

State of Emergency in Bulgaria

In view of the public health emergency caused by the COVID-19 outbreak the Bulgarian Parliament declared state of emergency on Friday, 13 March and the Bulgarian Minister of Health introduced a number of **anti-epidemic emergency rules** with effect until 29th of March.

Although the emergency rules mandated the closure of restaurants, bars, entertainment establishments and large shopping centres, as well as banned large gatherings, the government continued urging people at large to social distance themselves and to limit their movements and contacts to other people to an absolute minimum. Therefore the negative effects of the emergency rules and changed social behaviour are not only felt by the explicitly mentioned industries, but by all businesses across the board.

This alert provides guidelines for certain employment related matters, which may help businesses navigate this crisis.

Travel Limitations

The Minister of Health introduced some travel limitations as well. They include, among others, ban on entering Bulgaria of individuals travelling from

certain countries, such as China, Italy, Spain, South Korea, UK, France and Germany. The ban is not applicable to Bulgarian citizens, permanent and long-term residents and members of their families. They will be placed under quarantine for 14 days after entering the country. There are some exemptions for truck drivers.

Health and Safety Obligations

The emergency rules further introduce certain obligations for employers:

- **Home office:** employers have to implement home office for their employees to the extent possible taking into account the specifics of the respective work activity.
- **Anti-epidemic rules at the workplace:** where home office is not possible, employers shall arrange for enhanced anti-epidemic emergency rules in the workplace.
- **Social distancing:** any persons with symptoms of disease are not to be allowed in the office premises.

Further employers have to ensure adequate **health and safety measures** in order to protect the employees, including:



- Assessing the risk of contagion and establishing a procedure for informing employees.
- Ensuring disinfection and appropriate personal protective equipment.

At the same time it shall be taken into account that personal information related to employees' health is **sensitive personal data**. Thus, all health and safety measures must comply with all applicable requirements of the privacy laws.

Action Scenarios

Employers may consider certain options provided by the Labour Code to maintain employment and reduce the negative economic effect to the business. They include:

- *Switch to a part-time work:* The employer may in some cases introduce part-time work for a particular time period. During this period the salaries of the employees will be respectively decreased.
- *Use of paid annual leave by employees:* Bulgarian labour legislation provides for certain cases where the paid annual leave may be imposed by the employer without the consent of the employee.

- *Use of paid annual leave by all employees:* Use of leave by all employees at the same time may also be imposed by the employer in some cases.
- *Assignment of other work:* The employer may temporarily assign different work to its employees, subject to specific conditions.

Proposed Legislation

On 16 March, a **new draft law** related to the state of emergency was announced.

The draft, which is expected to be adopted shortly, is also dealing with a number of employment matters aiming at providing **more flexibility for employers**, as well as certain specific rules such as:

- Employers will be able to impose home office without employees' consent.
- Employers will be able to suspend the operation of the company, part of it or of particular employees until lifting of the state of emergency.
- In some cases, employers can unilaterally impose using of paid annual leave. If an employee has used their entire paid annual

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leave, the employer may impose using of unpaid leave.

- Trainings and business trips in the country and abroad are prohibited.

The draft introduces also a variety of further measures including:

- All procedural deadlines for pending court, arbitration, administrative and enforcement proceedings will be suspended until lifting of the state of emergency.
- All public auctions and repossessions within the context of enforcement procedures will be suspended.

- Seizures of bank accounts, real property and of employment or pension receivables of individuals (within the context of an enforcement procedure) will be suspended.

Assistance Package

Additional **assistance package legislation for support of employers is also publicly discussed**. One of the relevant new rules under discussion is to help companies affected by the crisis to prevent employment termination. They might be supported by the state with up to 60% of the salaries of the employees for 3 months.

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