

Comments on the Law on Amendment and Supplementation of the Labour Code (published in State Gazette issue No 48 from 13 June 2006)

In State Gazette issue No 48 from 13 June 2006, the Law on Amendment and Supplementation of the Labour Code (LASLC) was published. The amendments are effective as from **1 July 2006**.

The amendments of the Labour Code (LC) concern some provisions of the Labour code. The main purpose of the amendments is the synchronization of the basic act, regulating the employment relationships with the directives of the European Union.

The amendments in the LC specify a number of new obligations for the employer to inform the employees and to carry out consultations with them. The provisions regulating the partial working time, the open-ended working time, the night and additional work have been supplemented. More detailed is the regulation regarding the preservation of the employment relationship in case of change in the employer. Despite the existence of a general anti-discriminatory provision, with the present amendments of the LC have been provided for new explicit provisions, which in essence are obligations for the employer, not to put in an unequal position the employees, working under fixed term contract or under reduced working time. A separate figure of representative of the employees has been created, which is authorized to be informed by the employer, to take part in the consultations with the employer in case of mass dismissals, change of employer, or change in the activity and the economic condition of the enterprise. According to the provisions of the LC, the representatives of the employees have a considerable volume of rights and can also negotiate additional ones with the employer. The sanctions for the employer and the guilty official in case of violation of the labour legislation have been significantly increased.

For clarity, this presentation reviews the amendments and the supplements in the LC by subject, and graded by importance, and does not follow the order of the provisions in the LC.

The presentation has the following contents:

- I. Amendments regarding the working time;
- II. Preserving the employment relationship in case of change of the employer;
- III. New obligations for the employer;
- IV. Representatives of the employees for information and consultation purposes;
- V. Increase of sanctions for violation of labour legislation.
- VI. Amendments in other legal acts.

The comments set out above represent an overview of the amendments and supplementations of LC and is not exhaustive. For access to the detailed commentary and should issues arise regarding the application of the new provisions, please do not hesitate to contact us at tel. 943 37 00, fax 943 37 07, e-mail office@afa.bg, or postal address at 38, Oborishte Str. Sofia 1504.