including in another populated area in the country or in other countries;
6. services for starting independent economic activity.

Art. 27. (1) (amend. SG 26/03) Right to mediation services for employment shall have the employers and the persons looking for job.

(2) (amend. SG 26/03) The mediation services for employment shall be organised and provided by:

1. the Employment Agency;
2. individuals and/or corporate bodies with more than 50 percent Bulgarian participation, registered according to the Bulgarian legislation.

(3) The Employment Agency shall provide mediation services:

1. free of charge ? for hiring Bulgarian citizens and persons under art. 18, para 3;
2. free of charge ? for hiring Bulgarian citizens abroad, as well as foreigners in the country in fulfilment of an international agreement party to which is the Republic of Bulgaria ;
3. under a contract with foreign employers and licensed mediation agencies which pay the expenses related to the provided mediation and with similar foreign institutions for hiring Bulgarian citizens in other countries.

Art. 28. (amend. SG 26/03) (1) The persons of art. 27, para 2, item 2 shall implement mediation activity for hiring to work in the Republic of Bulgaria, in other countries and hiring of sailors on the basis of registration at the Employment Agency.

(2) The mediation activity for hiring to work, implemented by the persons of art. 27, para 2, item 2, shall include conceding of the mediation services of art. 26, items 1, 2, 4 and 5 in totality or separately.

(3) For implementing of the activity of para 2 the persons of art. 27, para 2, item 2 shall conclude mediation

contracts with:

1. the persons, looking for employment;

2. the employers, including ship owners (the operators), looking for workers and employees.

(4) The mediation contract, concluded with foreign employer, including ship owner (operator), shall be registered at the Employment Agency.

(5) The Minister of Labour and Social Policy or an official, authorised by him, shall issue certificate for registration for implementing mediation activity for hiring to work.

(6) The persons of art. 27, para 2, item 2 shall pay a fee, determined with tariff of the Council of Ministers, for:

1. registration for implementing of mediation activity for hiring to work in the Republic of Bulgaria;

2. registration for implementing of mediation activity for hiring to work in other countries and hiring of sailors;

3. registration of mediation contract with foreign employer, including ship owner (operator).

(7) The mediation activity for hiring for work, implemented by the persons of art. 27, para 2, item 2, can also be implemented against payment.

(8) The Council of Ministers shall determine with an ordinance:

1. the conditions and the order for implementing of mediation activity for hiring for work;

2. the conditions and the order for registration of the persons of art. 27, para 2, item 2 for implementing of mediation activity and for refusing and terminating it;

3. the maximum admissible amount of the price of the conceded mediation service, paid by the persons, to whom employment was found;

4. the obligatory requirements for the content of the mediation contracts.

Art. 29. (amend. SG 26/03) (1) Individuals and/or corporate bodies carrying out mediation activity without registration can register after 3 years from the enactment of a penal decree for imposing of administrative penalty under art. 81, para 1.

(2) Individuals and corporate bodies, which registration for carrying out mediation activity has been terminated can register again after 3 years from the date of entering into force of the act for terminating it.

## Section II.

### Planning of programmes and measures for encouraging employment

Art. 30. (1) Programmes and measures for encouraging employment according to this law shall be implemented upon their approval by the National Council for encouraging employment and by the regional

commissions for employment and upon their financial provision by the budget for the respective year.

(2) For implementation of the programmes and the measures for employment the Ministry of Labour and Social Policy shall annually present plans for their financial provision by the Law for the state budget of the Republic of Bulgaria of the Ministry of Finance.

(3) The Employment Agency, annually, in compliance with the procedures of working out a draft budget for the respective year, shall present to the Ministry of Labour and Social Policy a proposal with the programmes and measures for employment to be implemented during the planned year.

(4) The Minister of Labour and Social Policy shall annually approve the plan of the Employment Agency and shall provide it financially.

(5) (amend. SG 26/03) The conditions and the order of using the preferences for implementation of programmes and measures shall be determined by the regulations for implementation of this law.

(6) (revoked ? SG 26/03).

(7) (revoked ? SG 26/03).

(8) The members of the commissions for employment and of the councils for cooperation with the divisions of the Employment Agency shall control and monitor the processes of implementation of the programmes and measures.

Art. 30a. (new ? SG 26/03) (1) For fulfilment of the programmes and the measures for encouragement of employment resources shall be conceded, designated for:

1. labour remuneration;

2. additional remuneration according to minimum extent, established in the Labour Code and in the normative acts for its implementation;

3. remuneration for basic annual paid leave under art. 155 of the Labour Code;

4. the due payments for the account of the employer for fund "Pensions", fund "Labour accident and professional disease", fund "General disease and motherhood" for the paid gross labour remuneration but not less than the minimum extent of the insurance income of art. 6 para 3 of the Code for the obligatory public insurance as well as for the funds for additional obligatory pension insurance and the National Health Insurance Fund;

5. due payments for the account of the employer for fund "Unemployment" for the paid labour remuneration but not less than the minimum extent of the insurance income of art. 6 para 3 of the Code for the obligatory public insurance;

6. pecuniary indemnification under art. 40, para 4 of the Code for the obligatory public insurance;

7. training for acquiring of professional qualification, motivation training and learning to read and write;

8. encouragement of territorial mobility of unemployed persons, registered at the divisions of the Employment Agency;

9. scholarship, transport and accommodation expenses of those, participating in training for learning to read and write or acquiring of professional qualification ? for the time of the training; the transport and the accommodation expenses of the participants in the motivation training;

10. interests for credits, granted under guarantee schemes of the Ministry of Labour and Social Policy for crediting of persons with reduced ability to work, at starting and development of economic activity and creating of new working places;

11. expenses for used external consultant services and accompanying services by the persons of art 47, para 1 with nomenclature and limits of the resources, determined according to the regulation for implementation of the law;

12. credit for qualification in the subject of economic activity and/or its management according to the approved business project of art. 47, para 1;

13. additional resources for hiring of another unemployed member of the family without right to pecuniary indemnification under art. 47, para 4;

14. expenses, made for cultivating of the areas, for seeds and planting material, for fertilisers and preparations for plant protections according to approved business project for agricultural activity.

(2) According to their designation the resources of para 1 shall be distributed between employers, unemployed persons and training organisations as follows:

1. for items 1, 2, 3, 4, 5 and 6 ? to the employer, hired the unemployed person, directed by the divisions of the Employment Agency;

2. for item 7 ? to the training organisation and the employer, conducting the training;

3. for items 8 and 9 ? to unemployed persons, registered in the divisions of the Employment Agency;

4. for item 10 ? to persons with reduced ability to work, received credits from guarantee schemes of the Ministry of Labour and Social Policy;

5. for items 11 and 12 ? to unemployed persons, registered at the divisions of the Employment Agency with right to pecuniary indemnification, who receive one time pecuniary sum under art. 47;

6. for item 13 ? to the persons, who receive one time pecuniary sum under art. 47, para 1 and according to art. 47, para 4 ensure employment under the approved project for another unemployed member of the family without right to pecuniary indemnification;

7. for item 14 ? to unemployed persons after approval of business project for agricultural activity by the divisions of the Employment Agency.

(3) Every year with the National action plan for employment shall be determined the resources of para 1 and their extent for the different programmes and measures for encouragement of employment.

Art. 30b. (new ? SG 26/03) The resources of art. 30a shall be conceded on the basis of concluded contract between the territorial division of the Employment Agency and:

1. the unemployed person;

2. the employer;
3. the training organisation.

(2) In the contract of para 1 shall obligatory be pointed out:

1. the kind of the programme or the measure for encouragement of employment;
2. the term for effect of the contract;
3. the designation and the extent of the conceded resources;
4. the responsibility of the parties upon non fulfilment of the contract.

(3) The resources, conceded by the order of para 1, shall be used for their designation by the employer, the unemployed person and the training organisation.

Art. 30c. (new ? SG 26/03) (1) The state bodies and the other budget organisations can conclude employment contracts with persons, over the approved number of the staff, directed under programmes for employment by the divisions of the Employment Agency, but only within the framework of the National action plan for employment.

(2) (revoked, SG 114/03)

(3) (revoked, SG 114/03)

Art. 31. (1) (amend. SG 26/03) The Council of Ministers, the Ministry of Labour and Social Policy and the Employment Agency, individual ministries and other state institutions or regional administrations and the social partners can work out and propose for financing and implementation programmes for increase of the employment, related to the priorities of the National Plan for economic development, the National Plan for regional development and the National Operative Employment Plan, as well as programmes for employment, learning to read and write of groups in unequal position on the labour market.

(2) Institutions in charge of the working out and implementation of the employment programmes shall be:

1. for the national programmes ? the Ministry of Labour and Social Policy and the Employment Agency;
2. for the branch programmes ? the respective branch ministries (structures) jointly with branch trade union organisations, branch chambers, the Ministry of Labour and Social Policy and the Employment Agency;
3. for the regional programmes ? the commissions for employment with the regional councils.

(3) (new ? SG 26/03) The commissions for employment at the regional councils for regional development shall propose to the Ministry of Labour and Social Policy regional programmes for learning to read and write, professional training and/or employment in activities of public interest.

(4) (prev. (3) ? SG 26/03) The programmes under para 1 financed by the Ministry of Labour and Social Policy shall be approved by the Minister of Labour and Social Policy under conditions and by an order determined by the regulations for implementation of this law.

Art. 32. (1) The commissions for employment with the regional councils for regional development shall organise the implementation of short-term or average-term programmes for development of the employment.

(2) (revoked ? SG 26/03)

Art. 33. (1) The regional programmes for employment shall specify the goals, the priorities and the instruments of implementing the state policy of employment. They shall contain measures and projects complied with the priorities of the National Plan for economic development, the National Plan for regional development and the National Operative Employment Plan.

(2) The regional programmes for employment shall include all projects for increase of the employment according to the state priorities in effect on the territory of the region, as well as municipal projects and projects of other corporate bodies approved by the Commission for employment.

(3) The regional programmes for employment shall be worked out annually and shall be proposed for co-ordination under conditions and by an order determined by the regulations for implementation of this law.

### Section III.

Employment of young people (title amend. SG 26/03)

Art. 34. (revoked ? SG 26/03)

Art. 35. (revoked ? SG 26/03)

Art.36. (1) (amend. SG 26/03) For each opened working place, at which unemployed person up to 29 years of age, directed by the division of the Employment Agency, has been hired, to the employer shall be conceded sums according to art. 30a, para 2 for the time the person has worked, but for not more than 12 months.

(2) For each opened working place, at which unemployed person up to 29 years of age with reduced ability to work or youths from social institutions, finished their education and directed by a division of the Employment Agency, to the employer shall be conceded sums according to art. 30a, para 2 for the time the persons have worked, but for not more than 12 months.

Art. 37. (amend. SG 26/03) For each opened working place, at which unemployed person with continuously maintained registration for not less than 12 months, directed by a division of the Employment Agency, has been hired, to the employer shall be conceded sums according to art. 30a, para 2 for the time the person has worked, but for not more than 12 months.

Art. 38. (revoked ? SG 26/03)



Art. 39. (revoked ? SG 26/03)

Art. 40. (amend. SG 26/03) The Employment Agency, jointly with companies for employment of unemployed persons, shall develop and implement projects and programmes for employment in public interest with national and regional character. The companies for employment of unemployed persons shall apply before the Ministry of Labour and Social Policy for financing of the projects and the programmes.

(2) The companies of para 1 shall register according to the acting legislation with basic subject of activity ? ensuring of employment for unemployed persons, registered at the territorial divisions of the Employment Agency.

(3) For each unemployed person hired under employment contract, directed by the divisions of the Employment Agency to projects and programmes of para 1, shall be conceded sums according to art. 30a, para 2 for the actually worked out time for the term of the employment contract but for not more than 12 months.

Art. 41. (amend. SG 26/03) For each opened working place for training for acquiring of professional qualification and/or apprenticeship, on which is hired unemployed person up to 29 years f age, directed by the divisions of the Employment agency, to the employer shall be conceded sums according to art. 30a, para 2 for the term of training and/or apprenticeship but for not more than 6 months.

#### Section IV.

##### Programmes and measures for transition from passive to active measures

Art. 42. (1) (amend. SG 26/03) To unemployed, directed by the divisions of the Employment Agency and hired for work for a period of no less than 6 months outside the boundaries of the populated area of their permanent residence, shall be paid one-time sums for transport expenses according to art. 30a, para 2.

(2) (amend. SG 26/03) To unemployed, directed by the divisions of the Employment Agency to a definite employer for hiring for work outside the boundaries of the populated area shall be paid monthly sums for transport expenses according to art. 30a, para 2.

Art. 43. (1) (amend. SG 26/03) For each opened working place, on which are hired unemployed persons, directed by the divisions of the Employment Agency, for the half of the lawfully established working time, to the employer shall be conceded sums according to art. 30a, para 2 for the time, during which the persons have worked, but for not more than 12 months.

(2) The persons under para 1 are registered unemployed who have received monetary indemnification for unemployment for a period no longer than 5 months.

(3) (amend. SG 26/03) The resources of para 1 shall be conceded for a term not more than 12 months for two persons at one working place under the condition that the average number in the list of the staff is increased.

(4) (revoked ? SG 26/03).

(5) The employer shall have the right to carry out training for acquiring professional qualification within the part-time working limits appointing a training organisation or he himself carries out the training within the frames of the maximal size of resources for training of one person.

## Section V.

### Programmes and measures for training (title amend. SG 26/03)

Art. 44. (amend. SG 26/03) An employer who provides maintaining and improvement of the qualification of the hired workers and employees can apply for granting of sums according to art. 30a, para 2 but for no more than the maximal determined size of the resources for training of one person.

Art. 45. (1) An employer can hire unemployed persons directed by the divisions of the Employment Agency for training and work at the working place for the time during which this person is being trained.

(2) (amend. SG 26/03) For each working place of para 1, on which unemployed person has been hired, directed by the divisions of the Employment Agency, to the employer shall be conceded sums according to art. 30a, para 2 for the time the person has worked but for not more than 6 months.

Art. 46. (amend. SG 26/03) For each opened working place for apprenticeship and/or probation, at which an unemployed person has been hired, directed by the divisions of the Employment Agency, to the employer shall be conceded sums according to art. 30a, para v2 for the term of the apprenticeship and/or the probation but for not more than 6 months.

## Section VI.

### Encouragement of the enterprise

Art. 47. (1) (amend. SG 26/03) To a person or persons who are unemployed with a right to monetary indemnification and wish to start independently or together economic activity for production of commodities and/or services shall be granted, for the account of Fund "Unemployment" one-time cash resources upon approval of a business project by the division of the Employment Agency and an application by the person to the division of the Employment Agency stating that he wishes to receive one-time sum of money instead of monetary indemnification for unemployment under the conditions and by the order of the Code for obligatory public insurance.

(2) (amend. SG 26/03) Right to one-time sum of money under para 1 shall have the persons who meet the requirements for granting monetary indemnification under the conditions and by the order of the Code for obligatory public insurance.

(3) (revoked ? SG 26/03).

(4) (amend. SG 26/03) To the persons, who have received one time pecuniary sum under para 1 and who ensure employment under the approved project to another unemployed member of the family without right to pecuniary indemnification for unemployment shall be conceded additional resources according to art. 30a,

para 2.

Art. 48. (amend. SG 26/03) To the persons who have received one-time money sum according to art. 47, para 1 according to art. 30a, para 2 can be granted extra resources in the form of credit for qualification on the subject of economic activity and/or its management according to the approved project under art. 47, para 1.

Art. 48a. (new ? SG 26/03) The persons, received credit under the project "Guarantee fund for micro-crediting" can use services for training for acquiring of professional qualification by order, determined with the regulation for implementation of the law.

Art. 49. (amend. SG 26/03) The expenses for used consulting services can be reimbursed to the persons under art. 47 according to art. 30a, para 2.

Art. 49a. (1) To unemployed persons, after approval of business project for agricultural activity by the divisions of the Employment Agency, can be conceded resources, provided in the business project for expenses according to art. 30, para 1, item 14.

(2) For acquiring of professional qualification for the subject of activity and/or its management according to the approved project additional sums according to art. 30a, para 2 shall be conceded by the divisions of the Employment agency to the persons of para 1.

## Section VII.

### Programmes and measures for opening new positions

Art. 50. (amend. SG 26/03) To employers ? micro enterprises, registered according to the acting legislation, shall be conceded sums according to art. 30a, para 2 for term of 12 months for the first five opened working places, on which are hired unemployed persons, directed by the divisions of the Employment Agency.

Art. 51. (amend. SG 26/03) For each opened working place, on which are hired at full working time unemployed persons, directed by the divisions of the Employment Agency, to the employer shall be conceded sums according to art. 30a, para 2 but for not more than 12 months.

## Section VIII.

### Programmes and measures providing equal possibilities through social and economic integration of risk groups on the labour market

Art. 52. (amend. SG 26/03) (1) For each opened working place, on which are hired unemployed persons with permanently reduced working capacity, directed by the divisions of the Employment Agency, to the employer shall be conceded sums according to art. 30a, para 2 for the time the persons have worked but for

not more than 12 months.

(2) For each opened working place for hiring at temporary, seasonal or work by hour of unemployed persons with permanently reduced working capacity, directed by the divisions of the Employment Agency, to the employer shall be conceded sums according to art. 30a, para 2 for the time the persons have worked but for not more than 6 months.

Art. 53. (amend. SG 26/03) For each opened working place, on which are hired unemployed persons ? single parents (adoptive parents) and/or mothers (adoptive mothers) with children up to 3 years of age, directed by the divisions of the Employment Agency, with full or partial working time, to the employer shall be conceded sums according to art. 30a, para 2 for the time the persons have worked but for not more than 12 months.

Art. 54. (revoked ? SG 26/03)

Art. 55. (amend. SG 26/03) (1) For each opened working place, on which are hired unemployed persons, served penalty deprivation from liberty and directed by the divisions of the Employment Agency in 12 months term after the liberation from the place of serving the penalty, to the employer shall be conceded sums according to art. 30a, para 2 for the time the persons have worked but for not more than 12 months.

(2) The employer shall have the right to carry out training for acquiring professional qualification, pointing out a training organisation or carrying it out himself within the resources of art. 30a, para 1, item 7.

Art. 55a. (new ? SG 26/03) For each opened working place, on which are hired unemployed women over 50 years of age and men over 55 years of age, directed by the divisions of the Employment Agency, to the employer shall be conceded sums according to art. 30a, para 2 for the time the persons have worked but for not more than 12 months.

## Section IX.

### Protection and preservation of employment

Art. 56. (amend. SG 26/03) (1) The encouragement measures under this law may use an employer who has no exigible public liabilities.

(2) The employer shall use the encouragement measures of art. 36, 37, 43, 50, 51, art. 52, para 1, art. 53, 55 and 55a, if he ensures employment for unemployed persons, directed by the Employment Agency for additional period, equal to the period of subsidising.

(3) At each opened working place under art. 36, 37, 43, 50, 51, art. 52, para 1, art. 53, 55 and 55a can be appointed consecutively more than one unemployed persons, directed by the Employment Agency under conditions and by order, established with the regulation for implementation of the law.

(4) The opening of working places under art. 36, para 1, art. 37, 43, 50, 51, 53, 55 and 55a shall be subsidised if employment is ensured for more than the average list number of the staff for the last 6 months.

(5) An employer, who has not preserved the working places according to para 2, shall restore the received sums with the lawful interest except the cases, determined with the regulation for implementation of the law.

(6) The labour and the insurance relations of the hired unemployed persons by an employer, received preferences for the realisation of programmes and measures for encouragement of employment, shall be arranged under the conditions of the Bulgarian labour and insurance legislation. The persona shall be hired with legal relation of employment.

Art. 57. (1) (amend. SG 26/03) An employer who, in the cases when the volume of work is reduced or the work stops for more than 15 days, preserves the employment of the persons can apply for granting sums of money according to art. 30a, para 2 for every person for the time during which he has been employed, but for no longer than 2 months.

(2) (amend. SG 26/03) To an employer who preserves the employment of the persons under para 1 and includes them in a training for acquiring professional qualification shall be conceded sums according to art. 30a, para 2 for every person for the time during which he has been trained.

(3) (amend. SG 26/03) The financing of the maximum amount of the expenses for training under para 2 shall be provided if the employer preserves the employment of the persons under para 1 for no less than 12 months.

Chapter seven.

## TRAINING FOR ACQUIRING PROFESSIONAL QUALIFICATION

Section I.

Training for acquiring professional qualification of adults

Art. 58. The Ministry of Labour and Social Policy, jointly with the Ministry of Education and Science shall:

1. work out and coordinate the policy and the strategy of training for acquiring professional qualification of adults ? unemployed and employed persons on national level;
2. organise and manage the National System of education for acquiring professional qualification of unemployed and employed persons;
3. study, analyse and prognosticate the status, the development and the needs of training for acquiring professional qualification of adults.

Art. 59. (1) Established with the Minister of Labour and Social Policy shall be National Consultative Council for professional qualification of the manpower including representatives of ministries, agencies, commissions, representative organisations of the employers and of the workers and employees on national level and other non-profit corporate bodies.

(2) Chairman of the National Consultative Council for professional qualification of the manpower shall be a

deputy minister of labour and social policy, and deputy chairman shall be a deputy minister of the education and science.

(3) The National Consultative Council for professional qualification of the manpower shall:

1. coordinate the development of a national policy and strategies for training for acquiring professional qualification of unemployed and employed persons;
2. coordinate and control the interaction between the representative organisations of the employers and of the workers and employees on national level in connection with the lifetime studying;
3. coordinate the needs of training for acquiring professional qualification.

Art. 60. The activities related to the training for acquiring professional qualification of adults shall be carried out, besides the institutions under art. 58 also by:

1. the Employment Agency;
2. the National Agency for vocational education and training;
3. the centres for professional training;
4. other institutions stipulated by a law or by an act of the Council of Ministers.

Art. 61. Worked out and implemented for preservation and development of the employment shall be national, regional and specialised programmes for training for acquiring professional qualification of adults ? unemployed and employed persons.

Art. 62. (1) Training for acquiring professional qualification of adults ? unemployed and employed persons shall be carried out in compliance with the approved annual plan under art. 30, para 4.

(2) Training for acquiring professional qualification and motivation training of adults shall be carried out by the centres for professional training licensed in compliance with the acting normative provisions, under conditions and by an order determined by the regulations for implementation of this law.

## Section II.

Training for acquiring professional qualification of adults organised by the Employment Agency

Art. 63. (1) The Employment Agency shall organise training for acquiring professional qualification in compliance with the needs of the labour market, the requirements of the employers and the approved plan under art. 30, para 4 as follows for:

1. unemployed;
2. (amend. SG 26/03) the persons under art. 48 and 48a;

3. (amend. SG 26/03) workers and employees of micro- and small enterprises who, during the last 3 months have worked under employment contract with the latest employer;
4. workers and employees for whom the requirements for their professional qualification are being changed due to concrete changes in the production;
5. the persons under art. 57, para 2.

(2) The Employment Agency shall also organise motivation training for the unemployed for active looking for job and adaptation in the market conditions.

Art. 64. The Employment Agency shall organise training for:

1. initial professional qualification for persons who have no such qualification;
2. additional qualification;
3. re-qualification.

Art. 65. (1) The inclusion of the workers and employees and of the unemployed in training for professional qualification or for re-qualification organised by the Employment Agency shall obligatorily be preceded by professional orientation, informing and consulting.

(2) The conditions and the order of organising professional orientation, informing and consulting shall be determined by the regulations for implementation of this law.

Art. 66. (1) The training for acquiring professional qualification of the persons by the order of art. 63, para 1, item 1, 2 and 5 and the motivation training by the order of art. 63, para 2 organised by the Employment Agency shall be financed under conditions and by an order determined by an ordinance of the Council of Ministers.

(2) The training for acquiring professional qualification of the workers and employees by the order of art. 63, para 1, item 3 and 4, organised jointly by the Employment Agency and the employers shall be financed under conditions and by an order determined by an ordinance of the Council of Ministers.

(3) To unemployed under art. 63, para 1, item 1, participating in training for acquiring professional qualification shall be paid scholarship under conditions and by an order determined by an ordinance of the Council of Ministers.

Chapter eight.

## EMPLOYMENT OF BULGARIAN CITIZENS IN OTHER COUNTRIES AND OF FOREIGN CITIZENS IN THE REPUBLIC OF BULGARIA

Art. 67. By virtue of this law the Bulgarian citizens can work in another country in compliance with its national legislation and/or under the conditions and by the order stipulated by an international agreement for exchange of manpower party to which is the Republic of Bulgaria by:

1. (amend. SG 26/03) concluding contract with an employer from the respective country through a mediator in the context of art. 27, para 2 and art. 28, para 1;
2. being sent to work by a Bulgarian employer.

Art. 68. The Employment Agency shall carry out cooperation with the public services of other countries in charge for the monitoring of the conditions for hiring for work exchanging information regarding:

1. the national labour legislation and the legislation regarding hiring foreigners for work;
2. the hired Bulgarian citizens on the territory of the respective country and the hired citizens of the respective country on the territory of the Republic of Bulgaria;
3. the established violation of the conditions and the order of hiring for work;
4. the established cases of illegal working activity of Bulgarians on the territory of the respective country and of citizens of the respective country on the territory of the Republic of Bulgaria.

Art. 69. (1) The Bulgarian employers and mediators under art. 67 cannot bargain for the Bulgarian citizens conditions of labour and remuneration under the minimal of the receiving country according to its national legislation.

(2) The relations between the Bulgarian citizens and the individuals and corporate bodies ? mediators under art. 28, para 1, providing employment in another country, shall be settled by a mediation contract.

Art. 70. (1) A foreigner can work under legal terms of employment or as commissioned in the sphere of providing services on the territory of the Republic of Bulgaria upon obtaining a work permit in compliance with the requirements determined by an act of the Council of Ministers or by an international agreement party to which is the Republic of Bulgaria.

(2) (suppl. SG 26/03) The permit under para 1 shall be issued by the Employment Agency upon request of a local employer or the local person, accepting to work foreigner, sent to mission.

(3) (amend. SG 54/02, amend. SG 26/03) No work permit shall be required for foreigners permanently residing in the Republic of Bulgaria or for foreigners, to whom has been conceded asylum, refugee status or humanitarian status, as well as in the cases, provided in a law or in an international agreement, to which the Republic of Bulgaria is a party.

(4) The conditions and the order of admitting commissioned foreigners in the Republic of Bulgaria in the sphere of providing services shall be settled by an ordinance of the Council of Ministers.

Art. 71. Work permit of foreigners shall be issued for the occupation of positions for which the law does not require Bulgarian citizenship:

1. according to the condition, development and public interests on the national labour market;
2. on condition that the total number of the foreign employees of the local employer does not exceed 10



percent of the average number of the Bulgarian citizens and foreigners with right of asylum or recognised refugee status hired under legal terms of employment during the preceding 12 months;

3. when the offered conditions of labour and payment are not less favourable than the conditions for the Bulgarian citizens for the respective category of work;
4. when the remuneration provides the necessary resources for support in the country according to the size established by an act of the Council of Ministers.

Art. 72. (1) The work permit shall be issued for a period of 1 year.

(2) The term under para 1 can be extended if the requirements for the initial issuance have not been dropped.

(3) (amend. SG 26/03) For issuing and extension of a work permit for a foreigner the local employer shall pay a fee of 600 levs.

(4) (new ? SG 26/03) The fee of para 3 shall also pay the local person, accepting to work a foreigner, sent to mission.

(5) (prev. (4) ? SG 26/03) For seasonal work up to 6 months, for a period of one year, and for a work as a lecturer in a high or higher school the fee shall be 300 levs.

(6) (prev. (5), amend. SG 26/03) For re-issuance of a work permit for reasons of losing, damaging or destruction of the documents a fee of 200 levs shall be paid.

Art. 73. The employment and insurance relations of foreigners hired on the territory of the Republic of Bulgaria by local employers shall be settled under the conditions of the Bulgarian labour and insurance legislation.

Art. 74. (1) The conditions and the order of issuance, refusal and revoking of work permits, as well as for release from work permits of foreigners; the types of work permits; the admissible total duration of employment, as well as the exceptions under art. 70, para 1 and art. 71, item 1 and 2 shall be determined by an ordinance of the Council of Ministers.

(2) The Minister of Labour and Social Policy shall give instructions on the implementation of international agreements in the sphere of employment party to which is the Republic of Bulgaria unless they stipulate otherwise.

Chapter nine.

## CONTROL AND ADMINISTRATIVE PENAL RESPONSIBILITY

Section I.

Control

Art. 75. (1) The Minister of Labour and Social Policy shall exercise an overall control of the observance of this law, as well as of the other normative acts in the sphere of employment and unemployment.

(2) The specialised control activity shall be carried out by the Executive Agency "Chief Labour Inspectorate" with the Minister of Labour and Social Policy.

Art. 76. (1) The control bodies shall have the right:

1. to visit at any time the places where work is fulfilled or a profession is exercised;
2. (amend. SG 26/03) to require from the inspected persons written explanations and data, as well as presentation of certified copies of all necessary documents and references;
3. to receive, directly from the workers, employees and unemployed, the necessary information.

(2) The employers, the officials, the workers, the employees and the unemployed persons shall be obliged to render assistance to the control bodies in fulfilment of their functions.

(3) The control bodies shall be obliged:

1. to check up in due time the received warnings for offences;
2. not to make public the information representing state, official or trade secret which have become known to them in connection with exercising the control;
3. not to use the obtained information for the benefit of their own or for other persons;
4. to keep confidential the source from which they have obtained the warning for offence.

Art. 77. The employers, the workers and employees, the organisations of the employers and of the workers and employees, as well as the persons looking for job, shall have the right to warn the Executive Agency "Chief Labour Inspectorate" about committed infringements of this law and of the international agreements in the sphere of employment in force for the Republic of Bulgaria.

Art. 78. (1) Executive Agency "Chief Labour Inspectorate" can apply the following compulsory administrative measures:

1. to give obligatory prescriptions to the employers and to the officials for stopping the infringements of this law;
2. to stop the fulfilment of unlawful decisions or orders of an employer or official in the sphere of the employment according to this law.

(2) (suppl. SG 26/03) The compulsory administrative measures under para 1 can be appealed by the order of the Law for the administrative proceedings, the appealing not stopping their execution.

Section II.

## Administrative penal responsibility

Art. 79. (1) (amend. SG 26/03) To individuals and/or corporate bodies who do not fulfil obligatory prescription under art. 78, para 1, item 1 of the control bodies shall be imposed a fine, respectively a proprietary sanction amounting up to 1000 levs, and for repeated offence ? up to 2000 levs.

(2) To an employer, official, unemployed person or individual who unlawfully obstructs the control bodies to fulfil their official duties shall be imposed a fine, respectively a proprietary sanction up to 1000 levs unless subject to a more severe sanction.

(3) (new ? SG 26/03) To an official or employee, who does not fulfil compulsory administrative measure of art. 78, para 1, item 3 of the control bodies, shall be imposed a fine, respectively proprietary sanction in extent up to 1000 levs, and for each following non fulfilment ? up to 2000 levs.

(4) (new ? SG 26/03) To an official, who does not terminate the registration of unemployed person, under the condition that the grounds of art. 20, para 3 and 4 are at hand, shall be imposed a fine in extent from 200 to 500 levs.

Art. 80. To an employer who has refused, without valid reasons, to hire for work unemployed with permanently reduced working capacity directed by the division of the Employment Agency, within the frames of the determined normative requirement according to art. 315 of the Labour Code shall be imposed a fine or a proprietary sanction up to 1000 levs for each individual case.

Art. 81. (1) (amend. SG 26/03) To individuals and/or corporate bodies, carrying out mediation activity and services without registration shall be imposed a fine, respectively a proprietary sanction in amount of 5000 levs, for repeated offence ? from 5000 to 10 000 levs and from 10 000 to 20 000 levs for each following offence.

(2) (amend. SG 26/03) To individuals and/or corporate bodies carrying out mediation activity and services in violation of the requirements for carrying out the activity shall be imposed a fine, respectively a proprietary sanction amounting up to 2500 levs, and for repeated offence ? up to 5000 levs.

Art. 82. (amend. SG 26/03) To an employer, who has hired under employment contract a foreigner without a work permit, or to a local person, accepted to work foreigner sent to mission without a work permit, as well as to a foreigner who fulfils working activity without a work permit, shall be imposed a fine or a proprietary sanction in amount determined by art. 48 of the Law for the foreigners in the Republic of Bulgaria unless he is no subject to a graver penalty.

Art. 83. (amend. SG 26/03) To an employer who has carried out a mass dismissal without prior notice and before the elapse of the term of art. 24, para 1 shall be imposed a fine or a proprietary sanction amounting to 200 levs for every dismissed person.

Art. 84. Employers and unemployed who use expedient resources granted to them according to chapter six and seven not expediently shall be punished by a fine or a proprietary sanction in double amount of the inexpedient spending.

Art. 85. (1) The offences shall be established by acts drawn up by the state control bodies.

(2) The penal decrees shall be issued by the head of the respective control body or by officials authorised by him according to the administrative belonging of the issuers of acts.

(3) The establishment of the offences, the issuance, the appeal and the fulfilment of the penal decrees shall be carried out by the order of the Law for the administrative offences and penalties.

(4) The sums from imposed fines and proprietary sanctions shall be administered by the Ministry of Labour and Social Policy.

Art. 86. In establishing violation of the law containing evidence for committed crime the control bodies shall inform immediately the bodies of the prosecution.

### Additional provisions

§ 1. In the context of this law:

1. "Unemployed" is every person who does not work, who is actively looking for a job, and who is ready to start work within two weeks from the notification by the Employment Agency.
2. "Permanently unemployed" are the unemployed persons with permanently maintained registration in a division of the Employment Agency for a period not shorter than 12 months.
3. "Person who is actively looking for a job" is every person who has not refused meetings with employers organised by a division of the Employment Agency and who has independently visited employers for applying for a job.
4. "Suitable job" is the one corresponding to the education and qualification of the person, as well as to his health status, age and sex, if they are requirements for fulfilment of the job and if it is located in the same populated area or up to 30 km out of it on condition that there is a suitable public transport.
- 4a. (new ? SG 26/03) "Groups in unequal position on the labour market" are groups of unemployed persons with lower competitive ability on the labour market, in which are included: unemployed youths; unemployed youths with durably reduced ability to work; unemployed youths from social establishments, finished their education; persons unemployed for long time; unemployed persons with durably reduced ability to work; unemployed persons ? sole parents (adopters) with children up to 3 years of age; unemployed persons, served penalty deprivation from liberty; unemployed women over 50 years of age and unemployed men over 55 years of age; other groups of unemployed persons.
5. (amend. SG 26/03) "Activities in public interest" or "publicly useful activities" are the activities for community ? household servicing; public works in the settlement or production zones, rehabilitation of areas, industrial regions, buildings etc.; maintaining and preservation of the municipal and the state properties; preservation of environment; maintaining and preservation of monuments of culture and rendering of social services.

6. (amend. SG 26/03) "Persons outside the system of the national education and higher education" are all persons in active age who do not study in the system of the national education (professional schools, professional high schools and professional colleges) and in a higher school.
7. "Training for initial professional qualification" is such a training by which initial qualification on a profession is acquired.
8. "Continuous professional training" is a training for improvement (updating, improvement or expansion) of the acquired professional qualification after the initial professional training, as well as for re-qualification.
9. (amend. SG 26/03) "Mass dismissals" are dismissals under art. 328, para 1, items 1, 2, 3 and 4 of the Labour code, carried out by the employer for one or more reasons not related to the personality of the respective workers, when the number of the dismissals is for a period of 30 days:
  - a) (amend. SG 26/03) at least 10 enterprises where more than 20 and less than 100 workers and employees is the list number of the employed during the month preceding the mass dismissal;
  - b) (amend. SG 26/03) at least 10 percent of the number of the workers and employees in enterprises where at least 100 but not more than 300 workers and employees is the list number of the employed during the month preceding the mass dismissal;
  - c) (amend. SG 26/03) at least 30 in the enterprises where at least 300 workers and employees is the list number of the employed during the month preceding the mass dismissal.
10. "Repeated" is the offence committed within one-year period from the enactment of a penal decree by which the offender has been punished for an offence of the same kind.
11. "External consulting services" is the consulting assistance on management and/or for carrying out studies provided by individuals or corporate bodies registered according to the Bulgarian legislation for consideration or free of charge.
12. "Social partners" are representatives of the representative organisations of the employers and of the workers and employees on national level and other non-profit corporate bodies participating in the social partnership in connection and with reference to the fulfilment of the law.
13. "Premium for employers" are the sums granted to employers concluding contracts for programmes and measures for preservation and encouragement of the employment according to this law.
14. "Local employers" are the employers registered according to the Bulgarian legislation.
15. "Accompanying services" are administrative legal and financial expert services, informational services, consulting and training services assisting the independent economic activity.
16. "Risk groups" are a part of the unemployed persons living or threatened by lapsing in condition of social isolation or poverty.
17. "Orphans" are children under age of whom one or both parents are deceased.
18. "Adult" is every person of and above active age.
19. (Revoked ? SG 86/03, In force fro 01.01.2004)

20. (Revoked ? SG 86/03, In force fro 01.01.2004)

21. "Single mothers (adoptive mothers)" are:

a) mothers who, at the time of birth of their child, have no legal marriage; widows, when the childbirth has taken place later than the tenth month after the death of the husband; divorced, when the childbirth has taken place later than the tenth month after the enactment of the court decision for the divorce of the spouses;

b) adoptive mothers who, at the time of adoption of the child has had no legal marriage;

c) single mothers (adoptive mothers) shall not be considered those who receive adjudicated sums for the support of the child or live in one household with the father of the child, as well as when they have a legal marriage with another person.

22. "Work on probation" is working in a specific position for acquiring or improvement of the qualification through development of the skills and increase of the experience.

23. "Apprenticeship" is the training at a specific position by alternating training in the educational system.

24. "Motivation training" is a training for stimulation and directing the individuals to a training for acquiring professional qualification and/or employment through acquiring knowledge and skills for orientation on the labour market, looking for and choice of training or employment.

25. "Literacy course" is a process of education for acquiring knowledge and skills of reading, writing, arithmetic, elementary knowledge in the sphere of the humanitarian and natural science.

26. "Valid reasons" are: detention by the bodies of the authority; appearance in court or other state body; participation in a military training muster or re-training, disease and others, certified by an official document for which the head of the division of the Employment Agency has been informed in due time.

27. (amend. SG 26/03) "Valid reasons for refusal to accept for work unemployed person with permanently reduced working capacity directed by the division of the Employment Agency" are present when the direction exceeds the normative number stipulated by art. 315 of the Labour Code or when the working conditions at the announced working place do not correspond with the prescription of the health body, implemented the expertise of the working capacity.

28. (new ? SG 26/03) "Seasonal employment" is the employment when work is done during defined periods of the calendar year and depending on the natural ? climatic factors.

#### Transitional and concluding provisions

§ 2. (1) The established by this law Employment Agency with the Minister of Labour and Social Policy is a legal successor of the National Employment Office and shall take over the assets and liabilities of the national Employment Office.

(2) The legal terms of employment with the workers and employees of the National Employment Office shall be settled under the conditions and by the order of art. 123 of the Labour Code.

§ 3. The financial control over the activity of the Employment Agency shall be exercised by the Audit Office

and by the bodies of the State Internal Financial Control.

§ 4. The National Institute of Statistics shall carry out monitoring of the households for the employment and unemployment of the manpower by a methodology approved jointly with the Minister of Labour and Social Policy.

§ 5. This law revokes art. 1 ? 24, art. 48 ? 115, the additional provisions and the transitional and concluding provisions of the Law for protection against unemployment and encouraging the employment.

§ 6. (1) The issued certificates for carrying out mediation activity on informing and hiring for work pursuant to the Ordinance for the conditions and the order of carrying out mediation activity on informing and hiring for work adopted by Decree No 103 of the Council of Ministers of 1998 shall retain their term of validity.

(2) Upon expiration of the term of validity of the certificates under para 1 the individuals and the corporate bodies shall file application by the order of this law.

(3) The individuals and the corporate bodies who have obtained permit for carrying out mediation activity on informing and hiring for work pursuant to the Ordinance for the conditions and the order of carrying out mediation activity on informing and hiring for work adopted by Decree No 103 of the Council of Ministers of 1998 shall be obliged to bring their activity in compliance with this law within 3 months from its enactment.

§ 7. The following amendments are introduced to the Law for the foreigners in the Republic of Bulgaria (prom., SG 153/98; amend. and suppl., SG 70/99 and SG 42/01):

1. In art. 24, para 1:

a) item 1 is amended as follows:

"1. wish to work under legal terms of employment upon permit by the bodies of the Ministry of Labour and Social Policy;"

b) item 15 is amended as follows:

"15. wish to carry out free-lance practice upon permit by the bodies of the Ministry of Labour and Social Policy in compliance with art. 24a;"

c) item 16 is created:

"16. wish to carry out non-profit activity upon permit of the Ministry of Justice under conditions and by an order determined by an ordinance of the Minister of Justice, in coordination with the Minister of Interior."

2. Art. 24a is amended as follows:

Art. 24a. (1) A foreigner who wishes to stay continuously on the territory of the Republic of Bulgaria with the purpose of carrying out free-lance activity can obtain a visa or a permit for continuous stay if he meets the legally established requirements for entry and stay in the country, presenting to the diplomatic and consular representations, respectively to the offices for administrative control of the foreigners, the following

documents:

1. application in a form;
2. permit for carrying out free-lance activity.

(2) The permits for carrying out free-lance activity shall be issued by the bodies of the Ministry of Labour and Social Policy.

(3) The conditions and the order of issuance, refusal and revoking permit for carrying out free-lance activity by foreigners shall be determined by an ordinance to be issued by the Minister of Labour and Social Policy in coordination with the Minister of Interior and the Minister of Finance.

(4) Not issued shall be visa for continuous stay for the purpose of carrying out free-lance practice to a foreigner in the cases under art. 24, para 1, item 1 ? 13 and 16.

(5) Foreigners who meet the legally established requirements for carrying out the respective free-lance activity shall be released from the requirement for issuance of permit if this is stipulated by an international agreement party to which is the Republic of Bulgaria."

3. In art. 48a, para 1 after the words "does not fulfil his obligations for" is added "art. 24a or".

4. In art. 53, para 1, after the words "and in the cases under" is added "art.24a and under".

5. In § 1 of the additional provisions item 9 is amended as follows:

"9. "Free-lance activity" is every economic activity, with exception of the activities under art. 24a, para 1, item 2 and 11 carried out in personal quality without commitment to an employer."

§ 8. (1) The Council of Ministers shall adopt regulations for the implementation of the law within 6 months from its enactment.

(2) The normative acts for the implementation of the provisions of the Law for protection against unemployment and encouraging of the employment revoked by § 5 shall retain their validity inasmuch as they do not contradict this law.

§ 9. The law shall enter into force on January 1, 2002.

The law was adopted by the 39th National Assembly on December 20, 2001 and was affixed with the official seal of the National Assembly.

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