

**New Regulation
on determination of the conditions and procedure for providing
employees with free food**

In the State Gazette, issue 1 of 3 January 2006, the Regulation No 11 of 21 December 2005 on Determination of the Conditions and Procedure for Provision of Free Food and/or Nutritious Supplements Thereto (the Regulation) was published and **entered into force on 6 January 2006**. It was issued on the grounds of Art. 285, para 2 of the Labour Code (LC) and replaces Regulation No 8/1987 on the Free Protective Food to Employees Working in Unhealthy Production Environment (revoked).

The major issues, settled by the Regulation, are:

1) The conditions that lead to an obligation for an employer to provide its employees with free food and/or nutritious supplements thereto. The conditions for arising of the obligation are two and should be fulfilled simultaneously, namely:

- **exercising professions/labour of specific nature** – para 1 of Art. 2 of the Regulation comprehensively lists the professions, respectively the cases, which are deemed such of specific nature;

and

- **when labour is rendered under a specific organization of work.** Pursuant to Art. 2, para 2 of the Regulation, such an organization of work is:
 - working of the personnel of the enterprise for two hours more than the established work time, before and/or after it;
 - working in a 12-hour work day in the case of a summed up work time;
 - working in an established uninterrupted process of work;
 - working at remote work sites without the possibility for use of dining places.

In addition to the provision of free food and/or nutritious supplements in the presence of the above conditions, the employer has an obligation to provide refreshing beverages in the case of nighttime work, as it has been so far.

2) Time limit of the employer's obligation – pursuant to Art. 4, para 2 of the Regulation, the free food shall be provided only for the days, in which employees worked under the above conditions. In the cases, when an employee has been in leave or carried out work of another nature, the employer is not obliged to provide free food and/or nutritious supplements for the days of leave or of carrying out work of other nature/organization.

3) Value limitations (Art.5):

- a minimum value limitation of the free food and the nutrition supplements thereto is introduced – not less than BGN 2 per day per employee;

- a maximum value limitation of BGN 1 per shift is established for the refreshing beverages, which the employer is obliged to provide in the case of nighttime work.

4) Procedure for provision of the food

- The food shall be provided only **in kind**.
- The employer shall determine by **written order** the employees, who have the right to free food and/or nutritious supplements thereto, as well as its kind and value.
- When giving the order, the employer shall take into account the risk assessment (which should have been done in fulfillment of its obligation for healthy and safe work conditions), as well as to consult the employees' representatives, the committee or the group for work conditions, and to co-ordinate in writing the order with the employment medicine service (Art. 7 of the Regulation).
- According to Art.9 of the Regulation, free food and/or nutritious supplements thereto shall not be provided when the employee receives free food for another reason in the same period.

The provision of free food under this Regulation does not exclude the employer's obligations with respect to the employees' social benefits (except for the provided social benefits as free food in kind).

The purpose of this letter is to systemize the major provisions of the new Regulation for provision of free food. Should any questions arise with regard to its application, please, do not hesitate to contact us on tel. 943 37 00, fax 943 37 07, e-mail address: office@afa.bg, or postal address: 38, Oborishte Str., Sofia 1504.