



BULGARIA

Decent Work Check 2019

Iftikhar Ahmad

WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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Bibliographical information

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INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental principles and Rights at Work and Core ILO Conventions, are practiced, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects, which are deemed important in attaining "decent work". The work makes the rather abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and gives a score to the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Workers can compare their own score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

Decent Work Check is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work. WageIndicator teams, around the world, have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed - being a workers, self-employed, employee, employer, policy maker, labour inspector - there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer) and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work especially the effective enforcement of legislation in financially constrained states, rise of precarious employment and measuring the impact of regulatory regimes.

Currently, there are more than 100 countries for which a Decent Work Check is available here: www.decentworkcheck.org During 2019, the team aims to include at least 10 more countries, thus taking the number of countries with a Decent Work Check to 115!

Major Legislation on Employment and Labour

1. Constitution of Bulgaria 1991, last amended in 2015
2. Labour Code 1986, last amended in 2018
3. Decree No. 129 concerning the transition towards negotiations on wages
4. Ordinance on Structure and Organization of Wages 2009
5. Decree No. 72/1986 on hours of work, rest and leave, last amended in 2018
6. Social Security Code of 2003, last amended in 2018
7. Ordinance for the Medical Expertise 2010, last amended in 2017
8. Health and Safety at Work Act 1997, last amended in 2018
9. Health Insurance Act 1998, last amended in 2017
10. Protection Against Discrimination Act 2003, last amended in 2016
11. Ordinance No. 6 of July 24, 2006 on Terms and Procedure for Giving Work Permits to Persons under 18 Years
12. Penal Code 1968, last amended in 2018
13. Collective Labour Disputes Settlement Act 1990, last amended in 2015

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Bulgaria has ratified the Convention 95 only.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Constitution of Bulgaria 1991, last amended in 2015
- Labour Code 1986, last amended in 2018
- Decree No. 129 concerning the transition towards negotiations on wages

Minimum Wage

In accordance with article 48(5) of the Constitution, workers and employees have the right to guaranteed minimum pay. Labour Code as well as separate decrees have provisions on the minimum wage.

There is a single national minimum wage in the country determined by a decree. There are no sectoral, occupational or regional minimum wages in the country.

The regulation of industrial relations (and all related matters including the minimum wage) by the State is carried out in cooperation and after mandatory consultations with workers' and employers' representative organizations. The National Council carries out the above cooperation and consultation at the national level for Tripartite Cooperation.

The Council has two representatives each of the Council of Ministers, representative organizations for workers (and employees) and employers. The Council of Ministers works towards fixing of the national minimum wage, types and amounts of additional labour remuneration and of the benefits under an employment relationship in so far these are not fixed under the Code.

The criteria for determining and updating minimum wage includes needs of workers and their families, cost of living, level of wages and incomes in the country, social security benefits, economic development, productivity, level of employment and relevant living standards of other social groups.

During the training period of 6 months, apprentices receive labour remuneration in proportion to the work done but not less than 90% of the national minimum wage.

Minimum wage is adjusted automatically as rates are indexed to the cost of living. In addition, the social partners enter into a national inter-sectoral agreement after every 02 years. This agreement sets the maximum margin within which labour costs can increase.

Labour inspectors assure the enforcement of collective agreements. They may enter workplaces and inspect the records and documents necessary to ensure compliance. Failure to pay a minimum wage rate as set in a mandatory collective agreement entered into within a National Labour Council or joint committee results in an employer or their agent being liable to a penalty of either imprisonment for between 8 days and 1 month, or a fine, or both.

Sources: §48(5) of the Constitution of Bulgaria 1991, last amended in 2015; §03, 218 & 244 of Labour Code 1986, last amended in 2018; Decree No. 129 concerning the transition towards negotiations on wages; §04 & 56 of the Collective Agreements and Joint Committees Act 1968; §06 of the Act Concerning Employment Promotion and Competition

Regular Pay

Wage payment is regulated under the Labour Code. Basic monthly remuneration is paid for the work performance within one month. Besides, it is the basis for calculating the years of service. The monthly basic remuneration is part of the monthly gross remuneration. It includes the basic remuneration and the additional remunerations that are contributed for the payment of the social security contributions and the flat tax rate of 10% made by the employee. Agreed remuneration is the remuneration agreed upon by the parties in the employment contract or according to the Labour Code.

A contract is required to specify the basic and supplementary labour remuneration of permanent nature and the frequency of its payment. The labour remuneration has to be paid in cash however additional remuneration or part thereof may be paid in kind if it is provided in an act of Council of Ministers, a collective agreement or an employment contract.

Labour remuneration is paid at the enterprise where work is performed. Wages are paid in advance or twice a month as a final payment unless otherwise agreed. The labour remuneration is paid to the factory or office worker in person under a payroll or against a receipt. Wages can be paid to the relatives of a worker upon the written request by a worker. At the written request of a worker, wages are deposited to a bank named by the employee.

Generally, no deductions may be made from a worker's wages without worker's consent. Certain deductions have been allowed which include deductions for advance payments received, amount overpaid as a result of technical error, deductible taxes, social insurance contributions and other deductions allowed under the law.

Sources: §66 & 269-272 of Labour Code 1986, last amended in 2018

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

Bulgaria has ratified the Convention 01 only.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter times (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation:

- Ordinance on Structure and Organization of Wages 2009
- Labour Code 1986, last amended in 2018

Overtime Compensation

The general working hours are eight hours a day and forty hours a week over a five-day work week. However, employers may introduce "extended working time" where extension is up to 48 hours per week but not exceeding 60 working days annually, 20 of which should not be consecutive. Reduced working time (six to seven hours per day) is allowed for minors (under 18 years) or employees working in specific conditions and under unavoidable life or health risks. The Council of Ministers determines the work positions to which a reduced working time applies.

Open-ended working time option is provided when an employer requires some of the employees to stay at work after the end of working day (up to 12 hours per day) for completion of work if and when it is needed. The list of positions for which open-ended working hours are established are determined by an order of the employer. The work in excess of normal working time is compensated by additional paid annual leave and the work on weekends and public holidays is compensated by an increased remuneration for overtime. There is also provision for shift work and three different types of shifts are allowed. Mixed shift includes both daytime and night time work; night shift includes four or more hours of night time work; and day shift has less than four hours of night time work. The maximum duration of a shift can't be more than 12 hours in a 56-hour working week. For employees with reduced working time, it can't be more than one hour over their reduced working time. Two uninterrupted/successive working shifts are also prohibited. Part time work is also allowed however a part-time worker should work at least four hours a day to earn service recognition. For production reasons, the employer may, by written order extend working hours in some days and compensate it by shorter in others, after prior consultation with representatives of trade unions and representatives of employees.

Working time is calculated in terms of working days on a daily basis. An employer may establish calculation of working time on the basis of a longer reference period like a week, a month or even longer however not exceeding six months. Calculation of working time on a weekly or longer basis is not allowed for factory or office workers at open ended working hours.

Overtime is the work performed above the agreed working hours, with the consent of employer or respective superior and is generally prohibited. Overtime is allowed as an exception in the following cases: performance of work related to national defense; prevention, management and mitigation of the effects of disasters; performance of urgent publicly necessary work to restore water, electric supply, heating, sewerage, transport and communication links; and provision of medical care; emergency repair of machinery or equipment on working premises; completion of work which cannot be

performed within the normal working time; and for performance of intensive seasonal work.

The total duration of overtime work performed by a worker within one calendar year may not exceed 150 hours. The duration of overtime may not exceed 30 hours of day time work, or 20 hours of night work during a calendar month; 6 hours of day work, or 4 hours of night work done during one calendar week; and 3 hours of day work or 2 hours of night work during two successive working days. However above limits to overtime don't apply in the case of overtime being done for national defense; in the case of a disaster or in restoration of public utilities and provision of medical care.

Performance of overtime is prohibited for minors (under 18 years); pregnant workers and workers in advanced stage of IVF treatment; mothers with children under 6 years of age or mothers taking care of children with disabilities except with their written consent; workers still under rehabilitation after an occupational injury or disease; and student workers except with their own consent.

A worker has the right to refuse overtime work where the rules of Labour Code or another statutory instrument or collective agreement are not observed.

Workers and employees who have not attained the age of 18 years are entitled to reduced working time. The total working time of workers under 18 years may not exceed 40 hours per week.

The actual rate for overtime is determined by an agreement between the worker and employer. However, it cannot be less than 150% of the normal wage rate for overtime on working days; 175% of the normal wage rate for work on weekends; 200% of the normal wage rate for working on public holidays; and 150% of the normal wage rate for work at working time calculated on a weekly or longer basis. No remuneration is paid for overtime work performed on working days by workers engaged in open-ended working hours.

In accordance with amendments in the Labour Code, if an employee works less than the normal daily working time on a day, he/she may work longer in another day within the same working week to make up for the lost hours.

Sources: §136-150 & 262-263 of Labour Code 1986, last amended in 2018

Night Work Compensation

Night work is the work performed between 10:00 p.m. and 6:00 a.m. for factory and office workers. For minors (under 16 years of age), night work is the work performed between 8:00 p.m. and 6:00 a.m. Workers whose working hours include at least three hours from above night hours (10:00 p.m. to 6:00 a.m.) are considered night workers.

The normal duration of working time for night workers is seven hours a day and thirty-five hours a week in a five-day working week.

Employers are obligated to provide the workers with hot food, refreshing beverages, and other facilities for effective performance of night work. Night work is prohibited for minors (under 18 years of age), pregnant workers and workers in advanced stage of IVF treatment; mothers with children under 6 years of age or mothers taking care of children with disabilities except with their written consent; workers still under rehabilitation after an occupational injury or disease; and student workers except with their own consent.

A premium rate for night work may be agreed between the parties under an employment contract however such rate cannot be less than what is determined by the Council of Ministers. Employees are paid additional remuneration for night work amounting to not less than 0.25 lev for every hour of work. If converted into percentages, 0.25lev is 12.31% of the current hourly minimum wage of 2.03lev. Moreover, the hours of work for night workers are less than the full time workers. Thus the Bulgarian law provides for both the premium rate and reduced hours for night workers.

Sources: §8 & 9 of the Ordinance on Structure and Organization of Wages 2009; §140 & 261 of Labour Code 1986, last amended in 2018

Compensatory Holidays / Rest Days

There is no clear provision on compensatory rest for working on a public holiday. In case of overtime work performed on weekly rest days, workers are entitled to, in addition to premium payment, an uninterrupted period of at least 24 hours during the succeeding work week.

Sources: §153(4) of Labour Code 1986, last amended in 2018

Weekend / Public Holiday Work Compensation

There is provision for premium pay for those who work on weekly rest days and public holidays.

Workers are paid 175% of the normal wage rate if they are involved to work on weekends. The wage rate is 200% of the normal wage rate for work on public holidays. These higher rates of remuneration are paid whether work on weekly rest day and public holiday is overtime work or not.

Sources: §262-264 of Labour Code 1986, last amended in 2018

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days. In addition, for several industries, different Conventions apply.

Bulgaria has ratified the Convention 14 & 106 only.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

Regulations on annual leave and holidays:

- Labour Code 1986, last amended in 2018
- Decree No. 72/1986 on hours of work, rest and leave, last amended in 2018

Paid Vacation / Annual Leave

The Labour Code has provisions with regard to the annual leave. Workers are entitled to at least 20 working days of annual leave. At the start of employment, a worker must have worked at least for eight months to qualify for annual leave. Certain categories of workers, depending on the special nature of their work, are also entitled to extended periods of annual leave. The categories of workers and the minimum amount of such leave are determined under a decree of Council of Ministers.

The workers engaged in work under hazardous working conditions and workers engaged in work on open ended working days are entitled to additional leave of five working days. The collective agreements as well as individual employment contracts may also set a higher level of annual leave.

Paid annual leave is granted in a single uninterrupted period (in one go) or in a piecemeal way. Paid annual leave must be taken by the worker after written authorization by the employer. The employees under 18 years of age and mothers with children up to 7 years old enjoy their holidays in the summer, at their request and at other times of the year.

Workers enjoy the paid annual leave within the calendar year to which it relates. If a worker is unable to take the annual leave within the period fixed by the employer, he can enjoy such leave in another moment within the same calendar year. In case the worker is unable to take the paid annual leave in whole or in part, within the year to which it relates, due to the enjoyment of some other leave, the worker may take such leave during the next calendar year. Where leave is postponed or not taken by the end of the calendar year to which it applies, the employer is obliged to ensure its use in the next calendar year but not later than six months from the end of the calendar year for which it is due. Where the employer has not authorised the use of leave in that period, the employee or worker is entitled to determine the time of use thereof themselves by notifying the employer in writing at least 14 days in advance. When paid annual leave or part of it is not used until the expiration of two years from the end of the year for which it is due, for whatever reason (employer or employee related), employee is barred from using it.

In such case, the right of worker to paid annual leave expires after two years from the end of the year for which the leave is applied.

Earlier, the Labour Code required the employer to pre-determine a schedule for the use of paid annual leave for the following calendar year. The amendments in Labour Code in 2015 have removed the requirement to create such schedules. The annual leave now is granted by the written order of the employer. In the beginning of each calendar year

(but not later than 31 January), employer is required to notify each worker in writing the duration of paid annual leave he is entitled to during the year including delayed or unused leave from last year.

A worker may request the employer to enjoy part of his annual leave within a specific period of the year for professing his religion, provided that the duration of such period is no longer than the number of days for the Easter Holidays. The amended Labour Code further provides that those workers/employees who profess any religion other than Eastern Orthodox Christianity, the employer must authorize their chosen use of paid annual leave or unpaid leave for the days of respective religious holidays provided that these holidays are not more than Orthodox religious holidays provided under article 154 of the Labour Code.

The part time workers are entitled to annual leave proportionate to the time they worked and their service is recognized.

There is no provision in the law that annual leave increases with increase in the length of service. The annual leave provision for workers eighteen years or under eighteen years of age is 26 working days. Workers with permanently reduced working capacity of fifty percent or more are entitled to basic paid annual leave of at least 26 working days. Minors under the age of 18 years and mothers with children under the age of seven years enjoy their period of annual leave during summer and at other times of the year, if they so wish.

During the first year of employment, a worker must have worked for at least 8 months to qualify for annual leave.

During the term of annual leave, workers are entitled to a remuneration calculated from the average daily gross pay in the last month preceding the enjoyment of such leave provided that the worker worked at least ten days. The remuneration for the annual leave is paid, at the request of the employee, at least 3 days before the start of the leave.

Workers are not permitted to receive compensation in lieu of taking annual leave except upon termination of an employment contract.

The employer is allowed to provide annual paid leave without the consent of the employee during a stay period of more than five days, as well as where all employees are on leave simultaneously. The employer is also entitled to provide paid leave if the employee, following an invitation by the employer, has not requested its use by the end of the year for which the leave is due.

Sources: §155, 156, 172-178, 305 & 319 of Labour Code 1986, last amended in 2018; §22-24 of Decree No. 72/1986 on hours of work, rest and leave, last amended in 2018

Pay on Public Holidays

The public holidays are provided under the Labour Code.

There are thirteen public holidays in Bulgaria. These holidays are of religious and memorial nature. The public holidays are New year's Day (January 1); Day of the Liberation of Bulgaria from Ottoman Domination-National Day (March 3); Labour and International Workers Solidarity Day (May 1); St. George's Day - the Day of Valour - the Bulgarian Armed Forces Day (May 6); the Day of Bulgarian Education and Culture and of Slavonic Letters (May 24); Unification Day (September 6); Bulgarian Independence Day (September 22); Day of the Leaders of the Bulgarian National Revival- a legal holiday for all educational establishments (November 1); Christmas Eve (December 24); Christmas (December 25) and Boxing Day (December 26). The dates of Good Friday, Holy Saturday, Easter (Sunday and Monday) are determined for celebration every year. The Council of Ministers may also declare other days for one-time public holidays, or for the commemoration of certain professions or certain tribute days.

In such cases, the duration of the workweek cannot be longer than 48 hours, and the duration of the week rest cannot be shorter than 24 hours.

To ensure an equal number of working days in each calendar year, an official holiday (except Easter) that coincides with a Saturday or Sunday is moved to coming Monday.

Sources: §154 of Labour Code 1986, last amended in 2018

Weekly Rest Days

The daily and weekly rest periods of workers are determined under the Labour Code. Workers are entitled to an uninterrupted daily rest of at least 12 hours.

In a five-day working week, workers are entitled to a weekly rest of two consecutive days, one of which has to be Sunday. In such cases, workers are provided with a weekly rest of at least 48 consecutive hours. If working time is calculated on a weekly or longer basis, the weekly rest period may not be less than 36 hours. For shift workers, the weekly rest period may be less than 36 hours but not less than 24 hours.

Sources: §152 & 153 of Labour Code 1986, last amended in 2018

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

Bulgaria has not ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on employment security:

- Labour Code 1986, last amended in 2018

Written Employment Particulars

Employment contracts are regulated under the provisions of Labour Code.

An employment contract is concluded between a worker and employer before beginning of work. An employment contract is concluded in writing. Employer is required to send a notification (within three days of its commencement and seven days of its termination) to the National Revenue Agency. Before commencement of work, employer is obligated to provide a worker with a copy of signed employment contract and a certified copy of notification sent to the National Revenue Agency. Worker is obligated to start work within one week after receipt of above documents unless another time limit has been agreed between the parties.

An employment contract has to contain particulars of parties to the contract and specify place of work; worker designation and job description; commencement date of employment; duration of employment contract; duration of basic and extended as well as additional paid annual leave; contract termination notice; basic and supplementary nature of labour remuneration/wages as well as frequency of wage payment; and duration of working day/week. An employment contract may contain those provisions, which are more favourable to a worker than those provided under the law or a collective agreement.

If there is a change in the employment relationship, employer is obliged to provide the worker, not later than one month, with necessary information in writing containing details of changes as affected.

Upon written request by the employee, the employer is required to issue and provide the necessary documents certifying the facts relating to employment within 14 days of such request.

Upon written request by the employee, the employer is required to provide objective and fair appraisal of his performance and his professional qualities as well as a fair recommendation when applying for a job with another employer.

The 2015 amendments in the Labour Code create special obligation of employers to keep an employment record (dossier) for each employee. The “labour dossier” should be created from the start of the employment relationship and maintained throughout its duration. The employee now has the right to receive certified copies of the maintained documents.

According to 2017 amendment, the employment record of an employee including formation, existence, modification, and termination of employment can be created and stored as electronic documents. The type and requirements for creation and storage is determined by the decree of the Council of Ministers.

Sources: §61-66 & 128(a & b) of Labour Code 1986, last amended in 2018

Fixed Term Contracts

Fixed term contracts are regulated under the provisions of Labour Code. Generally, employment contracts are concluded for an indefinite duration unless otherwise agreed. Thus, an employment contract may be concluded for a definite term (fixed term) or an indefinite term. An indefinite term employment contract may not be transformed into a fixed term contract unless a worker expresses his wish to do so in writing.

Generally, Labour Code prohibits hiring fixed term contract workers for tasks of permanent nature however, as an exception, this is allowed.

A fixed term employment contract may be concluded for a period of three years unless a law or an act of Council of Ministers provides otherwise; until completion of specific work; for temporary replacement of a worker who is absent from work; for work in position which needs to be filled through a competitive exam and for the time until that position is occupied on the basis of competitive examination; and for a certain term which has been specified by the respective body. A fixed term contract is concluded for casual, seasonal or short-term activities as well with newly hired workers in enterprises that have become bankrupt or put into liquidation.

As an exception, a fixed term contract may be concluded for a period of at least one year and for work or activities that are not of casual, seasonal or short-term nature. A worker may conclude such an employment contract for a shorter term on request in writing. In such cases, a fixed term contract may be re-concluded with the same worker for the same type of work only once after a period of at least one year.

A fixed term contract is transformed into a contract of an indefinite duration if a worker continues to work for five or more working days after expiry of the agreed period. The fixed term contract workers have the same rights as those workers with indefinite contracts. The maximum length of a single fixed term employment contract is three years (36 months). No renewals to the fixed term contract are allowed. The maximum length of fixed term contract is three years.

The amendments in the Labour Code entitle registered farmers to conclude a contract of employment for a day for short-term seasonal agricultural work, if the profession does not require special qualifications and only to perform certain work in the area of agriculture. These contracts are not registered in the National Revenue Agency however are certified by the Labour Inspectorate. Such one-day contracts cannot be concluded for more than 90 days in a year.

Sources: §67-69 & 114-A of Labour Code 1986, last amended in 2018

Probation Period

Probation/trial period is regulated under the Labour Code. A trial period is needed to test the ability of a worker to perform work. Trial period is also needed since a worker also needs to verify whether the work is suitable for him.

The maximum probation/trial period is six months. Labour Code does not provide for different types of trial periods for different types of contracts or job positions.

Sources: §70 of Labour Code 1986, last amended in 2018

Notice Requirement

Contract termination and required notice are regulated under the provisions of Labour Code. According to the Labour Code, an employment contract is terminated at the initiative of the employer either with or without notice depending the grounds described in the law. An employment contract can also be terminated at the initiative of worker either with or without notice.

An employment contract stands terminated, without even the possibility to tender notice to the other party: by mutual consent of parties expressed in writing; upon expiry of agreed term; upon return to work of a replaced worker; upon death of a worker or employer, etc.

An employer is required to state the reasons for dismissal. The reasons/grounds of dismissal are defined by the law and the list is quite exhaustive. The justified reasons for dismissal relate to workers' conduct, workers' capacity and economic reasons. Article 328 of Labour Code provides an exhaustive list of 12 situations when dismissal with notice is required. These reasons are either economic/employer related reasons or relate to worker capacity (lack of educational, professional efficiency). Under the 2015 amendment in the Labour Code, the employer may terminate the contract of employment with one- month notice if the employee has acquired the right to retirement (with both full and reduced pension) on the grounds of retirement age and working experience. An employee may also terminate employment contract without notice on reaching acquiring the right to retirement. Article 190 and 330 of Labour Code enunciate all the situations where summary dismissal is allowed and an employer may terminate an employment contract without notice. These reasons generally relate to the conduct of workers.

The text in this document was last updated in January 2019. For the most recent and updated text on Employment & Labour Legislation in Bulgaria in Bulgarian, please refer to: <https://moiatzaplata.org/>

Termination notice is required to be same for worker and employer. The contract termination notice for indefinite contracts is 30 days unless the parties have agreed on a longer period however not longer than 90 days (three months). The period of termination notice for fixed term contracts is three months, however not more than the remainder of the term of contract.

Compensation in lieu of notice is possible for both parties. If a notice is served by either party, the other party may terminate the contract before completion of notice period. However, this party is required to pay compensation for remaining period of notice to the contract serving party. Similarly, a party may decide to pay compensation in lieu of serving notice.

Sources: §190, 220, 325, 326, 328-330 of Labour Code 1986, last amended in 2018

Severance Pay

Severance pay is regulated under the Bulgarian Labour Code. The severance pay varies in accordance with the ground on which employment agreement is terminated; observance of notice period; and in some cases, the length of employment. In the event of economic dismissals (by reason of closure of enterprise or part thereof, downsizing of personnel, reduction in the volume of work, idling of employee for more than 15 working days, upon refusal of the worker to relocate to the place where enterprise relocates), the severance pay is equal to a worker's gross wages for the period of unemployment but not more than one month's wages. If a worker starts work during that period, workers are entitled to the difference between the earlier wage and the new wage. A higher compensation period may be provided under a decree of Council of Ministers, a collective agreement or an employment contract.

If an employment contract is terminated by reason of illness, worker is entitled to severance pay equal to two months' wages provided that the worker has worked at least five years with the employer and has not received compensation on the same grounds during the last five years of employment service.

A worker is entitled to two months' wages as severance pay if his employment is terminated on acquiring the right to pension. The severance pay in this case is six months' wages for a job tenure of 10 years.

In non-economic reasons, severance pay is provided only in above described cases of termination on illness or termination of a worker on reaching the pensionable age.

Workers are also entitled to compensation for unused annual paid leave and compensation for non-observed notice period.

Sources: §222 of Labour Code 1986, last amended in 2018

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981)
Recommendation 165: Workers with Family Responsibilities (1981)

Bulgaria has ratified the Conventions 156 only.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

- Labour Code 1986, amended in 2017
- Social Security Code of 2003, last amended in 2018

Paternity Leave

New fathers are entitled to paternity leave under Labour Code. Fathers are entitled to a 15-day paternity leave on the birth of a child as from the date of discharge of child from the hospital.

Paternity leave is paid leave and 90% of the average daily wage or of insured income is paid to the worker during the term of paternity leave. Paternity leave is funded through state public insurance. A worker must have twelve months of insured employment to qualify for paternity leave/Adoption leave. The adoptive father as are also entitled to 15-day paternity leave with compensation as above for adoption of children aged up to 5 years.

Sources: §163.7 of Labour Code 1986, amended in 2017; §1, 41, 48, 50(6) of Social Security Code of 2003, last amended in 2018

Parental Leave

Under the earlier law, after use of the pregnancy leave, child birth or adoption leave, a female worker was entitled to additional child care leave until the child reached two years of age for the first three children (from fourth child onwards, entitlement was 6 months for each additional child) if the child is not placed in a child care establishment. With the amendments in Labour Code in 2015, this limit on the number of children has been removed. Now a worker is entitled to additional childcare leave until a child reaches the age of two years if he/she is not placed in a childcare establishment. Parental leave is a family entitlement.

During the term of parental leave, no wages are paid. A monthly benefit at flat rate is generally paid for parental leave. However, if parental leave is considered part of maternity leave (of 410 days), workers are paid 90% of their wages for at least 183 days of parental leave (after a child is six months of age). The wages are paid through State Public Insurance.

With effect from June 2017, if the mother or adoptive mother (or any other person taking parental leave) decides not to use parental leave fully or partially after the 135th day, the person is entitled to receive partial compensation for the remaining period of leave. The partial compensation is 50% of the normal flat rate benefit received by parents during parental leave.

Sources: §163 & 164 of Labour Code 1986, amended in 2017; §1, 41, 48, 50(7) of Social Security Code of 2003, last amended in 2018

Flexible Work Option for Parents / Work-Life Balance

There is no clear provision on flexible working for parents with minor children. However, there is provision for part-time work (at least four hours a day) for a period of up to three months during a calendar year. Employers are also required to facilitate, within reasonable means, the transition for full time to part-time work.

A female worker who is mother of a small child is entitled to work at home for same or another employer until the child's attainment of the age of 6 years. Once the child reaches age of 6 years, employer is required to provide the worker with the work she previously executed, or if the position has been eliminated, with other suitable work. If a woman transfers to home work for another employer, she is considered on unpaid leave from the actual employer. Once a woman worker ceases to work at home, the unpaid leave is terminated. If the former position, on which the worker worked, has been eliminated, employer provides work with another suitable work.

Sources: §138-A & 311 of Labour Code 1986, last amended in 2018

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Bulgaria has ratified the Convention 183 only.

Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Health Insurance Act 1998, last amended in 2017
- Labour Code 1986, last amended in 2018
- Social Security Code of 2003, last amended in 2018
- Decree No. 72/1986 on hours of work, rest and leave, last amended in 2018
- Ordinance for the Medical Expertise 2010, last amended in 2017

Free Medical Care

Medical care is provided to the workers under Health Insurance Act. The compulsory health insurance scheme is managed by the National Health Insurance Fund (NHIF). The NHIF provides healthcare services based on the contribution payments to the compulsory health insurance. The National Health Insurance Fund pays for maternity care during pregnancy, childbirth and motherhood.

Sources: §45(1)(6) of Health Insurance Act 1998, last amended in 2017

No Harmful Work

An employer may not order pregnant or breastfeeding worker or female workers in advanced stage of IVF treatment to perform any work that exposes them to hazards or endangers their health or safety. These workers may also refuse to execute such work, which has been designated as harmful (for the mother or child) after a risk assessment.

Acting on the prescription of health authorities, an employer is required to take the necessary measures for temporary adjustment of working conditions at the workplace and/or working time, with a view to eliminating the risk for the safety and health of pregnant and breastfeeding women workers. If this adjustment in working conditions and working time is not technically or objectively feasible, employer is required to take necessary measures to transfer the female worker to another appropriate work.

A female worker can receive remuneration for the work performed. If it is lower than the wages of the previous work, she has the right to monetary compensation for the difference in remuneration. An employer may not second such workers, including a woman with a child under three years, without their written consent.

A new Ordinance, intending to improve working conditions for pregnant workers and breastfeeding mothers, has been enacted in 2015 which requires employers to assess risks to the health and safety of pregnant and breastfeeding workers and plan appropriate measures for prevention of such risk. Employer is required to inform workers about the risk assessment and measures (being taken) to prevent these risks. Employer is further required to take necessary measures for temporary adjustment of working conditions in the workplace and working hours of the worker to eliminate risk. If the adjustment in working conditions and working hours is not technically possible or objectively feasible, employer has to take necessary measures to move the worker to another job. The Ordinance further defines non-exhaustive list of works prohibited for

pregnant workers and breastfeeding workers. Underground mining work is prohibited for both pregnant and breastfeeding workers.

Sources: §307-310 of Labour Code 1986, last amended in 2018; Ordinance to Improve Working Conditions for Pregnant Workers and Breastfeeding Mothers 2015 (НАРЕДБА № РД-07-4 ОТ 15 ЮНИ 2015 Г. ЗА ПОДОБРЯВАНЕ НА УСЛОВИЯТА НА ТРУД НА БРЕМЕННИ РАБОТНИЧКИ И НА РАБОТНИЧКИ РОДИЛКИ ИЛИ КЪРМАЧКИ)

Maternity Leave

Female workers are entitled to pregnancy and child birth leave of 410 days, 45 days of which have to be used compulsorily before confinement (45 days pre-natal and 365 days post-natal leave). If confinement occurs before expiry of 45 days pre-natal leave due to miscalculation of the date of confinement, the balance of pre-natal leave is used after confinement. The first 135 days of the 410-day leave are divided into three periods of the following lengths requiring medical certificate of temporary incapacity by the doctor: 45 days before birth; 42 days immediately after birth; and 48 days after discharge from the hospital. If a woman worker did not give birth within the first 45 days, the period is extended with a new medical certificate until the day of birth; however, it cannot exceed 93 days. If birth happened before completion of 45 days, the remaining days are added with 48 days.

The remainder of the 275 days (on the expiry of 135 days) can be used on submission of a written application by the mother to her employer enclosing the birth certificate of the child.

If a child is still born, dies or is placed in a fully public-financed child care institution or is surrendered for adoption, mother is entitled to leave until expiry of 42 days after confinement. If a mother's working capacity is not regained after 42nd day, said leave is extended at the prescription of health authorities. Similar provisions apply if a child dies after 42nd day of confinement. Maternity leave is terminated from the next day.

Sources: §163 of Labour Code 1986, last amended in 2017; §45 of Decree No. 72/1986 on hours of work, rest and leave, last amended in 2018; §26 & 27 of the Ordinance for the Medical Expertise 2010, last amended in 2017

Income

During the term of maternity leave, female workers are entitled to a cash benefit under terms and amounts specified under Social Security Code. A worker must have twelve months of insured employment to qualify for cash benefits. Workers are entitled to 410 days of cash benefits of which 45 days are before child birth. The cash benefit is 90% of the average daily wage or of the insured income. The benefits are paid through the State Public Insurance. In the event of termination of the social insurance for all social insurance events (disease or pregnancy) during a period of entitlement to birth and pregnancy benefit, the insured woman is paid a cash benefit until the expiration of the benefit period for pregnancy and birth-giving. In other cases, cash benefit is paid for the duration of maternity leave.

Sources: §163 & 164 of Labour Code 1986, last amended in 2018; §1, 41, 48, 50-52 of Social Security Code of 2003, last amended in 2018;
<https://ec.europa.eu/social/main.jsp?catId=1103&langId=en&intPageId=5037>;
<http://www.nssi.bg/benefits/benefits/100-nerabotosposobnost/1860-ma13>

Protection from Dismissals

A pregnant worker may be terminated, with or without notice, only under specified circumstances described under the law.

An employee using paternity leave, maternity leave or parental leave, as provided in §163 of Labour Code (410 days leave) may be dismissed only if the enterprise is closing down. Employees who are mothers of children younger than 3 years of age may only be dismissed by the employer with prior consent of the labour inspectorate.

A pregnant worker or a worker in advanced stage of IVF treatment may be dismissed with or without notice under the following scenarios.

A worker may be dismissed with notice in the following cases: upon closure of the enterprise; on refusal of a worker to relocate when the enterprise relocates; on reinstatement of a worker who was wrongfully dismissed and his/her position is now occupied by this pregnant worker; and where performance of contract is objectively impossible. A termination without notice may occur for reasons related to a worker's conduct (detainment for execution of sentence, worker is divested of academic rank and degree, discipline breach, etc.) as provided under article 330 of Labour Code.

Sources: §163, 328, 330 & 333 of Labour Code 1986, last amended in 2018

Right to Return to Same Position

Right to return is not explicitly provided under the Labour Code however, it is implicitly provided under the protection from dismissal provision. If a worker is protected from dismissal during maternity leave, she has the right to return to her job

Sources: §163, 328, 330 & 333 of Labour Code 1986, last amended in 2018

Breastfeeding/ Nursing Breaks

A female worker is entitled to paid nursing breaks until the child attains the age of eight months. The duration of nursing breaks is one hour twice a day or two hours in a single uninterrupted period (with worker's consent). If worker has twins or a premature child, duration of nursing break is three hours during the first eight months. A worker who works for the reduced working time of seven hours a day is entitled to one-hour nursing break (two hours in case of twins or premature child).

After eight months, worker can still be allowed nursing break of one hour daily (two hours in case of twins or premature child) if recommended by the health authorities if they consider that necessary for the child's health.

The nursing breaks are available to the adoptive mother as well as stepmother. The employer pays the nursing breaks.

Sources: §166 of Labour Code 1986, last amended in 2018

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

Bulgaria has ratified the Convention 81 only.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Health and Safety at Work Act 1997, last amended in 2018
- Labour Inspection Act 2008, last amended in 2015

Employer Cares

An employer is required to protect the health and safety of workers at the workplace in accordance with the provisions of Health and Safety at Work Act.

Employers have to ensure the health and safety of worker by implementing measures including prevention of occupational risks; provision of information and training; and provision of necessary organization and means. Employers is required to undertake a risk assessment at the workplace; take necessary measures to avoid risks; reduce risks at the source of its occurrence; and assess the risks that cannot be avoided.

Sources: §4 of the Health and Safety at Work Act 1997, last amended in 2018

Free Protection

Employers are required to use collective prevention measures in preference to personal protective equipment. Employers are further required to regularly check and maintain in good working order the personal protective equipment and means of personal and collective protection.

In case the risk cannot be eliminated by other means, personal protective equipment has to be used. Personal protective equipment is required to provide reliable protection against the risks it is intended for, without being harmful to health or obstructing the work. Workers are also required to use the given personal protective equipment and special clothing properly and return it to storage place after its use. Ordinance No. 3 of 2001 on the minimum safety and health of workers in the use of personal protective equipment at the workplace has further provisions on the use of personal protective equipment.

Sources: §4, 7, 10 & 34 of the Health and Safety at Work Act 1997, last amended in 2018

Training

Employers are required to ensure health and safety of workers by provision of information and training. Employers should not allow workers to work in places where there is serious and specific danger to the health and life of persons who are not properly trained, instructed and equipped. An employer is under obligation to arrange for the employee to receive occupational health and safety instructions and training corresponding to the employee's position and occupation before an employee commences work or changes jobs. Such instruction or training is repeated if the work equipment or technology is changed or upgraded. Employer has to bear all cost of the

training that takes place during working hours. Training on health and safety issues is held periodically taking into account new or changed risks.

Employees must, in accordance with their training and the instructions given by their employer, make correct use of machinery, apparatus, tools, dangerous substances and preparations, transport vehicles and other means of production; make correct use of personal protective equipment and special working clothes; make correct use of the devices for collective protection, not remove or modify them without permission; immediately inform the employer or the workers in charge of any work situation that poses or may pose imminent danger to their health and of any shortcomings in the collective protection arrangements; and cooperate with the employer or the employees in charge.

Sources: §4, 16, 26 & 34 of the Health and Safety at Work Act 1997, last amended in 2018

Labour Inspection System

The labour inspection system in Bulgaria is provided under the Labour Inspection Act 2008. The overall control over observance of labour legislation in all sectors and activities is exercised by the General Labour Inspectorate Executive Agency (GLIEA). Other state bodies also play a role in exercising control on the observance of labour laws.

The findings and prescriptions of the labour inspectors regarding observance of legislation are entered in an inspection book. Employers are obligated to ensure separate inspection books at the enterprise and such inspection books have to be mandatorily presented to the control authorities on inspection. Labour inspection includes control of compliance with labour and social security legislation and specialized control of Employment Promotion Act and the Health and Safety at Work Act. There are more than ten different control bodies engaged in labour inspection in Bulgaria.

Sources: §399-401 & 408 of Labour Code 1986, last amended in 2018; Labour Inspection Act 2008, last amended in 2015

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Bulgaria has ratified the Convention 102 only.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Labour Code 1986, last amended in 2018
- Social Security Code of 2003, last amended in 2018
- Health Insurance Act 1998, last amended in 2017

Income

Workers are entitled to leave for temporary disability/ incapacity to work for general sickness or occupational disease or employment injury, for senatorial treatment or for urgent medical examination or tests, quarantine, and suspension from work prescribed by the health authorities. The duration of leave is prescribed by the Health authorities. During the term of temporary incapacity leave, workers are paid a cash benefits within period and amounts as specified under the Social Security Code.

The insured person must have at least 6 months of coverage. There is no qualification period for persons under the age of 18 years and for temporary incapacity caused by occupational injury or disease. Cash benefits for temporary incapacity to work due to general sickness are payable from the first day of the event up to recovery or declaration of permanent invalidity. Employers pay the cash benefit during the first three days of sickness (amounting to 70% of the gross average wage of employee). From the fourth day onward, cash benefit is 80% of the contributory income and is paid by the National Social Insurance Institute until working capacity is recovered or permanent disability is assessed.

The sick leave is authorized by the health authorities responsible for assessing working capacity of a sick worker. The sick leave paper is issued on the day of establishment of incapacity. The paper/certificate must indicate the type of incapacity, the need and type of treatment and duration of leave. Employer is required to grant the leave upon presentation of sick leave certificate. The maximum term of sick leave is not clearly defined in the law.

Sources: §162 of Labour Code 1986, last amended in 2018; §1, 40 & 41 of Social Security Code of 2003, last amended in 2018;

<https://ec.europa.eu/social/main.jsp?catId=1103&langId=en&intPageId=4433>

Medical Care

Medical care is provided to the workers under Health Insurance Act. The compulsory health insurance scheme is managed by the National Health Insurance Fund (NHIF). The NHIF provides healthcare services based on the contribution payments to the compulsory health insurance. The National Health Insurance Fund pays for a large number of medical services which include the following: medical and dental services for the prevention of disease; out-patient and hospital medical care for diagnostic and treatment of disease; further long term treatment and medical rehabilitation; emergency care; dental services; medical care in case of home treatment; transport services for medical reasons; vaccines, compulsory immunization and re-immunization; and assisted reproduction. Most of the medical services form basic package guaranteed by the budget of National Health Insurance Fund. This basic package is determined by an ordinance of Minister of Health.

Sources: §45(1)(6) of Health Insurance Act 1998, last amended in 2017

Job Security

Employment of a worker is secure during the term of sick leave as provided in a certificate issued by the health authorities. The maximum term of sick leave is not clearly defined in the law. Thus, it cannot clearly be stated that employment of a worker is secure during the first six months of illness.

Under the Labour Code, an employment contract stands terminated without either party being obligated to give notice to the other party if the worker is unable to execute the work (assigned to him) by reason of illness which has caused permanently reduced working capacity or because of health contraindications on the basis of report of medical expert board. However, termination is not allowed if employer can provide work suitable to the state of health of worker and the said worker agrees to take this new work. Similarly, a worker may terminate an employment contract without notice if the said worker is unable to execute the assigned work because of illness and the employer fails to provide worker with another suitable work conforming to the prescription of health authorities.

Sources: §325(9) & 327(1) of Labour Code 1986, last amended in 2018

Disability / Work Injury Benefit

Workers are compulsorily insured under the Employment Injury and Occupational Disease Fund created for accidents at work and occupational diseases. The Fund covers invalidity, death, temporary incapacity to work (due to general sickness), and temporary incapacity to work due to accidents at work and occupational diseases. The work injury benefits are provided under the Social Insurance Code. There is no minimum qualifying period for employment injury and occupational disease benefits.

The benefit is 90% of the insured worker's earnings and is paid from the first day of incapacity until recovery or certification of permanent disability. The sick leave certificate indicates the type of incapacity, the need, and type of treatment and duration of leave. The medical expert commissions of Ministry of Health assess the degree of loss of working capacity and issue these certificates.

Insured persons who have lost 50% or more of their working capacity due to an employment injury or an occupational disease are entitled to cash benefits regardless of their contributory service. The monthly pension is between 30-40% of the insured worker's earnings, depending on the assessed loss of working capacity (between 50-90% and over). The minimum disability pension is 100-125% of the minimum old age pension according to the assessed loss of working capacity. The amount of disability pension cannot be less than the amount of general sickness invalidity pension.

In the event of death of a worker, the survivors' pension is determined as a percentage of personal pension of the deceased insured person as follows: 50% in case of one survivor; 75% in case of two survivors; and 100% in case of three or more survivors. The survivor pension is granted as an aggregate amount to all persons entitled (spouse, children, and parents) and is divided equally among them. The minimum amount of survivor pension may not be less than 75% of the old age pension.

Sources: §18, 65 & 78-81 of Social Security Code of 2003, last amended in 2018;
www.nssi.bg/en/faqs/faqs-3; <http://www.nssi.bg/benefits/benefits/100-nerabotosposobnost/817-povn>;
<https://ec.europa.eu/social/main.jsp?catId=1103&langId=en&intPageId=4436>

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Bulgaria has ratified the Convention 102 only.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

- Social Security Code of 2003, last amended in 2018

Pension Rights

The old age pension can be claimed by any person who has reached the state pensionable age and has accumulated a certain number of years of insurance periods. In 2019, men are entitled to old-age pension at the age of 64 years and 2 months and the contribution of 38 years and 8 months. Women are entitled to old age pension at the age of 61 years and 4 months and the contribution of 35 years and 8 months. Persons who don't meet insurance contribution requirement are entitled to pension at the age of 66 years and 4 months on existence of 15 years of insurance periods.

The insurance contributions have started to increase by 4 months per calendar year and reaching 40 years for men (37 years for women) by 2029. The retirement age for women workers is rising by 02 months per year until 2029 and from 2030 with three months until the age of 65. The retirement age for men workers is rising by 01 month per year from 2018 to 2029 until it reaches 65 years. The retirement age for persons not having required insurance contributions is increasing by 2 months per calendar year until reaching the age of 67 years (by 2023).

There is also provision for a social old age pension at the age of 70 to persons for whom the annual income per family member is less than the guaranteed income. This pension is granted to persons who are not entitled to old age pension because their insurance period is insufficient.

From 2017, the old age pension is 1.2% of the taxable income for each year of coverage. Taxable income used to calculate benefits is reduced proportionately for partial years of coverage.

Sources: §68-70 of Social Security Code of 2003, last amended in 2018;

www.nssi.bg/en/faqs/faqs-3; <http://www.nssi.bg/pensions/grantpensions/1854-posv13>; <https://ec.europa.eu/social/main.jsp?catId=1103&langId=en&intPageId=4437>

Dependents' / Survivors' Benefit

In the event of death of a worker or a pensioner, the survivors' pension is determined as a percentage of personal pensions of the deceased insured person as follows: 50% in case of one survivor; 75% in case of two survivors; and 100% in case of three or more survivors. The survivor pension is granted as an aggregate amount to all persons entitled (spouse, children, and parents) and is divided equally among them. The minimum amount of survivor pension may not be less than 75% of the old age pension.

Sources: §80-84 of Social Security Code of 2003, last amended in 2018;

www.nssi.bg/en/faqs/faqs-3;

<https://ec.europa.eu/social/main.jsp?catId=1103&langId=en&intPageId=4438>

The text in this document was last updated in January 2019. For the most recent and updated text on Employment & Labour Legislation in Bulgaria in Bulgarian, please refer to: <https://moiatazaplata.org/>

Unemployment Benefits

Persons who have paid contributions to the Unemployment Fund for at least 9 months during the 15 months preceding the termination of social security and who are registered as unemployed at the National Employment Agency; are not entitled to old age pension or occupational pension for early retirement; and who are not employed are entitled to unemployment benefits. The unemployment benefits are paid from 4 to 12 months, depending the length of a person's total period of insurance as follows:

- 4 months for up to 3 years of coverage;
- 6 months for 3 to 6 years of coverage;
- 8 months for 6 to 9 years of coverage;
- 10 months for 9 to 12 years of coverage; and
- 12 months for over 12 years of coverage.

Unemployed persons, who left their job at their own request (resignation), with their own consent or because of their own misconduct, receive the minimum amount of unemployment benefit for a period of 4 months. If an eligible worker becomes unemployed within three years of previous entitlement, the unemployment benefit is paid for up to four months.

The daily unemployment benefit is 60% of the insured worker's average earnings in the last 24 months. The unemployment benefit cannot be lower than the fixed minimum amount. The minimum amount of unemployment benefit is determined annually under the Public Social Insurance Budget Act and is BGN 9 per day for 2018. The maximum benefit per day is BGN74.29 in 2018.

Sources: §54A-H of Social Security Code of 2003, last amended in 2018;
www.nssi.bg/en/faqs/faqs-2; <http://www.nssi.bg/benefits/benefits/101-unemployment/625-pokso>;
<https://ec.europa.eu/social/main.jsp?catId=1103&langId=en>

Invalidity Benefits

Insured persons are entitled to general sickness invalidity pension. Insured persons are entitled to invalidity pension where they have lost their working capacity, in whole or in part (equal to or more than 50%), permanently for an extended period of time. The invalidity pension is granted for the period of disablement. There is no minimum qualifying period for persons under 20 years or for persons assessed as blind; one year of contributions for those aged 25 to 29 years; three years for those under 30 years; and five years for those who are aged 30 years or more.

The amount of pension is based on the number of years of contributions, taxable income, the age of the insured if younger than the normal retirement age, and the assessed loss of working capacity. The amount of invalidity pension is 85-115% of the minimum old age pension depending on assessed loss of working capacity.

Sources: §71-77 of Social Security Code of 2003, last amended in 2018;
www.nssi.bg/en/faqs/faqs-3;
<https://ec.europa.eu/social/main.jsp?catId=1103&langId=en&intPageId=4434>;
<http://www.nssi.bg/pensions/grantpensions/422-pi>

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Bulgaria has ratified both Conventions 100 & 111.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Not clearly provided in ILO Conventions. However, sexual intimidation/harassment is gender discrimination.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Constitution of Bulgaria 1991, last amended in 2015
- Labour Code 1986, last amended in 2018
- Protection Against Discrimination Act 2003, last amended in 2016

Equal Pay

An employer has to ensure equal remuneration for equal work and work of equal value. Women and men are entitled to equal pay for equal work or work of equal value. The provision on equal pay applies to all remuneration, paid directly or indirectly, in cash or in kind. The assessment criteria for determining remuneration and work performance is equal for all employees and is determined by collective agreements, or by internal administrative rules regarding remuneration or by legal condition and order of assessment for servants in state administration.

Sources: §243 of Labour Code 1986, last amended in 2018; §14 of Protection Against Discrimination Act 2003, last amended in 2016

Sexual Harassment

The Protection against Discrimination Act defines harassment and sexual harassment. Harassment is any unwanted conduct on any of the prohibited grounds (provided in article 4 of the law), expressed in physical, verbal or any other manner, which has the purpose or effect of violating the person's dignity or creating a hostile, degrading, humiliating or intimidating environment, attitude or practice. On the other hand, sexual harassment is defined as any unwanted conduct of sexual character expressed physically, verbally or in any other manner, which violates the dignity or honour or creates hostile, degrading, humiliating or intimidating environment and, in particular when the refusal to accept such conduct or the compulsion thereto could influence the taking of decisions, affecting the person.

Harassment and sexual harassment are considered forms of discrimination. All types of discrimination (which includes sexual harassment) is prohibited under the law. On receipt of a complaint regarding any form of discrimination including sexual harassment, employer has to immediately start investigation, take measures to stop harassment and impose disciplinary sanctions on the perpetrator. If employer fails to fulfil this obligation, he is liable under the law for an act of discrimination. Employer may, in cooperation with trade unions, take efficient measures to prevent any form of discrimination including sexual harassment at workplace.

The Commission for Protection against Discrimination may declare the existence of discriminatory practices (including sexual harassment), identify the perpetrator, determine the type and amount of sanction imposed, apply coercive administrative measures and give mandatory instructions to the defendant. The Commission may take, on its own initiative or on the proposal of trade unions, following administrative measures: give obligatory prescription to the employer and officials to remove violation

of laws to prevent discrimination and stop the execution of illegal decisions or orders by the employer/officials which may lead to discrimination. The administrative penal sanction for perpetrators is BGN250-2000 (EUR125-1000), if not subject to a more severe penalty. Fine may be doubled in the case of repetition of violations.

Sources: §17, 76-81 & §1 of Additional Provisions of Protection Against Discrimination Act 2003, last amended in 2016

Non-Discrimination

Discrimination is prohibited both under the Constitution and Protection Against Discrimination Act.

In accordance with the Constitution of Bulgaria, all persons are born free and are equal in dignity and rights. All citizens are equal before the law and there cannot be any discrimination (privileges or restriction of rights) on the grounds of race, national or social origin, ethnic self-identity, sex, religion, education, opinion, political affiliation, personal or social status or property status.

In accordance with the Protection against Discrimination Act, direct or indirect discrimination on the grounds of sex, race, nationality, ethnic origin, citizenship, origin, religion or belief, education, opinions, political belonging, personal or public status, disability, age, sexual orientation, marital status, property status, or on any other grounds, established by the law, or by international treaties to which the Republic of Bulgaria is a party, is forbidden. The law also provides an exhaustive list of situations which are not considered discrimination. An employer cannot refuse to employ a candidate on the grounds of pregnancy, maternity or raising children. Employers are also obliged to adapt the workplace to the needs of a disabled person or when the disability occurs during employment unless the expense of such adaptation is unreasonably excessive and would impose serious burden on the employer.

Harassment, sexual harassment, instigation to discriminate, persecution, racial discrimination and building and maintenance of architectural environment hampering the access of people with disabilities to public places is considered discrimination.

On receipt of a complaint regarding any form of discrimination, employer has to immediately start investigation, take measures to stop harassment and impose disciplinary sanctions on the perpetrator. If employer fails to fulfil this obligation, he is liable under the law for an act of discrimination. Employer may, in cooperation with trade unions, take efficient measures to prevent any form of discrimination including sexual harassment at workplace. An amendment in the Act shifts the burden of proof to the defendant who has to prove that the principle of equal treatment was not breached.

The Commission for Protection against Discrimination may declare the existence of discriminatory practices, identify the perpetrator, determine the type and amount of sanction imposed, apply coercive administrative measures and give mandatory

instructions to the defendant. The Commission may take, on its own initiative or on the proposal of trade unions, may apply following administrative measures: give obligatory prescription to the employer and officials to remove violation of laws to prevent discrimination and stop the execution of illegal decisions or orders by the employer/officials which may lead to discrimination. The administrative penal sanction for perpetrators is BGN250-2000 (EUR125-1000), if not subject to a more severe penalty. Fine may be doubled in the case of repetition of violations.

Sources: §6 of the Constitution of Bulgaria 1991, last amended in 2015; §4-7, 12-28 & 76-81 of Law on Protection Against Discrimination 2003, last amended in 2016

Equal Choice of Profession

No restrictive provisions could be located in the law. Moreover, the Constitution guarantees right to work and right to choose work. Citizens have the right to work and State is required to provide enabling conditions for the exercise of this right. State is required to create conducive conditions for exercise of right to work by people with disabilities. Everyone is free to choose an occupation and place of work.

Sources: §48 of the Constitution of Bulgaria 1991, last amended in 2015

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Bulgaria has ratified both Conventions 138 & 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Labour Code 1986, last amended in 2018
- Ordinance No. 6 of July 24, 2006 on Terms and Procedure for Giving Work Permits to Persons under 18 Years
- Penal Code 1968, last amended in 2018

Minimum Age for Employment

The minimum age for employment is 16 years. Employment of persons under 16 years is prohibited. As an exception, persons between the age of 15 and 16 years may be employed in light work. Light work is work which is not hazardous or harmful to the workers' health and to their proper physical, mental and moral development and whose execution would not be detrimental to their regular attendance at school or to their participation in vocational or training programs.

Minors under the age of 16 years may be employed through a medical examination prescribing fitness of a minor to perform the respective work and that the said work may impair the health and impede their physical and mental development. The minors under the age of 16 years are employed by permission of the Labour Inspectorate.

Employers are required to take special care of the work of minors under the age of 18 years by providing alleviated working conditions and opportunities for attainment of professional qualification and for up gradation of said qualification. Employers are obligated to inform the minor workers and parents of the risks at work and the measures taken to ensure health and safety at work.

The working time of workers who have not attained the age of 18 years is 35 hours per week and seven hours per day in a five-day working week. The minor workers are also entitled to basic paid annual leave of at least 26 working days including the calendar year when they attain the age of 18 years.

Sources: §301-305 of Labour Code 1986, last amended in 2018

Minimum Age for Hazardous Work

The minimum age for employment in hazardous work is 18 years. Minors (who have attained the age of 16 years but still under 18) may not be employed in work which is hard, hazardous or harmful to the health and their proper physical, mental and moral development. Minors are employed after a thorough pre-employment medical examination and a medical conclusion to establish their fitness to perform the respective work. Minors are employed by permission of the Labour Inspectorate for each particular case. Minors may not be engaged in work which is beyond their physical or psychological capacity; involving exposure to radiation, harmful physical, biological or chemical impact and in particular toxic agents, carcinogens causing genetic or intrauterine damage; involving hazards chronically affecting human health; involving extreme pressures (high or low), noise or vibration; and work involving the risk of

The text in this document was last updated in January 2019. For the most recent and updated text on Employment & Labour Legislation in Bulgaria in Bulgarian, please refer to: <https://moiatzaplata.org/>

employment injury which a minor cannot recognize or avoid due to physical or psychological immaturity. Ordinance No. 6 of July 24, 2006 on Terms and Procedure for Giving Work Permits to Persons under 18 Years provides an exhaustive list of works which is prohibited for workers under 18 years. Night work and overtime work is prohibited for workers under 18 years of age.

An individual who gives employment to an individual who is under the age of eighteen years (and has no suitable permit) is subjected to a penalty of imprisonment for a term of up to six months and a fine from BGN1,000-3,000. If a person under 16 years of age is employed (without a suitable permit), the perpetrator is subjected to a penalty of imprisonment for a term of up to one year and a fine from BGN3,000-5,000.

If above acts are repeated, the perpetrator is subjected to a penalty of imprisonment for a term of up to one year and a fine from BGN2,000-5,000 (for employing workers under 18 years) and with imprisonment for a term of up to three years and a fine from BGN3,000-8,000.

Sources: §140, 147 & 301-305 of Labour Code 1986, last amended in 2018; Ordinance No. 6 of July 24, 2006 on Terms and Procedure for Giving Work Permits to Persons under 18 Years, last amended in 2015; §192-A of Penal Code 1968, last amended in 2018

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Bulgaria has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Constitution of Bulgaria 1991, last amended in 2015
- Penal Code 1968, last amended in 2018
- Labour Code 1986, last amended in 2018

Prohibition on Forced and Compulsory Labour

In accordance with the Bulgarian Constitution, no one can be compelled to do forced labour. The Penal Code also has provisions on forced labour.

An individual who recruits, transports, harbours or receives individuals or groups of people for the purpose of using them for debauchery, forced labour, removal of organs or of keeping them in forceful subjection, regardless of their consent, shall be punished by imprisonment of two to eight years and a fine of BGN3,000 to 12,000. The perpetrator is subject to imprisonment term of three to ten years and a fine of BGN10,000-20,000 if the above act is committed with regard to an individual who has not turned eighteen years of age; through the use of coercion or by deceiving the individual; through kidnapping or illegal deprivation of liberty; through abuse of a position of dependency; through the abuse of power; and through promising, giving or receiving benefits.

Sources: §48 of the Constitution of Bulgaria 1991, last amended in 2015; §159-A-C of Penal Code 1968, last amended in 2018

Freedom to Change Jobs and Right to Quit

Termination notice is required to be same for worker and employer. The contract termination notice for indefinite contracts is 30 days unless the parties have agreed on a longer period however not longer than 90 days (three months). The period of termination notice for fixed term contracts is three months, however not more than the remainder of the term of contract.

Workers are allowed to terminate a contract with or without notice. An exhaustive list of grounds, which allow a worker to terminate a contract without notice, is provided under the Labour Code.

Sources: §326-327 of Labour Code 1986, last amended in 2018

Inhumane Working Conditions

The general working hours in Bulgaria are 40 hours a week. The total duration of overtime work performed by a factory or office worker within one calendar year may not exceed 150 hours. The duration of overtime may not exceed 30 hours of daytime work, or 20 hours of night work during a calendar month; 6 hours of day work, or 4 hours of night work done during one calendar week; and 3 hours of day work or 2 hours of night work during two successive working days. However, above limits to overtime don't apply in the case of overtime being done related to national defence; in the case of a disaster or in restoration of public utilities and provision of medical care. Thus, the maximum working hours including overtime may not exceed 46 hours for daytime workers and 44 hours for night-time workers.

Sources: §146 of Labour Code 1986, last amended in 2018

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize:
Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

Bulgaria has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

- Constitution of Bulgaria 1991, last amended in 2015
- Labour Code 1986, last amended in 2018
- Collective Labour Disputes Settlement Act 1990, last amended in 2015

Freedom to Join and Form a Union

In accordance with the Constitution, workers and employees are free to form trade union organizations and alliances in defence of their interests related to work and social security. Employers are free to associate in defence of their economic interests.

Factory and office workers are entitled to freely form and join trade union organizations, without prior permission, and to leave them on voluntary basis. Trade unions represent and protect the workers' interests before state bodies and employer on issues of industrial and social security relations and living standards through collective bargaining, participation in tripartite cooperation, organization of strikes and other actions within the law. Employers also have the right to form and join organizations to protect their interests.

In order to be representative at national level, the Labour Code requires that a union must fulfil a number of conditions. As well as having the appropriate legal status (a non-profit association), a representative union must have at least 75,000 members; it must organize in at least a quarter of the sectors of the Bulgarian economy, with either 5% of the employees in membership in each of these sectors or 50 local trade union organizations, each with at least five members, in each of the sectors; it must also have legal bodies in at least a quarter of Bulgaria's municipalities and a national executive.

The two nationally representative unions in Bulgaria are Confederation of Independent Trade Unions in Bulgaria (CITUB), a successor of old trade unions and Podkrepa Confederation of Labour (Podkrepa). The trade union density in Bulgaria is nearly 19%.

Sources: §49 of the Constitution of Bulgaria 1991, last amended in 2015; §4,5 & 33 of Labour Code 1986, last amended in 2018

Freedom of Collective Bargaining

A collective agreement regulates issues of industrial relations and social security, which are not regulated by mandatory provisions of law. A collective agreement may not contain clauses, which are not less favourable than the provisions of a law or of a collective agreement, which is binding on the employer. Collective agreements may be concluded at the enterprise, branch, industry and municipality level. Only one agreement may be concluded at the level of enterprise, branch and industry. The predominant level of collective bargaining is enterprise level.

Employers are obligated to negotiate with the workers' representatives for conclusion of collective agreements and to make available to the workers' representatives the collective agreements which bind the parties on the basis of industry, territorial or organizational affiliation; and provide timely, true and understandable information on enterprise's economic and financial position which is relevant to the conclusion of a collective agreement. Trade unions are also required to provide information on their actual numbers, if requested by the employer. A collective agreement is concluded in writing in triplicate: one copy for each of the parties and one for the labour inspectorate for record and registration. The National Institute of Conciliation and Arbitration maintains an information system on collective agreements concluded in the country (www.nipa.bg).

The collective agreements are deemed concluded for a period of one year if there is no mention of the duration of term in the agreement. However, its duration cannot exceed two years. Parties may also agree on a shorter term of validity for individual clauses of an agreement. The negotiation for a new collective agreement may start at least three months prior to the expiry of the term of a collective agreement. Only those workers who are members of the union that has signed the agreement are covered by it. Other employees can ask to be covered by it by a written application, but is up to the unions and employers who signed the agreement to agree the terms.

There is no collective bargaining at national level in Bulgaria, although there is a tripartite council. The National Council for Tripartite Cooperation (NCTC) is made up of representatives of unions, employers and the government, and they meet regularly. Its role is to review proposed government legislation on employment and related issues, to discuss issues related to employment and to coordinate national programmes related to social dialogue. The National Council has two members each from the Council of Ministers, worker and employer organizations. The Council is headed by the Deputy Prime Minister. Similar tripartite cooperation councils exist at the industry, branch, regional and municipal level.

Economic and Social Council of Bulgaria is referred to as the “civil parliament of Bulgaria”. It is a bipartite plus institution which expresses the will of civil society organizations regarding the economic and social development. It has 36 members in total: 12 members each employers, workers and various other interest groups

including civil society organizations. Members are appointed by representative organizations for a term of 4 years.

Sources: §3 & 50-60 of Labour Code 1986, last amended in 2018; Economic and Social Council Act 2001, last amended in 2016

Right to Strike

In accordance with the Constitution, workers and employees have the right to strike in defence of their collective economic and social interests. The right to strike has to be exercised in accordance with conditions and procedure established by law. A collective dispute may be resolved by direct negotiation between workers and employers or through National Institute of Conciliation and Arbitration. If both of these options fail, workers may resort to strike action after a simple majority of workers have voted in favour of strike. Workers or their representatives are required to notify the employer (or representatives) at least 7 days before the strike, specify its duration and body that will oversee the strike.

Workers can also go on solidarity strike in support of legal strike of other workers. Workers may also use the option of "warning strike" for one hour without having to give prior notice. Participation in strike is voluntary and no one can be compelled to participate (or not participate) in a strike. Workers/unions are prohibited from creating barriers or difficulties for workers who do not participate in strike to continue their work. Employers are prohibited from replacing the striking workers even temporarily except in the case of essential services.

At least three days before a strike starts, the parties must agree in writing on the minimum services to be maintained in activities whose failure or interruption may cause danger to lives and health of citizens in need of emergency or urgent care or received hospital treatment; public utilities (gas, electricity, heating, transport, radio, television and telephone); irreparable damage to the public or private party or environment; and public policy.

Strikes are not allowed: if these are contrary to the Constitutional provisions; if these do not comply with the provisions of Collective Labour Disputes Settlement Act; during a natural disaster and related emergency and urgent rescue and restoration work; to solve individual labour disputes; in Ministry of Defence, Ministry of Interior, Judiciary, prosecution, investigation authorities, and State Intelligence Agency (SIA); and if these strikes promote a political agenda.

Sources: §50 of the Constitution of Bulgaria 1991, last amended in 2015; Collective Labour Disputes Settlement Act 1990, last amended in 2015



DECENT WORK QUESTIONNAIRE

DECENTWORKCHECK.ORG

Check

Decent Work Check Bulgaria is a product of WageIndicator.org and
www.moiatazaplata.org/home



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

| | NR | Yes | No |
|---|----|--------------------------|--------------------------|
| 1. I earn at least the minimum wage announced by the Government | | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly) | | <input type="checkbox"/> | <input type="checkbox"/> |

02/13 Compensation

| | | | |
|--|--|--------------------------|--------------------------|
| 3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i> | | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Whenever I work at night, I get higher compensation for night work | | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. I get compensatory holiday when I have to work on a public holiday or weekly rest day | | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it | | <input type="checkbox"/> | <input type="checkbox"/> |

03/13 Annual Leave & Holidays

| | | | |
|---|--|--|---|
| 7. How many weeks of paid annual leave are you entitled to?* | | <input type="checkbox"/> 1 <input type="checkbox"/> 2 | <input type="checkbox"/> 3 <input type="checkbox"/> 4+ |
| 8. I get paid during public (national and religious) holidays | | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week | | <input type="checkbox"/> | <input type="checkbox"/> |

04/13 Employment Security

| | | | |
|--|--|--------------------------|--------------------------|
| 10. I was provided a written statement of particulars at the start of my employment | | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i> | | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. My probation period is only 06 months | | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice) | | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i> | | <input type="checkbox"/> | <input type="checkbox"/> |





05/13 Family Responsibilities

| | | | |
|---|--|--------------------------|--------------------------|
| 15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i> | | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i> | | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i> | | <input type="checkbox"/> | <input type="checkbox"/> |





06/13 Maternity & Work

| | | | |
|---|--|--------------------------|--------------------------|
| 18. I get free ante and post natal medical care | | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work | | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. My maternity leave lasts at least 14 weeks | | <input type="checkbox"/> | <input type="checkbox"/> |





* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy <i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |

09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |

10/13 Fair Treatment

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |

* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

| | | | |
|---|---|--------------------------|--------------------------|
| Nationality/Place of Birth | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| Social Origin/Caste | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| Family responsibilities/family status | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| Age | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| Disability/HIV-AIDS | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| Trade union membership and related activities | 😞 | <input type="checkbox"/> | <input type="checkbox"/> |
| Language | 😞 | <input type="checkbox"/> | <input type="checkbox"/> |
| Sexual Orientation (homosexual, bisexual or heterosexual orientation) | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| Marital Status | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| Physical Appearance | 😞 | <input type="checkbox"/> | <input type="checkbox"/> |
| Pregnancy/Maternity | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| 40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |

11/13 Minors & Youth

| | | | |
|---|---|--------------------------|--------------------------|
| 41. In my workplace, children under 15 are forbidden | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| 42. In my workplace, children under 18 are forbidden for hazardous work | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |

12/13 Forced Labour

| | | | |
|--|---|--------------------------|--------------------------|
| 43. I have the right to terminate employment at will or after serving a notice | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| 44. My employer keeps my workplace free of forced or bonded labour | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| 45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |

13/13 Trade Union Rights

| | | | |
|---|---|--------------------------|--------------------------|
| 46. I have a labour union at my workplace | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| 47. I have the right to join a union at my workplace | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| 48. My employer allows collective bargaining at my workplace | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| 49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |

DECENTWORKCHECK.ORG

Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Bulgaria scored 49 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.