

Employment Promotion Act

Promulgated, State Gazette No. 112/29.12.2001, effective 1.01.2002, amended, SG No. 54/31.05.2002, effective 1.12.2002, SG No. 120/29.12.2002, effective 1.01.2003, amended and supplemented, SG No. 26/21.03.2003, amended, SG No. 86/30.09.2003, effective 1.01.2004, SG No. 114/30.12.2003, SG No. 52/18.06.2004, effective 1.08.2004, SG No. 81/17.09.2004, effective 1.01.2005, supplemented, SG No. 27/29.03.2005, amended and supplemented, SG No. 38/3.05.2005, SG No. 18/28.02.2006, amended, SG No. 30/11.04.2006, effective 12.07.2006, No. 33/21.04.2006, amended and supplemented, SG No. 48/13.06.2006, effective 1.07.2006, amended, SG No. 46/12.06.2007, effective 1.01.2008, amended and supplemented, SG No. 26/7.03.2008, SG No. 89/14.10.2008, supplemented, SG No. 109/23.12.2008, effective 1.01.2009, amended, SG No. 10/6.02.2009, supplemented, SG No. 32/28.04.2009, amended, SG No. 41/2.06.2009, effective 1.07.2009, SG No. 74/15.09.2009, effective 15.09.2009, supplemented, SG No. 49/29.06.2010, effective 1.07.2010, amended and supplemented, SG No. 59/31.07.2010, supplemented, SG No. 85/29.10.2010, amended, SG No. 100/21.12.2010, effective 1.01.2011, supplemented, SG No. 9/28.01.2011, amended and supplemented, SG No. 43/7.06.2011, effective 15.06.2011, SG No. 7/24.01.2012, amended, SG No. 15/15.02.2013, effective 1.01.2014, SG No. 68/2.08.2013, effective 2.08.2013, amended and supplemented, SG No. 70/9.08.2013, SG No. 54/1.07.2014, supplemented, SG No. 61/25.07.2014, amended and supplemented, SG No. 54/17.07.2015, effective 17.07.2015, amended, SG No. 79/13.10.2015, effective 1.08.2016, amended and supplemented, SG No. 101/22.12.2015, amended, SG No. 102/29.12.2015, effective 1.01.2016

Text in Bulgarian: Закон за насърчаване на заетостта

Chapter One

GENERAL DISPOSITIONS

Article 1. (Amended, SG No. 26/2008) This Act regulates social relations upon:

1. employment promotion and employment security;
2. career guidance and adult training;
3. intermediation for furnishing information and placement in the Republic of Bulgaria and in other states of Bulgarian citizens, of nationals of another Member State of the European Union, of States which are Contracting Parties to the Agreement on the European Economic Area, or of the Swiss Confederation;
4. intermediation for furnishing information and placement of foreigners in the Republic of Bulgaria;
5. (new, SG No. 43/2011, effective 15.06.2011) the regulation of access to the labour market for foreigners who are third-country nationals.

Article 2. (Supplemented, SG No. 101/2015) Upon realization of the rights and discharge of the duties under this Act, no direct or indirect discrimination and privileges or restrictions shall be admissible on the basis of nationality, origin, ethnicity, status, gender, sexual orientation, race, skin colour, age, political and religious convictions, affiliation to trade-union and other public organizations and movements, marital, social and property status, and mental and physical disabilities.

Article 3. (Supplemented, SG No. 26/2008) (1) (Previous text of Article 3, SG No. 101/2015) The State shall implement employment policy in cooperation and after consultation with the nationally representative employers' and factory and office workers' organizations and with representatives of other not-for-profit legal entities as well.

(2) (New, SG No. 101/2015) The Minister of Labour and Social Policy and the Executive Director of the National Employment Agency shall take joint actions with the nationally representative employers' and employees' organisations to develop national-scale labour-market policies and instruments for their implementation pursuant to Regulation (EU) No.

Chapter Two

EMPLOYMENT AUTHORITIES

Section I

Central Employment Authorities

Article 4. (1) The Council of Ministers shall determine the state policy in the field of employment.

(2) Acting on a motion by the Minister of Labour and Social Policy, the Council of Ministers shall adopt annually a National Action Plan for Employment.

(3) (New, SG No. 26/2003, amended, SG No. 10/2009, SG No. 101/2015) Upon the lapse of the first three months of each financial year, the Minister of Labour and Social Policy, after consultation with the National Employment Promotion Board, may reallocate any unabsorbed financial resources from one programme and measure to another programme and measure which can absorb additional resources.

Article 5. (Amended, SG No. 26/2008) The executive authorities shall implement the policy of employment promotion and employment security, as well as the adult-training policy.

Article 6. (1) (Amended, SG No. 26/2008) The Minister of Labour and Social Policy shall develop, coordinate and implement the state policy in the field of employment promotion and employment security of unemployed and employed persons and adult training, and shall ensure protection of the national labour market.

(2) The Ministry of Labour and Social Policy, acting jointly with the other government ministries and the social partners, shall elaborate annually a National Action Plan for Employment.

Article 7. (1) (Amended, SG No. 26/2003, SG No. 26/2008) There shall be established a National Employment Agency with the Minister of Labour and Social Policy for execution of the state policy of employment promotion, protection of the labour market, career guidance, adult training as well as for provision of job placement intermediation services.

(2) (Amended, SG No. 15/2013, effective 1.01.2014) The National Employment Agency shall be an executive agency with the Minister of Labour and Social Policy, and shall be a legal person with a head office in Sofia.

(3) The National Employment Agency shall be represented and managed by an Executive Director.

(4) In the work thereof, the Executive Director of the National Employment Agency shall be assisted by a Board consisting of representatives of the nationally representative employers' and factory and office workers' organizations.

(5) The operation, structure and staff size of the National Employment Agency and the number and territorial scope of the divisions thereof shall be defined by Rules of Organization which shall be adopted by the Council of Ministers on a motion by the Minister of Labour and Social Policy.

Article 7a. (1) (New, SG No. 26/2008, redesignated from Article 7a, SG No. 59/2010) The National Revenue Agency shall provide the National Employment Agency with the tax and social-insurance information as shall be necessary for the purposes of execution of the state policy in the field of employment after a written request by the Executive Director of the National Employment Agency.

(2) (New, SG No. 59/2010, amended, SG No. 101/2015) For the purposes of implementation of the state policy in the field of employment, the National Employment Agency shall exchange information with the General Labour Inspectorate Executive Agency, the Social Assistance Agency, the Agency for People with Disabilities, the National Social Security Institute, the Bulgarian Investment Agency and the National Vocational Education and Training Agency under terms and according to a procedure determined in an agreement concluded therebetween.

(3) (New, SG No. 70/2013) For the purposes of implementation of the state policy in the field of employment, the Minister of Labour and Social Policy, the Minister of Education and Science and the Executive Director of the National Employment

Agency shall exchange information under terms and according to a procedure established in an agreement concluded between the Minister of Labour and Social Policy and the Minister of Education and Science.

(4) (New, SG No. 101/2015) For the purpose of provision of the administrative services related to the registration of job seekers, the Civil Registration and Administrative Services Directorate General under the Ministry of Regional Development and Public Works shall provide information to the National Employment Agency under terms and according to a procedure determined in an agreement concluded therebetween.

Article 8. (1) (Amended, SG No. 26/2008) There shall be established a National Employment Promotion Board with the Minister of Labour and Social Policy as a standing body for cooperation and consultation in the development of the policy in the field of employment.

(2) (Amended, SG No. 26/2008) The National Employment Promotion Board shall consist of an equal number of representatives of:

1. the government institutions designated by the Council of Ministers;
2. the nationally representative employers' organizations;
3. the nationally representative factory and officer workers' organizations.

(3) By decision of the National Employment Promotion Board, representatives of other not-for-profit legal entities may likewise be invited to attend the meetings of the said Board.

(4) The National Employment Promotion Board shall be chaired by the Minister of Labour and Social Policy or by an official designated thereby.

(5) The National Employment Promotion Board shall adopt rules of organization and operation thereof.

(6) The National Employment Promotion Board shall perform the following functions:

1. discuss and give opinions on the development and implementation of the employment policy and of the National Action Plan for Employment;
2. periodically familiarize itself with data regarding the state of the labour market and the effectiveness of the employment promotion measures and programmes as implemented;
3. propose to the Ministry of Labour and Social Policy the elaboration of draft statutory instruments, measures and programmes for employment promotion;
4. discuss and give opinions on draft statutory instruments associated with the labour market;
5. discuss drafts and give opinions on agreements between the Ministry of Labour and Social Policy and other ministries, government institutions and non-governmental organizations on joint action on matters of employment;
6. (new, SG No. 101/2015) elaborate a list of professions for which vocational training is to be provided to unemployed persons without a secured job.

(7) The Ministry of Labour and Social Policy shall make organizational and technical arrangements for the operation of the National Employment Promotion Board.

(8) (New, SG No. 26/2008) The representatives of the institutions and of the organizations referred to in Paragraph (2) shall not receive remuneration for the participation thereof in the meetings of the National Employment Promotion Board.

Section II

Functional-Regional Employment Authorities

Article 9. (1) (Amended, SG No. 26/2008) The state policy in the field of employment and adult training at the functional regional level shall be implemented by the administrative regional administrations, the bodies of local self-government jointly with the local divisions of the National Employment Agency, the local divisions of ministries, organizations and the social