

Bulgaria

Obligation to consider alternatives to collective dismissals

Phase	Labour Code
Native name	Кодекс на труда
Type	Obligation to consider alternatives to collective dismissals
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Article

Article 130a

Description

In Bulgaria, companies envisage redundancies only as last resort and only after having considered all possible alternative options and/or identifying and implementing supporting measures (such as phasing planned measures over time, extending or reducing working time, seeking replacement activities). The employer is obliged to consult with trade unions about such alternatives. The trade unions may submit a statement to the Employment Agency (not compulsory) related to options for future employment of the dismissed employees.

Commentary

In order to protect the interests and rights of employees, the Labour Code requires that the employer is obliged before the consultations with the social partners, to provide written information to the representatives of the trade unions and the representatives of the employees for the reasons for the dismissals envisaged. Such information needs to include the following information:

- The number of employees to be dismissed and the main economic activities,
- occupational groups and positions to which they relate,

- the number of employees of the main economic activities,
- occupational groups and positions in the enterprise,
- the specific indicators for applying the selection criteria of the workers to be dismissed,
- the period during which the dismissals will take place and the amount of due benefits related to the dismissals.

All this information could be used by the employee representatives and the employer to reach an agreement, to avoid or limit mass layoffs and mitigate their consequences.

In case of nonfulfillment of this employer's obligation, the representatives of the trade unions and the representatives of the employees have the right to alert the Executive Agency 'Labour Inspectorate' for non-observance of the labour legislation.

Additional metadata

Cost covered by	Employer
Involved actors other than national government	Public employment service Trade union Other
Involvement (others)	Executive Agency "General Labour Inspectorate"
Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

- DG Employment, Social Affairs and Equal Opportunities/Héra, Selected companies' legal obligations regarding restructuring, 2011~~~ [Labour Code](#)~~~

Citation

Eurofound (2015), Bulgaria: Obligation to consider alternatives to collective dismissals, Restructuring legislation database, Dublin