

Input of the Republic of Bulgaria
regarding the implementation of Agreed Conclusions on ‘Women’s economic empowerment in the changing world of work’ adopted by the Commission on the Status of Women at its sixty-first session

Strengthening normative and legal frameworks for full employment and decent work for all women

(a) Achieve universal ratification without reservations and full implementation of the Convention on the Elimination of All Forms of Discrimination against Women and relevant ILO conventions and recommendations:

Bulgaria has ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1981 as well as the following ILO conventions: No. 29 on Forced Labour (into force since 1933); No. 100 on Equal Remuneration (1956); No. 87 on Freedom of Association and Protection of the Right to Organise (1960); No. 98 on Right to Organise and Collective Bargaining Convention (1960); No. 111 Discrimination in Respect of Employment and Occupation (1961); No. 105 on Abolition of forced labour (1998); No. 138 on Minimum Age (1981); No. 182 on Worst Forms of Child Labour (2000).

To date, CEDAW is fully implemented in Bulgarian legislation and through national policies. In the same vein, all the mentioned ILO conventions have entered into force and the Bulgarian legislation has been brought in line with them.

(b) Strengthen the capacity and funding for national gender equality mechanisms to effectively support and monitor the mainstreaming of gender perspectives across labour and sustainable development policies, and work with labour institutions in their implementation:

Along with the legislation and the legal guarantees contained in various normative acts, the Equality of Women and Men Act (EWMA) should be mentioned. The state policy on gender equality is based on the principles of equal opportunities for women and men in all spheres of public, economic and political life; equal access for women and men to all resources in society; equal treatment of women and men and non-discrimination on the grounds of sex; balanced representation of women and men in all decision-making bodies; and overcoming gender-based stereotypes.

EWMA regulates the implementation of the state policy on gender equality, as its goal is to promote the achievement of equality of women and men, creating conditions for building an institutional environment and determining the bodies and mechanisms for conducting the state policy. The act regulates the national institutional mechanism for cooperation between the central and territorial bodies of the executive power, as well as with the civil society, and the preparation of the main document in the field of equality of women and men, namely the National Strategy for the Promotion of Equality between Women and Men. The strategy is implemented through action plans that include activities, responsible authorities, allocation of financial resources and indicators for the implementation of activities.

(c) Strengthen laws and regulatory frameworks that prohibit discrimination against women regarding entry into the labour market and terms and conditions of employment:

(d) Strengthen and enforce laws and workplace policies that prohibit discrimination in the recruitment, retention and promotion of women in the public and private sectors, and provide means of redress in cases of non-compliance;

First and foremost, gender equality and non-discrimination are guaranteed by the Constitution of the Republic of Bulgaria. The relevant legislation on the matter includes the Protection against Discrimination Act (PADA), the Labour Code, the Promotion of Employment Act (PEA), the Social Security Code, EWMA, the Ombudsman Act, the Social Assistance Act (SAA), the Civil Servant Act (CSA) and a number of other special and sectoral normative acts.

In this regard Chapter 2, Section I of the PADA contains specific provisions for protection against discrimination in the exercise of the right to work, both in the application and in the process of work and termination of employment. For instance, the employer has no right to refuse employment due to pregnancy, maternity or raising a child (Art. 12, para. 3), must ensure equal working conditions regardless of the signs under Art. 4, para. 1 (art. 13, para 1), equal remuneration for equal or equivalent work (art. 14, para 1) and to provide the employees with equal opportunities regardless of the signs under art. 4, para. 1 for professional training and raising of the professional qualification and re-qualification, as well as for professional growth and growth in position or rank, applying the same criteria in evaluation of their activity (art. 15, para 1).

In addition, the law stipulates that the employer in close cooperation with trade unions be obliged to take effective measures to prevent all forms of discrimination in the workplace. In case of non-compliance of this obligation, the employer shall be liable for acts of discrimination committed at the workplace by his employee.

Finally yet importantly, persons who believe they are victims of discrimination can go to court or to the Commission for Protection against Discrimination. Protection in the exercise of the right to work, according to PADA is to be carried out in out-of-court proceedings by the Commission for Protection against Discrimination (CPAD).

(e) Work to eliminate occupational segregation by addressing discriminatory social norms and promoting women's equal participation in labour markets, education and training, and encourage women to diversify their occupational choices and enter jobs in emerging fields and growing economic sectors:

The Bulgarian Presidency of the Council of the EU in the first half of 2018 focused on its priorities and the public debate on the topic of "Women in the Digital World". The strong commitment of the Bulgarian Presidency turned the topic into a platform for discussions and exchange of good practices in order to improve the competitiveness of IT companies, increase the number of women in technology and engineering, stimulate their career development, improve research in the field.

In the edition of the Index of the European Institute for Gender Equality from 2019 in the field of "Power" Bulgaria ranks 6th in the EU. According to Eurostat data, the gender pay gap in Bulgaria in the period 2017-2019 decreased from 14.3% to 14.1%. Again, according to Eurostat data for 2020, Bulgaria ranks first in the EU in terms of the share of employed ICT specialists women and girls with 28.2%. As for the 2nd quarter of 2021, according to the same source, but, in Bulgaria 46.3% of employees and 40.2% of managers are women. Lastly, according to data collected by the National Statistical Institute for 2020, the employment rate for women aged 15-64 is 64.3%, women are 27.2% of employers in the country, and 67.2% of higher education graduates in 2020. are women.

In addition, where the employee considers that there is discrimination in the way the salary is formed, the employer should prove that the internal rules do not set discriminatory criteria, incl. and in terms of nationality, gender, sexual orientation, etc. Explicitly in Art. 9 of PADA, it is established that in proceedings for protection against discrimination, after the party claiming to have been discriminated against, presents facts on the basis of which it can be assumed that there is discrimination, the respondent must prove that the principle of equal treatment has not been violated. In these cases, there is an inverted burden of proof, in which the employer should substantiate with appropriate evidence the lawful formation of wages.

In PADA there are explicit provisions on protection in the exercise of the right to education and training. According to the provisions of Art. 35 of PADA. Persons providing education and upbringing, as well as the compilers of textbooks and teaching aids are obliged to provide information and apply methods of education and upbringing in a way aimed at overcoming stereotypes about the role of women and men in all spheres of public and family life. , and kindergartens, schools and colleges include in their educational programs and plans training on the issues of equality between women and men.

h) Take special measures to ensure that women who experience multiple and intersecting forms of inequalities, discrimination and marginalization can pursue equal opportunities for decent, good quality work in the public and private sectors:

Despite the high level of employment among women in the country (According to the Labour Force Survey conducted by the National Statistical Institute, in the second quarter of 2021 the employment rate for women in the age group 15-64 was 63.8% and the ratio employment in the age group 20-64-68.4%), there are still groups that as a result of the accumulation of unfavourable factors such as low level of education, lack of skills required by employers, care commitments for children or other family members are in a vulnerable situation.

An active labour market policy provides effective support for unemployed women. They are assisted when starting a first job, when returning to work after absence due to childcare, when looking for a job, etc. Measures of the Ministry of Labour and Social Policy that promote women's employment.

Unemployed women are guaranteed equal access and have participated in all programs, projects and incentive measures for training and employment, funded by the state budget and under the Operational Program "Human Resources Development" (OP HRD) 2014-2021. According to the data of the Employment Agency, women are 56.3% (109,189) of the registered unemployed in the labor offices for the period January-August 2021.

Women also actively participate in different kinds of trainings. For instance, training for acquiring professional qualifications, training for acquiring key competencies, on-the-job training (internship - for persons with qualifications and without work experience in the profession, apprenticeship under the guidance of a mentor - for persons with primary and lower education and without qualification), on-the-job training (dual training), etc.

The Employment Promotion Act regulates a specific incentive measure - Art. 53a, which provides financial incentives for employers who create jobs and employ full-time or part-time single parents / adoptive parents and mothers / adoptive mothers with children up to 5 years of age. Annually under the terms of the measure are financed with funds from the state budget part of the costs of employers for wages, additional payments under labor legislation and insurance at the expense of the employer for a period not exceeding 12 months.

The long-term unemployed are one of the priority groups in employment promotion policy. Unemployed women with a duration of registration with the labor office over 1 year, as well as unemployed men, are supported through a wide range of services for activation and inclusion in employment.

- g) Strengthen and enforce laws and policies to eliminate violence and harassment against women in the workplace and support the development of an ILO instrument to provide an international standard to address violence and harassment against women in the world of work:*

Along with the legislation and the legal guarantees contained in the above-mentioned normative documents, the Equality of Women and Men Act should be mentioned and is based on the principles of: equal opportunities for women and men in all spheres of public, economic and political life; equal access for women and men to all resources in society; equal treatment of women and men and non-discrimination on the grounds of sex; balanced representation of women and men in all decision-making bodies; and overcoming gender-based stereotypes.

The National Strategy for the Promotion of Equality between Women and Men for the period 2021-2030 aims at the following outcomes: equality between women and men in the labour market and equal degree of economic independence; reducing the gender pay and income gap; promoting equality between women and men in decision-making processes: combating violence and protecting and supporting victims; and overcoming gender stereotypes in various spheres of public life and sexism.

- o) Establish universal social protection floors (see ILO Social Protection Floors recommendation, 2012 (No. 202)) as part of national social protection systems to ensure access to social protection for all, including workers outside the formal economy, and progressively achieve higher levels of protection in line with ILO social security standards:*

Bulgaria is taking targeted measures to promote employment and economic empowerment of women. In 2021, the strategic framework for the development of employment policy was upgraded, which also includes the issues of promoting equality between women and men.

One of the national priorities on the labour market, defined in the Employment Strategy of the Republic of Bulgaria 2021-2030, adopted by the Council of Ministers № 515 of 15 July 2021, is related to ensuring gender equality in the labour market and creating conditions for combining personal and professional life.

Tasks are planned for the development of the network of quality and affordable care for children, which are important for women's employment. Special emphasis is placed on providing access to lifelong learning for the acquisition of skills tailored to the requirements of the workplace. Company policies, which are based on collective bargaining, are also important for creating favorable conditions for a better work-life balance.

- p) Ensure that both women and men have access to maternity or parental leave allowances and are not discriminated against when availing themselves of such benefits (see ILO Maternity Protection Convention, 2000 (No. 183) and Workers with Family Responsibilities Convention, 1981 (No. 156)):*

The Bulgarian labour legislation regulates different possibilities for using leave for caring for a child by both parents. Such are the maternity leave under Art. 163, para. 1 of the Labour Code, in

the amount of 410 days, which could be used by the father after the child reaches the age of 6 months (Article 163, paragraph 10 of the Labour Code). The possibility for using paid leave (15 days) by fathers at birth and by adoptive parents when adopting a child has been introduced (Article 163, paragraph 8 of the Labour Code).

In addition, parental leave until the child reaches the age of 2, which is used after maternity leave, may be granted to the father (adoptive parent) with the consent of the mother (adoptive parent) (Article 164, paragraph 3 from LC).

The Labour Code also explicitly regulates parental leave in cases of adoption. An employee who adopts a child up to 5 years of age is entitled to leave for a period of 365 days from the day of the child's transfer for adoption, but not later than reaching the age of 5 (Art. 164b, para. 1, LC).

It should be noted that paid maternity leave in Bulgaria is one of the longest in the world.

After using both types of paid childcare leave, with a total period of up to two years, the national legislation (Article 167a of the LC) regulates parental leave for raising a child up to 8 years of age, which amounts to 6 months for each parent and is unpaid.