

Bulgaria

Last update: April 2013

PART 1 – NATIONAL FRAMEWORK

Overview

National social dialogue	Principal Level of Collective Bargaining	Company
	Workplace Representation	Union
	Board-level Representation	No
National worker representation	<p>The participating actors in the social dialogue are:</p> <ul style="list-style-type: none"> – The country (through their bodies at national and local level (Council of Ministers, ministers, representatives of government agencies, heads of departments, municipal mayors)); – Employees (through their bodies (general meeting of employees, or proxies Assembly, elected representatives, their trade union organizations)); – Employers and their organizations. <p>There is no universal structure for employee representation in the workplace in Bulgaria. In many cases the local union is the key body, although the law also provides for the election of other representatives. Employees have the possibility to elect additional representatives for information and consultation, but they can choose to pass these rights to the existing union organisation or existing employee representatives.</p>	
Principal legal documents on H&S	<ol style="list-style-type: none"> 1. Constitution of Bulgaria, which enshrines the right to health and safety of all employees (Art. 48, para 5). 2. Labour Code, which regulates the rights and obligations of the parties relating to the creation, maintenance and observance of rules and regulations on occupational safety and health. 3. Law on health and safety, which provides a comprehensive and mutually binding rights, obligations and responsibilities of parties in the labor process by providing OHS. 4. Social Insurance Code, which establishes a single security system in which the system is an essential element to ensure workers the risk of "accidents" and "occupational disease". 5. Over 200 laws, ordinances and regulations on safety and health at work, through which they were introduced to all major EU directives, which govern minimum requirements for ensuring the safety and health of workers. The most important ones are: <ul style="list-style-type: none"> – Ordinance № 7 of 23 September 1999 on the minimum requirements for healthy and safeworking conditions in workplaces and in the use of work equipment; – Ordinance № 5 1999 on the procedure, manner and frequency of carrying out risk assessment; – Ordinance № 11 of 2005 laying down the procedures for providing free meals and / or supplements thereto; – Ordinance № 3 of 2001 on minimum safety and health of workers using personal protective equipment at work and others.; – Ordinance № 4 of 3 November , 1998 for the training of Representatives in the committees and groups on working conditions in enterprises; 6. Other laws and regulations, technical regulations, standards, norms, etc.. for concrete and specific actions. 	
Public authorities on H&S	<p>State policy in the field of safety and health at work in the Republic of Bulgaria is determined by the Council of Ministers.</p> <p>The Ministry of Labour and Social Policy develops, coordinates and implements the state policy on providing safety and health at work. The General Labour Inspectorate Executive Agency is a state authority which exercises overall control on abidance by labour legislation to provide safety and health at work and on employment relations, as well as specialized control pursuant to the Employment Promotion Act and the other statutory instruments in the field of employment and unemployment with explicit provisions to that end. The Ministry of Health manages and coordinates the activity on the protection and improvement of health at work. Institutions within the system of the Ministry of Health – Regional health inspections (RHI), National Center of Public Health Protection (NCPHP), National Centre for Radiobiology and Radiation</p>	

	<p>Protection (NCRRP). Other ministries with functions in the field of safety and health at work are: the Ministry of Regional Development and Public Works, the Ministry of Economy and Energy, the Ministry of Transport, the Ministry of Interior and others.</p> <p>Through its territorial divisions the National Social Security Institute (NSSI) exercises control in respect to expertise of capacity to work, investigates accidents at work, maintains an information system of employment accidents. Through the Working Conditions Fund the Ministry of Labour and Social Policy actively supports the activities for providing safety and health at work. The fund provides financial means for training employers, trade union members, members of committees and groups on working conditions and specialists in safety and health in enterprises. It grants funds for projects focused on diagnosis of occupational diseases and part of projects aimed at solving concrete problems for improving working conditions. It also funds the preparation, printing and distribution of educational and other information materials. National conferences, meetings, seminars and other events in the field of occupational safety and health are held with the financial support of the Working Conditions Fund.</p>		
Employers' obligations on H&S	<p>To organize the implementation of activities related to the protection against occupational hazards and prevention of these risks, the employer –depending on the size of the business, the nature of work and occupational risk– appoints or designates one or more officials with appropriate education and training to create a specialized service.</p>		
Worker representative bodies on H&S	<p>There is no universal structure for employee representation in the workplace in Bulgaria. In many cases the local union is the key body, although the law also provides for the election of other representatives. Employees are also able to elect additional representatives for information and consultation but they can also choose to pass these rights to the existing union organisation or existing employee representatives. Regarding H&S and the representation of workers: in undertakings with more than 50 workers, Committees on working conditions (WCC) are established. In those between 5 to 50 workers, Groups on working conditions (WCG).</p>		
Organisation of the social dialogue on H&S issues within the country	<i>Actors involved</i>	<i>Their role</i>	<i>Scope of influence</i>
	The National Council on Working Conditions (NCWC)	NCWC is a permanent authority at national level for coordination, consultation and cooperation at the drafting and implementation of the policy for providing safety and health at work. Members of this Council are representatives of public authorities, national representative organizations of employers and national representative organizations of workers. All decisions, opinions and recommendations are adopted by consensus of the council members.	National level
	The sectoral and branch councils on working conditions	They consist of representatives of the national sector or branch federations, associations and trade unions of employed, of sector or branch structures of employers and equal to their number representatives of the respective ministry or authority. Their role is to analyze, organize project development of rules and requirements to ensure safe and healthy working conditions in the sector or industry.	Sectoral level
	The regional and municipal councils on working conditions	They consist of representatives of the existing regional unions or organizations of employed and employers, and equal to their number of representatives of the regional administration or local self-government authorities. They discuss the status of the provision of OSH in the region and individual enterprises; adopt regional programs for research and development projects to optimize working conditions; coordinate and assist territorial	Regional and municipal level

		authorities in control working conditions; and assist the committees and groups working conditions in enterprises to solve specific problems. On a municipal level, councils for social partnership involve local authorities involved in collective bargaining for the public sector, education, health & administration.		
	Committees on Working Conditions (WCC) and Groups on Working Conditions (WCG)	WCC and WCG are authorities to support and control the actions of employers on health and safety and operate on the principle of bilateral partnership (worker-employer).	Enterprise level	
	Branch collective bargaining	According to the Labour Code, collective bargaining is a trade union right and an employer obligation. The collective agreements cover topics such as pay, working time, health and safety at work, employment, benefits, insurance, training and qualification, conditions for trade union activities, etc. Collective agreements are only valid for employees who are members of the trade union structure.	Sectoral, regional and enterprise level	
	National Social Security Institute (NSSI)	Exercises control in respect to expertise of capacity to work, investigates accidents at work, maintains an information system of employment accidents.	National	
	Working Conditions Fund	Through the Working Conditions Fund the Ministry of Labour and Social Policy actively supports the activities for providing safety and health at work. The fund provides financial means for training employers, trade union members, members of committees and groups on working conditions and specialists in safety and health in enterprises. It grants funds for projects focused on diagnosis of occupational diseases and part of projects aimed at solving concrete problems for improving working conditions. It also funds the preparation, printing and distribution of educational and other information materials.	National	
Specialized H&S bodies on regional, sectorial or another level	<i>Name</i>	<i>Setup conditions</i>	<i>Composition</i>	<i>Role and functions</i>
	The sectoral and branch councils on working conditions	N/A	Composed of representatives of national sectoral or industry associations, unions and trade unions representative organizations of employees, sectoral or branch structures of representative organizations of	Basic functions: – analysis of the activity of healthy and safe working conditions in the sector; – development and discussion of projects to ensure safe and healthy working conditions specific to the sector; – research and dissemination of good

			employers and an equal number of representatives of the relevant ministry or department	practice; – organizing and conducting training;
	Regional councils on working conditions (municipal and district)	N/A	Composed of representatives of existing regional associations or organizations of representative organizations of workers and employers and an equal number of representatives of the regional administration or local government.	Basic function: – adopt regional programs for research and development projects to optimize working conditions; – to discuss the status of the provision of OSH in the region and individual enterprises; – to coordinate the control and in the region; – to assist the committees and groups working conditions in enterprises to solve specific problems;

PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

General organisation and role on H&S issues	<p>The WCC / WCG functions as part of the corporate management system of health and safety at work: discussion of overall activity in the health and ensure the safety of workers and proposing measures for improvement and, evaluation results risk and analyzes the health status of employees, reports of occupational health services, participation in the development of programs to inform and educate employees on the issues of health and safety at work.</p> <p>The employees' representative on H&S issues on enterprise level are entitled to: access to available information on working conditions, analysis of work accidents and occupational diseases, the findings and recommendations of the control authorities; require from the employer to take the necessary measures to make proposals to eliminate hazards or to temporarily restrict risk to health and safety; turn to control authorities if they consider that the measures taken by employer are not sufficient to ensure the health and safety of employees; participate in controls of inspection authorities.</p>
Interaction of H&S representation with the general representation of workers	In many cases the local union is the key body for the representation of workers. Hence, the worker representatives of Committees on Working Conditions (WCC) and Groups on Working Conditions (WCG) are members of trade unions.
Worker representation bodies on H&S at work	
<i>Implementation of worker representation in H&S on enterprise level</i>	All workers
<i>Thresholds of implementation</i>	In undertakings with more than 50 workers, Committees on working conditions (WCC) are established. In those between 5 to 50 workers, Groups on working conditions (WCG).
<i>Role of the trade unions</i>	In enterprises where trade unions are present, members of the WCC / WCG elected by workers are often union representatives.
<i>Composition, mode of nomination or election of members</i>	The composition of the WCC and WCG include equal numbers of employee and employer representatives, with a total not exceeding 10 people. Worker representatives in the WCC / WCG are elected by the general assembly of workers for a mandate of four years. The role of Chairman is held by the employer or his representative, and the deputy chairman is a worker.
<i>Area of competencies</i>	Discussion of overall activity in the health and ensure the safety of workers; proposing measures for improvement and evaluation of risks, analyzing the health status of employees, reports of occupational health services, participation in the

	development of programs to inform and educate employees on the issues of health and safety at work.	
<i>Functions</i>	Main functions are: – organization and coordination of the provision of health and safety; – advice and support to employers and other officials applying the requirements to ensure health and safety work in organizing and carrying out the work; – control on behalf of the employer to comply with the standards and requirements of legislation and the obligations of workers and employees; – supply and application of enforcement measures for breaches of regulations and requirements and in breach of certain obligations.	
Rights of workers' representatives on H&S		
<i>Right of withdrawal, of production stop in case of immediate danger</i>	Yes	
	Representative of workers on safety and health in the workplace may require the employer or authority on OSH to stop work of machinery, equipment, procedures and objects, and to prohibit the use of chemical substances and mixtures when they are faced with imminent danger to life and health workers and there is no way to reduce this risk.	
<i>Right to conduct surveys</i>	Yes	
	They have the right to investigate any problem that workers relate to their working conditions.	
<i>Right to require external assessments</i>	No	
	Rather "ask for" than require	
<i>Right to lodge an appeal</i>	Yes	
	H&S representatives may turn to control authorities (labour inspectorate) if they consider that the measures taken by employer are not sufficient to ensure the health and safety of employees	
<i>Right to receive training</i>	Yes	
	N/A	
	<i>Amount of training</i>	Provided initial training is mandatory for health and safety at work for 30 hours and another 6 hours annually within hours paid by the employer.
	<i>Frequency of training</i>	The training of the employees' representatives is initially (at the beginning of their mandate) and annually.
	<i>Training providers</i>	Providing training to workers' representatives regarding H&S issues is the duty of the employer.
<i>Allocated time during working hours to conduct their role</i>	Yes	
	The employer provides the employee representatives on safety and health conditions with the necessary time and money to fulfill their rights and duties, as well as relevant training and qualifications held within working hours without affecting the amount of their salary.	
<i>Protection against sanctions, dismissals in the frame of their mandate</i>	Yes	
	By the end of the 2012, the Ministry of labour and social policy –together with the social partners– are aiming to conclude their negotiations for more functions on workers' representatives and their legal protection. This means to change the law on health and safety at work and the determination of the rights and obligations of working representative.	
Link and the nature of the relations between the employee representatives and the trade unions	Worker representatives of WCC / WCG are members of trade unions	

PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

Evolution

Significant changes within the various instruments on H&S issues during the last 5 years	Yes	
	Objectives of these changes	Objectives of these changes are mainly legislative (Bulgarian legislations on OSH, amendment and addition of regulations to the Law on Health & Safety at work, and other regulations).
	Management of these changes	Cooperation Agreement between The General Labour Inspectorate Executive Agency, Confederation of Independent Trade Unions in Bulgaria and CL "Podkrepa".
	Effects on the improvement or deterioration of the handling of these issues	Bulgarian legislation harmonized OSH legislation by transposing the Framework Directive and other related directives. They apply to all establishments where work is performed.
Assessment of the achievements on H&S issues through social dialogue	At the national level social dialogue is stable and on a very good level; while the sectoral and branch level are not that good.	
	Some important milestones	N/A

Perspectives to achieve a good social dialogue and workers' participation on H&S issues

Missing factors	Many of the established social partnership bodies do not function effectively enough. For example, committees and groups at work in many enterprises are only operating "on paper".
Existing key success factors	Key factors for successful social dialogue are effective implementation of OSH legislation, cooperation at all levels, raising the awareness of occupational risk prevention, information and consultation, ensuring active participation of employees, dissemination of good practices at national, sectoral, regional and enterprise level.

PART 4 – APPENDICES

Glossary

Health and safety working conditions	Working conditions that do not lead to occupational diseases and accidents at work and create opportunities for the full physical, mental and social well-being of working people.
Committees on Working Conditions (WCC) / Groups on Working Conditions (WCG)	H&S Committees on enterprise level. In enterprises with more than 50 people WCC are established; WCG are established in enterprises of 5 to 50 people.

Interesting links

N/A

Sources

Trade union contacts	CITUB (Department of "Safety and Health at Work. Ecology")	Dimitrova E.
	CITUB (Department of "Safety and Health at Work. Ecology")	Vasileva R.
Other	<ul style="list-style-type: none"> – http://www.worker-participation.eu – questionnaire reply 	

