

Sb Newsletter

CHANGES IN THE BULGARIAN LEGISLATION RELATED TO BUSINESS TRIPS REQUIREMENTS

Effective January 2021

ORDINANCE on the rules and procedures for posting and secondment of workers and employees within the framework of the provision of services, Labour Code



1. BUSINESS TRIPS

At the request of the user company, the sendee worker or employee may be seconded for the performance of his duties outside his place of permanent employment, from the side of the company providing temporary employment.

The request should be sent by the user company to the company providing temporary employment, 5 working days before the business trip.

2. TERMS OF BUSINESS TRIP

Up to 12 months is the term of sending an employee on business trip in Bulgaria. With a motivated notification to the Executive Agency "General Labor Inspectorate", this period may be extended to 18 months.

ACCENT:

**Up to 12 months -
business trip in BG**

3. WORKING CONDITIONS

When an employee is seconded to Bulgaria, his working conditions must be the same as those established in the current local legislation for workers performing the same or similar work.

In cases where the duration of the secondment is more than 12 months, after the twelfth month the employee is entitled to the minimum working conditions established in the Bulgarian legislation for employees performing the same or similar work, also in respect of:

- The compensations under art. 213, 214, 216, 217, 218, 219 and 226 of the Labour Code
- Free food and / or addition to it
- Periodic medical examinations
- Free uniforms
- Social and cultural services

4. EMPLOYMENT CONTRACT

The provisions for concluding and terminating the employment contract, as well as the rules for insurance in additional professional schemes do not apply to the employees on business trip on the territory of Bulgaria.

5.SALARY

The basic salary and the additional remuneration of the seconded person must include all elements of the gross salary, defined in the Labour Code and the Ordinance on the structure and organization of the salary. In the Ordinance, the words "the minimum salary or the minimum salary rates" are replaced by "the established amount of the basic salary and the additional remunerations".

In assessing whether these requirements are met, account shall also be taken of any allowances, generally applicable collective agreements or arbitration resolutions of the Member State from which the staff member is seconded.

6.RESIDENTIAL ACCOMMODATION

More favorable conditions for residential accommodation of the employee are agreed when it is provided by the employer during the secondment. The amendment applies when a Bulgarian employer sends an employee to another EU Member State, the European Economic Area or Switzerland.

When a Bulgarian company that provides temporary work sends an employee to a user company in an EU country, the conditions for residential accommodation must be agreed in the employment contract between the employee and the company that provides temporary work.

ACCENT:

Conditions for residential accommodation - already mandatory in the employment contract.

7.RE-SECONDMENT

When the employee performs part of his work outside the place to which he was originally seconded, the employer, providing temporary work, shall pay travel, subsistence and accommodation allowances in the amounts established in the legislation of the host Member State.

8.INVALID BUSINESS TRIP

When it is established that the business trip is not valid, all the requirements of the Bulgarian legislation shall be applied to the employment relationship when they are more favorable for the employee than those provided in the legislation of the sending state.



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