Bulgaria: Developments in working life 2016

Developments in working life in Europe: EurWORK annual review 2016

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Political context affecting working life aspects

No information.

The government(s) in office during 2016

<table>
<thead>
<tr>
<th>Government 1</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>In office since / to</td>
<td>7 November 2014 since 14 November 2016 (in resignation untill 25.01.2017)</td>
</tr>
<tr>
<td>Name of the head of government (prime minister / chancellor / …)</td>
<td>Prime Minister Boyko Borissov</td>
</tr>
<tr>
<td>Name all the parties that are forming this government</td>
<td>GERB (&quot;Citizens for European Development of Bulgaria&quot;), Reformatorski Blok, ABV (Alternative for Bulgarian Revival)</td>
</tr>
<tr>
<td>List the changes in the composition of the government in 2016</td>
<td>11 March 2015, Veselin Vuchkov resigned from the post of interior minister and his place was appointed to Mrs Rumiana Bachvarova. 18 December 2015, Mr Hristo Ivanov resigned as Minister of justice and his place was appointed to Mrs Ekaterina Zahrarieva. 3 February 2016, Mr Todor Tanev resigned from the post of Minister of Education and Science, and in his place was appointed to Mrs Meglena Kuneva. Minister of Labour and Social Policy (ABV) Mr Ivailo Kalfin resigned on 10 May 2016. Mrs. Zornitza Rusinova is the next Minister of Labour and Social Policy since 18 May 2016.</td>
</tr>
<tr>
<td>Additional comments</td>
<td>On May 10, 2016 ABV withdrew its support for GERD and the government. On 14 November 2016, the Prime Minister Mr Boyko Borissov resigned the government over the loss of 2016 presidential election. This government was in resignation until the Caretaker government (25.01.2017)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Government 2</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>In office since / to</td>
<td>Caretaker government, appointed by President Radev in 25.01.2017</td>
</tr>
<tr>
<td>Name of the head of government (prime minister / chancellor / …)</td>
<td>Ognian Gerdjikov – prime minister</td>
</tr>
<tr>
<td>Name all the parties that are forming this government</td>
<td>The caretaker government is formed by experts, appointed by the President.</td>
</tr>
<tr>
<td>List any changes in the composition of the government in 2016</td>
<td>n.a.</td>
</tr>
</tbody>
</table>

Elections and referenda

<table>
<thead>
<tr>
<th>Election 1</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>When did the elections take place?</td>
<td>1 tour - 6 November 2016, Ballot - 13 November 2016</td>
</tr>
</tbody>
</table>
### Presidential Elections

**Outcomes of the election**
- **1 tour (6 November 2016)**
  - Rumen Radev (25.45%)
  - Tsetska Tsacheva (21.97%)
  - Krassimir Karakachanov (14.97%)
- **2 tour (ballot) – 13 November 2016**
  - Rumen Radev (59.37%)
  - Tsetska Tsacheva (36.16%)

Additional comments:
- The result of these presidential elections caused Boyko Borissov resignation and governmental crisis. The president Radev appointed caretaker government that will prepare the early parliamentary elections in March 2017. President Radev took the office on 22 January 2017.

### Referendum

**When did the elections take place?**
- 6 November 2016

**What kind of election it was?**
- Referendum with 3 questions:
  1. Do you support the national representatives at the parliament to be elected by majoritarian electoral system with an absolute majority in two rounds?
  2. Do you support the introduction of compulsory voting at elections and referenda?
  3. Do you support the annual state subsidy granted for the financing of political parties and coalitions to be one BGN for a valid vote received in the last parliamentary elections?

**Outcomes of the election**
- Referendum was not accepted as mandatory because it does not cross the threshold of 3,500,585 voters on the last elections. It is an open topic – active public discussions between media, politicians, Supreme Court and Supreme Prosecutor.

**Additional comments**
- It was organized together with the presidential election.

### Forthcoming significant elections or political events in 2017

President Radev appointed caretaker government on January 25, 2017, that will govern the state until the parliamentary elections on 26 of March 2017.
Reactions from the social partners on new government’s working life policies

The Minister of Labour and Social Policy is Galab Donev (Гълъб Донев), former the director of "Working conditions and crisis management" at MLSP from 2001 to 2007, former Executive Director of the Executive Agency "General Labour Inspectorate" (2007 to 2009), and former deputy minister of MLSP from 2014 to 2016. According to him, the top priority of his work as minister will be addressing the youth unemployment.

CITUB will urge the caretaker government to revise the three-year budget forecast and for phased increase of the minimum wage over the period 2018-2020 year, said the union leader Plamen Dimitrov after a meeting of the Executive Committee of CITUB (January 30, 2017), where the CITUB’s demands to the cabinet and the president Radev have been formulated. CITUB expects that a mechanism for the formation of the minimum wage will be adopted soon, as such priority was claimed by the Social Minister Galab Donev. CITUB also insists the National Council for Tripartite Cooperation to be launched soon and to start planning the future work of the council. CITUB also addressed other topics to be discussed with the caretaker government such as Bulgarian State Railway Company, energy sector, healthcare and education.

CL “Podkrepa” initiated meeting with the President Radev, insisting for his veto on the Law for concessions (adopted on the last day before the dissolution of the National Assembly, and allowing unlimited time of granting concessions on key sites), and discussing the state funding of the Bulgarian Railway Company. The parliament approval of the Law for concessions was without any public discussion, and this fact strengthened the public suspicions of irregularities and lack of transparency.

The Chairman of the Bulgarian Industrial Capital Association, Mr Velev commented that the Caretaker Government has the ambition to restore social dialogue and to make it more effective. The impact of the increase in the minimum wage in certain economic activities such as the IT sector, energy, finance, and mining industry is not negative, but for other sectors such as security and protection, textiles and clothing, it is raising serious difficulties for employers.

Developments in social dialogue and collective bargaining 2016

Major developments in national/peak-level social dialogue 2016

Changes affecting the social dialogue actors and institutions in 2016

Representativeness

In 2016, the Labour Code requirements for social partners’ representativeness have been reduced, making the eligibility easier to achieve. The trade unions should prove at least 50 000 members (75,000 in 2012). The employer organizations should prove at least 1,500 member companies with no less than 50,000 employees in total or 100 000 employees within all members of the employer organisation, working on labour contract. After the census on the representativeness of the social partners in Bulgaria, five officially recognised nationally representative employer organisations (Association of Industrial Capital in Bulgaria (AICB); Bulgarian Industrial Association (BIA); Confederation of Employers and Industrialists in Bulgaria (CEIB); Bulgarian Chamber of Commerce and Industry (BCCI) and Union for Private Economic Enterprise (UPEE) and two trade unions (Confederation of Independent Trade Unions in Bulgaria (CITUB); Confederation of Labour Podkrepa (CL Podkrepa) will be considered as nationally representative for the following 4 years.
Major developments affecting the main actors

The Union for Private Economic Enterprise (UPEE) is the new employer organisation, considered as nationally representative since 2016. UPEE is nongovernmental employers’ organization of micro, small and medium businesses, founded in 1989. Its aim is to promote economic initiative and representation of collective interests of employers in the labour market and industrial relations. UPEE is member of UEAPME and IOE.

Legislative or institutional changes to the main social dialogue institutions

In 2016, with a change at the Labour Code (art.45 ‘Representation in court’), the trade unions and their branches are entitled, by employees’ request, to represent them in court. There is no specialised labour court in Bulgaria, and this new opportunity for trade union protection could be beneficial to employees.

Changes in the social dialogue processes

Except the new nationally representative employer organization UPEE, nothing else could be reported here.

Main social dialogue topics and outcomes in 2016

<table>
<thead>
<tr>
<th>Themes</th>
<th>Description of issue</th>
<th>Main result</th>
</tr>
</thead>
<tbody>
<tr>
<td>General labour market topics</td>
<td>No (major) issues debated in this area</td>
<td></td>
</tr>
<tr>
<td>Job creation, reduction of unemployment</td>
<td>Lack of employees for the business</td>
<td>Ongoing debate</td>
</tr>
<tr>
<td></td>
<td>Bulgarian Industrial Association analyses</td>
<td></td>
</tr>
<tr>
<td>Active labour market policies</td>
<td>No (major) issues debated in this area</td>
<td></td>
</tr>
<tr>
<td>Benefits (unemployment, sickness schemes)</td>
<td>No (major) issues debated in this area</td>
<td></td>
</tr>
<tr>
<td>Taxation and non-wage related labour costs</td>
<td>No (major) issues debated in this area</td>
<td></td>
</tr>
<tr>
<td>Pension reforms</td>
<td>Increased pensionable age, solidarity model criticised</td>
<td>Legislation passed, following public debate</td>
</tr>
<tr>
<td>Labour market participation of different groups</td>
<td>No (major) issues debated in this area</td>
<td></td>
</tr>
<tr>
<td>Working life related themes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wage setting systems, including the setting of minimum wages</td>
<td>Increase of the minimum wage (MW), social security threshold and the mechanism for their settlement.</td>
<td>Legislation passed, an ongoing debate continues. Employer organisations appealed Supreme Administrative Court in January 2017.</td>
</tr>
<tr>
<td>Working time regulations</td>
<td>No (major) issues debated in this area</td>
<td></td>
</tr>
<tr>
<td>Terms and conditions of employment, including different forms of contracts</td>
<td>Disagreement between government and social partners concerning Labour Code changes, introducing new cases</td>
<td>Legislation passed, following reaction against by trade unions.</td>
</tr>
</tbody>
</table>
for termination of the employment contracts by the employer. 

**Disagreement** between social partners and government about one-day labour contracts

| Health, safety and well-being at work | No (major) issues debated in this area |
| Work-life balance related themes, incl. family leaves | No (major) issues debated in this area |
| Skills, training and employability | No (major) issues debated in this area |

| **Any other relevant themes/topics addressed in the national level/peak level social dialogue** | Legislation accepted, following debate |

**Examples of selected significant social dialogue debates**

**Pros and Cons about the increase of the minimum wage in Bulgaria: consensus impossible**

The minimum statutory wage (MSW) for 2016 increases administratively from BGN 420 (EUR 210) in 2016 up to BGN 460 (EUR 230) since the 1st of January 2017 according to the State Budget for 2017. The trade unions in general support the increase, but the employer organizations actively are criticising it. For example, the Association of Industrial Capital in Bulgaria in 20 May 2016 stated that the government does not take into account the position of the National council for tripartite cooperation. Employers alarm that the increase of the minimum wage is outpacing the productivity growth, minimum social security incomes, negotiated by branches and the growth of average wages, exceeding 50% (in a number of economic activities - even 75%). Bulgarian Industrial Capital Association (BICA) provides arguments against the mechanism for minimum wage settlement. BICA also expressed opinion against the administrative determination of the minimum wage, which is the ongoing practice. In 2015, the national representative employers’ organizations were to address the court, since the minimum wage was fixed unilaterally by the Government, without following the formal procedures in NCTC. According to BICA, the Bulgarian employers firmly convinced that the reasonable minimum wage could be 30-40% of the average wage. BICA suggests that the minimum monthly salaries and minimum wage per hour should be determined by bipartite collective bargaining between branch (branch) employers and trade unions. These bipartite negotiations to be carried out by economic activities, thus they will replace negotiation of minimum insurance income (thresholds). Minimum wage to be taken nationally could be the lowest minimum wage of all bipartite agreed minimum wages. Ministers could approve and promulgate the agreements reached by economic activities, BICA suggests.

Following the employers’ reaction and the public discussion, on 28 of January 2017, four representative employer organisations (AICB, BIA, BCCI and CEIBG) declared to submit a complaint to the Supreme Administrative Court against the 9.5% increase in the minimum wage compared to 2016. The main argument against the MSW increase is that the government’s decision is illegal – taken without discussion within the National Council for Tripartite Cooperation.

Nationally representative trade union confederations (CITUB and CL Podkrepa) insist on further increase of the minimum wage (at least with BGN 100 (EUR 51) according to CITUB), addressing this issue to the Caretaker government in 2017. CL Podkrepa supported
the minimum wage increase within their official comments on the European Semester (2016-2017). Trade unions suggest an anticipatory salary increase before the labour productivity.

**One-day labour contract – instrument against the grey economy or negative practice against the employees rights?**

One-day labour contract for agriculture seasonal workers has been introduced in July 2015. According to MLSP, 111 000 one-day labour contracts have been registered since the beginning of 2016, so this new type of labour regulation is an effective measure in the fight against grey economy. MLSP is planning to extend the application of these contracts out of agriculture – in tourism for example, as the employer organisations (BIA) suggested. Industry Watch published results (January 2017) that more than 23,000 people were employed in one-day contract in agriculture since the introduction of the measure (from July 2015 to September 2016). The measure contributed to some extent to clarification of seasonal agricultural work, which so far has been almost entirely in the grey sector. The majority of the employed in one-day contracts are unemployed who are not engaged in any form of employment, or persons who work entirely in the informal economy. CL “Podkrepa” expressed strong and consistent criticism on one-day labour contracts, with a letter to Minister Kalfin in April 2016, emphasizing that MLSP didn’t provide comprehensive analysis of the application of one-day contracts in Bulgaria. The trade union confederation expressed warnings about the attempts to introduce these contracts in other sectors than agriculture, giving an example that the work plan of NCTC for 2016 contained a proposal for implementation of one-day contracts not only in other economic areas (food and drinking water and tourism industry), but also to extend the period in which they can be in force - between 3 and 5 months. CL “Podkrepa” emphasizes that the draft amendment of the Labour Code from 12.05.2016 is not discussed at the National Council for Tripartite Cooperation. The Employer organisations confirm that the control and registration of day-labour contracts should be optimized. The main concern of workers concluding one-day contracts is losing access to social benefits. AICB commented that the employee cannot lose the social benefits working 90 days on one-day labour contract, but the legislation is unpopular among the general public.

**Sectoral and company level social dialogue 2016**

In 10.10.2016, new Sectoral CA has been signed in Healthcare (2016-2018) between representatives of the National association of private hospitals at BICA, National Association of Employers in Health – BIA, National Branch Chamber of merchants-wholesale distributors of medicinal products, medical health and herbal medicines to Bulgarian Chamber of Commerce and Industry, Bulgarian association of wholesalers of drugs, Federation of Trade Unions in healthcare of CITUB, Medical Federation "Podkrepa" and the Ministry of Health. The nationally representative employer organisations BICA, BCCI, CRIB, BIA do not recognise this CLA as valid (13.10.2016), because their representative organizations have not signed the document and, therefore, can not be considered as legally engaged by its content. However, despite this official letter, the CLA in Healthcare is published as valid at NIPA CLA register, and at the webpage of Ministry of Health. All other sectoral CLA, signed in 2016, can be found at NIPA register. No other important changes.

**Main developments - other than wages and working time - from important collective agreements or bargaining rounds**

No important developments
Examples of innovative collective agreements (at any level) made during 2016

The analysis of CLAs for 2016 by the National Institute for Conciliation and Arbitrage is not published yet (07.02.2017). There is no access to CLAs at company level.

Policies and actions to address pay-inequalities

The recent public debate on pay gaps at the workplace

November 2016 has been chosen as the “Month for equal pay” in Bulgaria by MLSP, NGO and trade union confederations. More about the event is available at the following link (in Bulgarian). CITUB initiated the campaign “I want BGN 100 more to my salary” and discussions with ministries for increase of pay in some economic sectors and institutions such as agricultural academy and education. The campaign addresses all employees – aims to inform employees to demand higher salaries. The trade union confederation suggested also a minimum pay threshold to people with university education. The salaries may be linked to the minimum wage for unskilled personnel in the country, increased with 50% for people with higher education.

There were no further public debates focussing on pay gaps at the workplace. According to media publication (no information about the year of the data), entire economic sectors in Bulgaria (social services, workers like nurses, seamstresses, teachers) are still feminized and women’s wages are lower. Even in the financial sector, many women are at lower positions. At the same time, between 14 and 35% is the difference in pay by gender - in favour of men and depending on the business sector.

Positions regarding the posted workers directive

Positions of trade unions

Bulgarian National Assembly was involved in the triggering mechanism ‘yellow card’ against the directive proposed by the European Commission. CITUB expressed their strong concerns about the use of the procedure ‘yellow card’ for revision of the Directive on the posting of workers. CITUB believes that with participation in the procedure ‘yellow card’ against the Directive, Bulgaria opposes the changes for introduction of equal pay for posted workers with the workers in the host countries and addressing social dumping in the EU. As a representative trade union organization, CITUB stands behind the proposals for changes to the Directive and insists Bulgaria and the EU to pay particular attention primarily on citizens’ rights and their equal and dignified treatment when working in EU as posted workers. CL “Podkrepa” also expressed an opinion in line with ETUC that violations of the principle of equal treatment, limitation of rights and no guarantees for labour and social conditions protection of immigrants and domestic workers can lead to a very serious and complex situation in our societies and to further increase social dumping. CL “Podkrepa” is opposing the introduction of double standards against domestic workers, migrant workers and posted workers in some member states of EU.

Positions of employers organisations

The new regulation has not been discussed yet.

The Bulgarian Industrial Association (BIA) informs that in January 2017, the Bulgarian legislation has been modified in line with the Directive 96/71/EO.
Recognizing the need to synchronize Bulgarian legislation with the requirements of these Directives (regulation), the Bulgarian Chamber of Commerce and Industry (BCCI) agrees in principle with the submitted draft law amending the Labour Code, with the following objection: An imperative requirement for joint liability of subcontractors and contractors is only for the activities described in the Annex to Directive 96/71/EC and not to all activities - the subject of the services provided. Bulgarian company - user cannot undertake any guilt to responsibility, or consequences by the fault of the foreign employer (or Foreign agency), for not arranging legal employment relationship with a worker. The measure in the draft Ordinance contradicts the market economy approach. In case that the Bulgarian company - user has a contract with the foreign employer (or foreign employment agency) for the use of foreign workers, it is clear that the use is with agreed pay for the foreign employer. The Bulgarian enterprise will have additional burden with the payment of wages and insurance for all foreign workers. Full BCCI statements for Labour Code changes are available at: http://bcci.bg/resources/files/NSTS-KT-komandirovki-NSTS1.doc; for Draft Ordinance on the terms and conditions of posting – at: http://bcci.bg/resources/files/NSTS-KT-komandirovki-NSTS.doc.

The Directive for posted workers was discussed within the National Council for Tripartite Cooperation.

Position of the government
Changes at the Labour Code (art.121.a, 31.12.2016) about posted workers were approved by the Government and the Parliament. The government resigned adopted the new ordinance in Bulgarian legislation (January 6, 2017) implementing the requirements of the European directives on procedures for the posting and sending employees within the provision of services. Media reported, that according to the Ordinance, the working conditions that should be provided for posted workers from Bulgaria in another Member State of the EU, part to the European Economic Area or Switzerland, cannot be less favorable than those established in the host country.

Pay gaps at the workplace

Evidence
According to the report of the Commission for Protection against Discrimination for 2015, violations of the principle of equal pay for equal work (Art. 14, Law on Protection from Discrimination) are traditionally behind ‘large number of complaints about labour discrimination’. No further data available.

Non equal treatment between men and women is prohibited by the Labour Code and the Law on Protection from Discrimination.

No major national studies in 2016 available.

No such information available.

Policies to address pay inequalities at the workplace
The former national strategic document is the National Strategy for Gender Equality Promotion (2009-2015). It has been replaced with The National Strategy for Promotion of the Equality between Women and Men (2016-2020), approved by the government in November 2016. Reducing differences in pay and benefits between women and men is among its main aims. The Strategy envisages measures to increase public awareness of the opportunities for training and professional qualifications. Other tasks are increasing women's participation in the labour market, developing measures to improve the gender balance in the various economic sectors and professions. The promotion of gender equality in decision-making will develop recommendations for the business to the proportion of women in senior and middle management in order to increase up to 40 percent. The strategy includes measures to combat
gender-based violence, and to change stereotypes about the role of women and men in various sectors of public life.

The Law for equality between women and men defined the state policy for gender equality and is adopted in 26 of April 2016. The state policy of Gender equality is defined by the Ministry Council. MLSP organises and coordinates the state policy of gender equality since 2000. In 2004, MLSP creates specialised unit “Equal opportunities, non-discrimination and social benefits within the Department "Policy for people with disabilities, equal opportunities and social benefits." This unit is also a secretariat of the National Council for equality between women and men at the Ministry Council (created in 2004).

Social partner’s involvement in addressing pay inequalities at the workplace
Listed above “equal pay days”.

Promoting the reconciliation of working families and caregivers

Recent policies
Some changes concerning adopters or foster families have been accepted in 2016 – For example, an employee received placement of a child as family of relatives, or placement of a child as a foster family (Art. 26 of the Law on Child Protection), is entitled to use leave equal to the difference of age of the child on the day of placement to the expiry of the due leave for childbirth. (Labour code change, will be in force in June 2017);

When the adopters are married or living together in a household, the adoptive parent is entitled to use 15 days leave for adoption of a child under the age of 5 years under the conditions of full adoption by the day of delivery of the child for adoption. With the consent of the adoptive mother, after the age of 6 months of the child, the adoptive father could use the rest of 410 days of leave. This leave could be taken by the mother/father of the adoptive parent, by mothers consent. All this will be in force from June 2017 (art.163, LC).

MLSP Report January-October 2016 describes the measures and projects for supporting families.

The Bulgarian legislation allows paid paternity leave in case the father has social security contributions (art.163, Labour Code, will be in force in June 207). The father at child birth has the right to take off 15 calendar days leave, paid by the social security fund. according to the Labour code. Same right is introduced in 2017, and will be in force in June 2017 to father in case of adoption (LC, Art. 163 par. 9). The father could also use the leaves of the mother (homework or posting), when she is not able to use such leave (art.313, LC, from 1992).

The lack of quality and affordable public care for children and adults may be a cause of unemployment or inactivity of persons from the family circle. According to MLSP, of a key importance is the support of successful transitions on the labour market through incentives to employers who hire unemployed parents, providing training to upgrade the knowledge and skills of parents after parental leave. The unemployed parents who raise their children alone and mothers with children up to age 5 are among disadvantaged groups in the labour market, according to the Law for Promotion of Employment (Art. 53a). MLSP provides subsidized employment for such parents with the opportunity to include them in professional training (300 parents were included in this program in 2016).

Within the OP “Human Resources Development” 2014-2020, vouchers for part-time work can provide services at home: cleaning, help with housework, help in the garden and yard (without agricultural employment), small household repairs, hourly babysitting for children from 1 to 5 years. Services will be provided in the consumer’s home by purchase of electronic
voucher. Service delivery will hire unemployed people from disadvantaged groups in the labour market, registered in the labour offices. Part of the value of voucher will be subsidized by the programme. This service will complement the possibilities of better work-life balance and also an inclusion in employment of persons who used the services at home through voucher.

Another initiative of MLSP is within the project “Beautiful Bulgaria”, will be the construction of nurseries for the children of employees of municipal and regional governments and other public institutions in the country. 10 municipalities have applied to build 10 nurseries and 106 facilities to provide accessible environment for people with disabilities in public buildings. (all information is provided on August 2016 to the national correspondent by MLSP)

When the mother (adoptive) of a child under 2 years of age or adopted child of 2 to 5 years of age dies or becomes severely ill, and therefore is unable to take care for the child, the relevant part of the leave for birth, adoption, and child raising could be taken by the father (adoptive) (art.167, LC). With his consent, those leaves can be taken from one of his parents or one of the parents of the deceased or severely ill mother (adoptive mother) of the child when she was working under labour contracts (change from 2016, in force from June 2017). Same rules apply when both – mother and father (adoptive) deceased. Each of the parents (adoptive parents) if work with labour contract, and the child is not in institution with full state support, upon request, could be entitled to use unpaid leave of six months for raising a child until the age of 8 years old. Each of the parents (adoptive parents) can use up to five months of leave the other parent (adoptive) with his/her consent (change 2015, art.167a, 1, LC).

Rights to request special working time arrangements, place of work etc.

There were no recently introduced new policies.

The role of collective agreements

No such data available. NIPA also cannot provide such data in 2016. The sector/branch/municipal CLAs are based on the labour legislation. CLAs often repeat the legal framework. There is no access to company CLA. For example, CLA in Education 2016, art. 39 states that the leaves, working time arrangements, and so on, are defined by the Labour Code and the Internal Rules of each particular education institution. According to LC, art.168, for mother with 2 children, there is paid leave of 2 working days more, with 3 and more children – 4 working days. The LC defines this benefit – in case it is agreed in CLA.
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