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STAFF MANAGEMENT DURING THE PANDEMIC AND CHANGES IN LEGISLATION³¹

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Abstract: *The coronavirus pandemic has impacted the operations and put into question the future survival of many organizations worldwide. The change in the way of life caused by the new normal posed challenges to the performance of the daily work duties of the employees and tasks for the organization. These changes have an impact on certain lines of activity, which necessitates their study and management for the future survival of organizations. The spread of the disease COVID-19 at the end of 2019 led to the imposition of anti-epidemic measures that affected social life. These new measures, which were introduced and repeatedly changed, are implemented mainly in the form of new rules and restrictions introduced in various regulatory documents. In this regard, the changes in labor legislation introduced as a result of the spread of the corona virus infection and the impact they have on the activities of organizations and the management of those employed in them are of interest.*

Keywords: Human resource management, Management decision, Pandemic situation

JEL Codes: M12, L13

INTRODUCTION

The spread of the coronavirus infection (SARS-CoV-2) has created a new space for improvement in the work in organizations in order to achieve high efficiency (Estervan, et al, 2017). A change occurred in the style of activities expressed in new forms of social communication and organizational behavior (Stoycheva & Ruskova, 2020).

The spread of the disease COVID-19 at the end of 2019 led to the imposition of anti-epidemic measures that affected social life. These new measures that were introduced are implemented mainly in the form of new rules and restrictions, introduced, canceled and amended in various regulatory documents.

In this regard, **the subject** of this report is the changes in labor legislation introduced as a result of the spread of the corona virus infection and the impact they have on the management of employees.

The object of attention is the culture sector and the cultural institutes operating in the "Scenic Art" sector, secondary budget managers. The object of research was chosen due to the fact that it is one of the sectors most affected by the spread of the infection, not only for Bulgaria, but also on a global scale.

The topicality of the presented topic is related to the changes in the legal framework having a direct impact on the management of employees. The introduced changes should be used by the employer in order to ensure a continuous work process.

The aim of the present work is to look at the changes in the labor legislation and to analyze their impact on the stated object of research. Culture occupies its permanent place in the development of society. Looking at sociology, one of the elements of socialization is the school and the various educational and cultural institutes. The development of the individual related to the education of values, norms of behavior, transmission of traditions and customs, creation of sustainable models of behavior begins in the family, passes to school and various institutions and

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organizations. An institution of particular importance that does not lose its attractive and magnetic power is the performing arts.

EXPOSITION

1. Changes to the Labor Code caused by the spread of the corona virus infection

The initial implementation of the anti-epidemic measures began with the declaration of a state of emergency in the country from 13.03.2020 to 14.05.2020. Subsequently, the declared state of emergency turned into an extraordinary epidemic situation from 14.05.2020 until its cancellation on 01.04.2022.

With the declaration of a state of emergency and an extraordinary epidemic situation, a process of synchronizing the anti-epidemic measures taken with a number of normative documents, such as the Labor Code, the Health Act, the Civil Servants Act and others, began. In this report, the changes advertised in the labor code and affecting the labor relations between employers and employees are of interest.

Initially, during the declared state of emergency, a new law was drawn up and adopted - Law on measures and actions during the state of emergency and to overcome the consequences, announced by a decision of the National Assembly of March 13, 2020 (<https://asp.government.bg/uploaded/files/4822-ZAKONzamerkiteidejstvigtapovremenaizvynrednotopolojenieobqvenosresenienaNarodnotosybr.pdf>)

The cancellation of the state of emergency in Bulgaria from 14.05.2020 was followed by the introduction of an emergency epidemic situation by decision No. 325 of 14.05.2020 of the Council of Ministers, which was extended several times, with the last extension being introduced until March 31, 2022 with Decision No. 826 of the Council of Ministers of November 25, 2021. (<https://www.mh.government.bg/bg/novini/aktualno/ot-1-april-otpada-izvynrednata-epidemichna-obstanov/>).

Decision No. 325 of 14.05.2020 of the Council of Ministers adopted "The Minister of Health, on the proposal of the Chief State Health Inspector, to introduce temporary anti-epidemic measures for the territory of the country with the aim protection and protection of life and health of citizens".

Extension of the period of the emergency epidemic situation announced by Decision No. 325 of the Council of Ministers of May 14, 2020 was carried out several times, introducing a number of rules and restrictions related to the organization of activity and economic life (<https://coronavirus.bg/>)

Changes were also adopted in the **Labor Code**, which thus become permanent (<https://www.justice.government.bg/home/normdoc/1594373121>). They concern the following:

- Art. 120 b. (New - SG No. 28 of 2020, in force from 13.03.2020) (1) (Amended - SG No. 44 of 2020, in force from 14.05.2020) The employer may in the case of a declared state of emergency or a declared emergency epidemic situation, to assign the worker or the employee without his consent to temporarily perform home work and/or remote work. In this case, only the place of work is changed, without changing the other terms of the employment contract. (2) The change under para. 1 is carried out by an order of the employer, in which the conditions under Art. 107 c, para. 2 and/or Art. 107 i, para. 2.

- Art. 120c. (New - SG No. 28 of 2020, in force from 13.03.2020) (1) (Amended - SG No. 44 of 2020, in force from 14.05.2020) When announced state of emergency or a declared emergency epidemic situation, the employer may, by order, suspend the work of the enterprise, part of the enterprise, or individual workers and employees for the entire period or for part of it until the cancellation of the state of emergency.

- (2) (Supplement - SG No. 44 of 2020, in force from 14.05.2020) When, in the event of a declared state of emergency or a declared emergency epidemic situation, the work of the enterprise or part of it is suspended by order of a state authority, the employer is obliged not to allow workers or employees to their workplaces for the period specified in the order.

- In Art. 138a, a new paragraph was created. 2, which gives the right to the employer "(2) (New - SG No. 28 of 2020, in force from 13.03.2020, supplement - SG No. 44 of 2020, in force from 14.05.2020) In the enterprise or in its unit, the employer may establish for the entire period of a declared state of emergency or a declared emergency epidemic situation or for part of this period part-time work for employees who work full-time.

- Art. was created. 173a, which regulates the use of paid annual leave of the worker or employee in a declared state of emergency or declared epidemic situation "without his consent, including for a worker or employee who has not acquired 8 months of work experience;

- Art. 173a. (New - SG No. 28 of 2020, in force from 13.03.2020) (1) (Amended - SG No. 44 of 2020, in force from 14.05.2020, amended - SG No. 62 of 2022, in force from 01.08.2022) When due to a declared state of emergency or a declared emergency epidemic situation by order of the employer or by order of a state body, the work of the enterprise is suspended, of a part of the enterprise or to individual workers and employees, the employer has the right to grant paid annual leave to the worker or employee without his consent, including to a worker or employee who has not acquired 4 months of work experience. (2) (Supplement - SG No. 44 of 2020, in force from 14.05.2020) The employer is obliged to allow the use of paid annual leave or unpaid leave in the event of a declared state of emergency or a declared emergency epidemic situation under request of: 1. a pregnant worker or employee, as well as a worker or employee in an advanced stage of in-vitro treatment; 2. mother or adoptive mother of a child up to 12 years of age or of a child with a disability regardless of his age; 3. a worker or an employee who is a single father or adopter of a child up to 12 years of age or of a child with a disability regardless of his age; 4. a worker or an employee who has not reached the age of 18; 5. a worker or employee with a permanently reduced working capacity of 50 and over 50 percent; 6. worker or employee entitled to protection upon dismissal under Art. 333, para. 1, items 2 and 3.

(3) The time during which leave is used under para. 1 and 2, is recognized as work experience.

- Art. was also created. 267a, Art. 267a. (New - SG No. 28 of 2020, in force from 13.03.2020) For the time of suspension of work in the cases under Art. 120c the worker or employee is entitled to his gross remuneration.

2. Management solutions aimed at effective personnel management in the conditions of a pandemic and post-covid period

After the cancellation of the declared state of emergency in Bulgaria from 01.04.2022, it follows that the accepted orders of the Minister of Health, which introduced anti-epidemic measures for the territory of the country or for individual areas thereof, cease to be effective, due to the absence of the basis for their issuance and application. It follows from this that accepted legal changes that are in force during the declared state of emergency are no longer valid.

One of them is related to remote work. If employers still wish to maintain remote work or introduce a mixed mode of work, they should introduce the necessary changes in the organizations, which are related to the following actions (these measures are possible as long as the nature of the work allows it):

1. Approval of a new rulebook for the internal work order, where remote work should be reflected. Each of the employees is then notified that they are familiar with the new code of conduct for the internal work order.

2. Update and writing of new job descriptions related to remote work.

3. Changes should also be made in the rules for health and safety at work as a reflection of the regime of work and rest, compliance with safety requirements in the so-called "home office". Employees can feel isolated and under pressure, which can affect their mental health. It is for this reason that a change must also be introduced in the safety rules for working from home, as the relevant instructions related to preserving the ability to work when working remotely and regulating the regime of work and rest within the working day and the working week should be written down similarly.

An employer that adopts these changes can protect itself from a high rate of absenteeism due to coronavirus infection. If the workers feel well, they can switch to remote work during the quarantine period, thus the work process will not be disturbed. Adopting this measure will also reduce sickness absences in the organization and the loss of financial resources from the payment of sick leave compensation by an employer. It will prevent delays in the execution of work tasks as a

result of the absence of the employee, as well as prevent the additional workload of employees related to the redistribution of tasks to the absent employee.

The employer should be aware that working from home has disadvantages compared to the workplace. A problem may arise aimed at the material security of households, because in the absence of an Internet connection in some places, as well as the possibility of purchasing devices, there is a risk of exclusion, not only from the work process but there is also a risk of social exclusion, both of individuals and of large groups of people (Lockee, B., 2021). For a faster adaptation of the home environment into a work environment, it is necessary to provide and transport the necessary equipment related to computers, computer configurations, chairs, desks, printers and others. What documents and equipment leave the organization and who is responsible for their preservation and proper storage must be strictly entered in the relevant logs.

It is important to have effective communication from the manager and his staff. Regular online staff or team meetings should be arranged. It is possible to rotate employees who can be present at the workplace if a gradual return to work has begun (Schneider & Council, 2020). Online systems such as Zoom, Google Meet and Microsoft Teams have enabled employers, employees, experts and trainers to communicate effectively online by organizing discussion sessions regardless of geographic location (Shetty, Sh., 2020). These technological tools were known and had the possibility of application before, but now in the conditions of a pandemic they are developing and their application has become widespread (Stoycheva, 2021).

3. Management solutions aimed at effective management of personnel in the performing arts sector in the conditions of a pandemic and post-covid period

Undoubtedly, one of the sectors most affected by the spread of the infection on a global scale is the cultural sector. This also affects our country, where, as a result of the pandemic, a number of municipal theaters, private theater formations, theater schools and freelance artists have ceased their activities. Difficulty in carrying out their activities is also experienced by the cultural institutes, which are secondary administrators of the budget.

Cultural institutes are currently in a post-pandemic situation. It is mainly characterized by the distinction of the public, from there the reduction of financial resources, difficulties in the realization of the production. A revival of viewer interest in cultural events produced by cultural institutes is needed.

The above actions related to the changes in labor legislation were taken by the employer in a number of cultural institutes. Please note that they are effective for administrative staff, but not for creative, technical teams and art studios.

It is vital for cultural institutes to introduce some form of additional funding, through the adoption of decree of the Council of Ministers by the Ministry of Culture, as well as the provision of funding in the form of funds for electricity costs.

The current inflationary processes at the macroeconomic level and of a geopolitical nature threaten the possibility of guaranteeing the payment of the basic labor remunerations in the cultural institutes, which necessitates the creation of guarantees for their provision. Adopted by decree of the Council of Ministers 328/26.11.2020, which guaranteed the payment of labor remunerations and accrued insurance contributions, taking the month of November 2019 as a base, was suspended for the months of July and August, but due to the financial difficulties experienced by cultural institutes its effect lasts from the month of September until the end of 2022. The question is what follows for 2023.

In this regard, the Law on the Protection and Development of Culture (<https://mc.government.bg/page.php?p=141&s=142&sp=0&t=0&z=0>) should be brought into line with the requirements of Art. 245 of the Labor Code to guarantee the wages of employees working in state cultural institutes in the field of performing arts.

If these amendments are introduced and a new point 1 is created in Art. 23 a, para. 3 of the Law on the Protection and Development of Culture, namely "a permanent component for the provision of a subsidy for the payment of funds in the amount of gross labor remuneration and for the calculation of the relevant insurance contributions", only then will a legal possibility and

guarantee that the funds be created the basic component will be used for the main activity of the cultural institute, for the creation of creative products, as well as for the renewal of long-lasting tangible and intangible assets.

CONCLUSION

The economies of various countries have entered a "post-covid" period, and according to economists, the recovery period will take 3-5 years. Meanwhile, Europe entered a new crisis - economic, caused by the war - inflation, triple prices of energy resources, etc. This requires a change in the style of activities, through new forms of social communication and organizational behavior. There was a need for systematic, targeted and timely management intervention to stabilize the crisis situation and actions to maintain employee motivation. This report aimed to point out possible management decisions that can be made with a view to organizational survival, continued teamwork and maintaining employee motivation and engagement in the pandemic and current post-covid period.

REFERENCES

Decision No. 325 of 14.05.2020 of the Council of Ministers, (Оригинално заглавие: Решение № 325 от 14.05.2020 г. на Министерски съвет), available from: <https://coronavirus.bg/bg/389> , last access: 28.09.2022.

Decisions of the Council of Ministers, available on the page Covid-19 single information portal. (Оригинално заглавие: Решения на Министерски съвет, достъпен на страницата Covid-19 единен информационен портал), available from: <https://coronavirus.bg/> , last access: 29.09.2022.

Estervan, A. et.al. (2017). *The relation between 21st-century skills and digital skills: A systematic literature review*. Computers in Human Behavior Volume 72, Pages 577-588.

Labour Code (Оригинално заглавие: Кодекс на труда, available from: <https://www.justice.government.bg/home/normdoc/1594373121>, last access: 01.10.2022.

Law on measures and actions during the state of emergency, announced by a decision of the National Assembly of March 13, 2020 and to overcome the consequences, (оригинално заглавие: Закон за мерките и действията по време на извънредното положение, обявено с решение на Народното събрание от 13 март 2020 г. и за преодоляване на последиците), available from: (<https://asp.government.bg/uploaded/files/4822-ZAKONzamerkiteidejstvijaipovremenaizvynrednotopolozhenieobqvenosresenienaNarodnotosybr.pdf>), last access: 12.09.2022.

Law on the Protection and Development of Culture (Оригинално заглавие: Закон за закрила и развитие на културата, available from: <https://mc.government.bg/page.php?p=141&s=142&sp=0&t=0&z=0>, last access: 03.10.2022.

Lockee, B. (2021). *Online education in the post-COVID era*. *Nature Electronic*, Vol. 4, 5–6, available from: <https://www.nature.com/articles/s41928-020-00534-0>, last access: 02.10.2022.

Schneider, S., & Council, M. (2020). *Distance learning in the era of COVID-19*. *Arch Dermatol Res* 8:1. <https://doi.org/10.1007/s00403-020-02088-9>, available from: <https://link.springer.com/article/10.1007/s00403-020-02088-9>, last access: 10.10.2022.

Shetty, Sh., Shilpa, C., Dey, D., & Kavya, S. (2020). *Academic Crisis During COVID 19: Online Classes, a Panacea for Imminent Doctors*. *Indian J Otolaryngol Head Neck Surg* [online], available from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7568026/>, last access: 10.10.2022.

Stoycheva, B., & Ruskova, S. (2020). *Management solutions in an emergency situation. Economic science, education and the economy: development and interactions in the digital age*. Proceedings of the Jubilee International Scientific Conference dedicated to the 100th anniversary of the University of Economics – Varna. Vol. III, p. 567-579.

Stoycheva, B. (2021). *Challenges towards the organization of the work process and personnel management in the conditions of a pandemic situation*. In Proceedings of the International Scientific and Practical Conference 2021 "Management of Human Resources", Publishing House "Science and Economics", University of Economics – Varna, pp 146-155, ISBN 978-954-21-1092-7, <http://conference.ue-varna.bg/hrm/wp-content/uploads/Proceedings/HRMConfProceeding2021.pdf>