

ALARMING TRENDS IN THE MOST RECENT HISTORY OF THE BULGARIAN LABOR LEGISLATION

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Abstract

There can hardly be any doubt that one of the most significant practical problems of our labor legislation in recent years is related to the multiplicity of its sources and the contradictions and inconsistencies between the various laws observed. The continued violation of the codification of labor law is not only a matter of theoretical importance but has its important practical implications. If the problem was only related to the complexity of the legislative system and its fragmentation into numerous normative acts, it would not be so alarming. After all, our entire legal system is getting complicated, and the European legislation, which often suffers from excessive circumstantialism, has its “contribution” to this. Passing multiple labor laws is an alarming deviation from a decade-long and proven tradition. And this is not the most important thing. The unfortunate result of the new legislative approach is the lack of legal certainty and the establishment of “parallel” and sometimes mutually exclusive legal regimes for the same relationship. These are acts of equal legal force, where it is not always easy to assess whether the newer legal act will override the older one or whether the ratio between general and special law should be applied. The wider the possibilities for different interpretations, the greater the probability of adopting contradictory judicial and administrative practice. The negatives are ultimately borne by the addressees of the legal norms – both the employees and the employers. The research aims to critically analyze various groups of normative changes from recent years and - without claiming to be exhaustive - to identify the typical and frequently repeated mistakes in the legislative process. Specific suggestions for avoiding, or at least reducing, these negative effects will also be given. For too long, the labor legislation in our country has been developed on the principle of “trial and error”, but it seems that the theoretical understanding of incorrect and ineffective decisions is still missing, or, in other words, learning from the mistakes made. A striking example in this regard is the “anti-crisis” labor legislation adopted during the state of emergency and the extraordinary epidemic situation in the country in the recent past. The proposed analysis also aims to provoke a scientific discussion on the outlined problems, of which there is obviously an urgent need.

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