

Bulgaria

Selection of employees for (collective) dismissals

Phase	Labour Code; Law for Health and Safety Working Conditions
Native name	Кодекс на труда, Закон за здравословни и безопасни условия на труд
Type	Selection of employees for (collective) dismissals
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Article

Article 333 (Labour Code); Article 30 (Law for Health and Safety Working Conditions)

Description

In accordance with provisions of the Labour Code, in the framework of collective dismissals (within 30 days, at least 10 dismissals in companies with 20-99 workers, at least 10% in companies with 100-299 workers, at least 30 dismissals in companies with 300 or more workers) an employer may dismiss only with the prior consent of the labour inspectorate:

- employees who are mothers of children younger than three years old;
- employees who have been reassigned for health reasons (where the opinion of a commission of medical experts is delivered);
- employees suffering from certain diseases listed in a Ministry of Health regulation (certification from commission of health experts necessary);
- employees who have commenced a period of authorised leave;
- employees who are elected employees' representatives on information and consultation and members of committees on health and safety/working conditions;
- members of the European Work Councils.

In cases of the partial closure of an enterprise, as well as of staff cuts or reductions in the volume of the work, the employer is allowed, in the interest of production or business, to dismiss selected employees whose positions have not been made redundant, in order to retain employees of higher qualifications and better performance. However, the employer could dismiss an employee, member of the leadership of the enterprise trade union (territorial, industrial or national elected trade union body) during the period the trade union position is held and no earlier than six months after, only with preliminary agreement of the trade union's central management.

While planning to make such structural changes, the employer must make efforts to reach an agreement with the representatives of the trade unions and that of employees regarding the consequences of possible collective dismissals.

Representatives on working conditions committees and groups are among the protected in case of collective dismissals (Art. 30, Law for Health and Safety Working Conditions).

Commentary

Art. 333 of the Labour Code establishes the so-called 'Prior protection' upon dismissal. The protection is preliminary because it precedes the dismissal. Its purpose is to make dismissal subject to prior authorisation of a state or trade union body, and only upon receipt of that authorisation the dismissal may be carried out. This permission is requested in writing by the employer and must be received in writing by the competent state or trade union body. If such an authorisation is not requested or when been requested, it has not been given before the dismissal, the dismissal made on that ground alone is unlawful.

Additional metadata

Cost covered by	None
Involved actors other than national government	Trade union
Involvement (others)	None
Thresholds	Affected employees: 10 Company size: 20 Additional information: No, applicable in all circumstances

Sources

- Kirov, V., 2010, National background paper Bulgaria, Anticipating and managing restructuring in enterprises: 27 national seminars, ARENAS Report, Brussels, European Commission.~~~ [Labour Code](#)~~~ [Bill amending and supplementing the Law on Safety and Healthy Working Conditions](#)~~~ [General Labour Inspectorate, What is the protection uner art.333 of the Labour Code](#)~~~ [Law ion Safety and Healthy Working Conditions](#)~~~

Citation

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