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EUROPEAN SOCIAL CHARTER

Responses to the ECSR additional
questions on the
22nd National Report on the implementation of the European
Social Charter

submitted by

THE GOVERNMENT OF BULGARIA

Articles 2, 3, 4, 5, 6, and 20

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Answers to questions from the European Committee of Social Rights at the Council of Europe addressed to Bulgaria on the European Social Charter (rev.)

Article 3.1

Please provide information/more specific information on the content and implementation of national policies on psychosocial or new and emerging risks in (i) the gig or platform economy, (ii) jobs requiring intense attention or high performance, (iii) jobs related to stress or traumatic situations at work.

The implementation of national policies related to psychosocial or new and emerging risks should be carried out in accordance with the applicable legislation, which has been further developed in recent years. The Bulgarian legislation in the field of health and safety at work (HSW) is based on the Health and Safety at Work Act (HSWA), which applies to all enterprises, economic activities and workers, regardless of the legal form of the employment relationship.

Pursuant to § 1, item 2 of the Additional Provisions of the HSWA: “Employer” is the employer within the meaning of § 1, Item 1 of the Supplementary Provisions of the Labour Code, as well as anyone who hires workers or employees and/or assigns work and is responsible for the enterprise, institution or organization.

Pursuant to § 1, Item 2a of the Additional Provisions of the HSWA: “Working person” is a person who performs work on behalf of an employer, as well as a person who works for himself, including trainees or apprentices – for the duration of the training, work study and practice.

Thus, the right to health and safety at work is legally guaranteed also to the groups of working persons referred to in the inquiry – domestic workers working under temporary employment and platform workers, trainees and interns.

Pursuant to Art. 16 of the HSWA, employers shall be under the obligation to assess the risks to the health and safety of working persons, including psychosocial and new (emerging) risks, and to implement preventive measures to eliminate or limit them.

The specific provisions on risk assessment are set out in Ordinance No. 5 of 11.05.1999 on the procedure, manner and periodicity of risk assessment (Ordinance No. 5). Persons who, on their own account, work alone or in association with others assess the risk in accordance with this Ordinance. Risk assessment shall cover: work processes; work equipment; premises; workplaces; work organisation; use of raw materials and materials; other external factors that may pose a risk. When planning appropriate preventive measures, the employer is required to submit to the committees and working conditions groups for discussion the issues related to the risk assessment, the proposed and undertaken measures and their results. When assessing the risk, all aspects of the work activity are covered in order to identify all possible hazards and risks. For each identified hazard, the elements of the risk that it creates shall be determined,

including the human capabilities to avoid or limit the harm - qualifications, experience and practical knowledge and skills, understanding of the risks, interaction between people, psychological, social and ergonomic aspects and other aspects that may have an impact on the risk (Art. 18 of Ordinance No. 5). According to Ordinance No. 5, the sources of information for risk assessment are not only the regulations but also any other useful information that can be obtained from: Bulgarian and European standards, ISO and IEC standards; analyses of production processes and professional activities with regard to health and safety at work; opinions and complaints from workers and employees and/or their representatives and results of surveys with them; data on accidents and incidents and on the general and occupational morbidity of workers and employees; data from medical observations and examinations; manuals and other materials for the respective activity; periodicals and database on health and safety at work; information provided by national services and institutions competent in the field of health and safety at work; scientific and technical literature, etc., which provides the opportunity to address emerging risks for which no regulatory framework has been provided.

With regard to psychosocial risks, it should be noted that according to Art. 220 of Ordinance No. 7 of 23.09.1999 on the minimum requirements for health and safety at work and when using work equipment (Ordinance No. 7), the employer has an obligation to control and improve work-related psychosocial factors by applying work-specific preventative programmes to reduce mental strain and stress at work. The legislation also contains a legal definition of the term “psychosocial factors” - insufficient or excessive workload, monotony, inability to control the tasks performed, limited social contacts in the workplace, lack of support from administrative managers, insufficient motivation to work, psychological microclimate.

The Health and Safety at Work Act (HSWA) provides that, when working with high neuro-psychological load, imposed pace, monotony and forced working posture, a certain labour quota and shift work, physiological work and rest regimes must be introduced that help preserve the health and work capacity of workers (Art. 12, para. 1 of the HSWA). The specific provisions are set out in Ordinance No. 15 of 31.05.1999 on the conditions, procedure and requirements for the development and introduction of physiological regimes of work and rest during working hours (Ordinance No. 15). The main objective is to maintain worker's capacity to work, reduce fatigue and protect their health. For activities with high neuro-psychological and neuro-sensory strain, frequent and short breaks during work are introduced. Active breaks are applied when working with reduced motor activity, mild and moderate physical exertion and/or neuro-psychological strain, monotonous and repetitive work, forced working posture. Semi-passive breaks are applied when working at a moderate pace, medium physical exertion and/or neuro-psychological strain, seated working posture, increased visual load. Passive rest is applied to workers who are engaged in heavy and very heavy physical work, high neuro-psychological strain, high work pace, forced working posture, frequent movement over significant distances, standing working posture. It should be noted that according to the Ordinance, breaks during work are specially organized and regulated periods established by the employer of complete interruption of activity during the working day (work shift), which are used by workers for rest and recovery from the effects of the workplace and work process factors and are part of the working hours.

The above requirements are applicable to all sectors and activities, including those mentioned in the question above.

In particular, with regard to the jobs referred to in the inquiry:

(i) The Temporary Employment Economy and the Platform Economy

Specific requirements for ensuring the health and safety at work of workers who work *under fixed-term employment contracts or through enterprises that provide temporary work* are regulated in a special regulation - Ordinance No. 5 of 20.04.2006 on ensuring the health and safety at work of workers under a fixed-term or temporary employment relationship (Ordinance No. 5).

Pursuant to Art. 3 of Ordinance No. 5, employers who employ workers or employees under a fixed-term employment relationship and enterprises that employ workers and employees sent by a temporary work agency, are required to ensure healthy and safe working conditions and the same degree of protection from the occupational risks of all workers and employees. When carrying out the activities for ensuring health and safety at work, they are required to comply with all requirements of the legislation in the field of health and safety at work.

In particular, (Art. 4 of Ordinance No. 5) before the work starts, employers are required to:

1. provide workers and employees with information on:

a) the risks to their health and safety, as well as the measures taken to eliminate, reduce and control those risks;

b) the necessary professional qualifications or skills to perform the work;

c) the necessary medical examinations pursuant to Ordinance No. 3 of 1987 on the mandatory preliminary and periodic medical examinations of workers, as well as to provide at their own expense medical supervision of workers and employees under a fixed-term employment relationship or under the conditions of temporary work;

2. provide workers and employees with appropriate training or instruction on health and safety at work, in accordance with the specifics of each workplace and their qualifications and professional experience.

The enterprises employing workers and employees sent by temporary work agencies, are required (Art. 7 of Ordinance No. 5) in advance to: determine the type of work and workplaces for temporary employment; notify the temporary work agency of the specific characteristics of the job, the occupational risks and the necessary professional qualifications. In turn, the temporary work agency provides information about these conditions to the interested workers and employees; and includes them in the employment contract.

The enterprises employing workers and employees sent by temporary work agencies, pursuant to Art. 8 of Ordinance No. 5, shall be responsible for the fulfilment of their obligations to ensure health and safety at work conditions.

Compliance with regulatory requirements, including in terms of safety and health at work of remote workers and the workers supplied by a temporary-work agency, is monitored by the Executive Agency “General Labour Inspectorate”.

With amendments to the Labour Code (LC) in 2024, which introduced the “right to disconnect”, according to which the worker or the employee is not obliged to respond to messages and calls from their employer outside the established working hours (Art. 154b of the LC). This

mechanism directly addresses the psychosocial risk of excessive blurring of the boundaries of personal and professional life and the accumulation of chronic fatigue by ensuring uninterrupted rest.

At the time of preparing this information, with the active participation of the nationally representative organizations of the social partners, the transposition and implementation of Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work aimed at correctly determining employment status and ensuring basic health and safety at work for platform workers are being discussed.

Alongside the legislative measures cited, non-regulatory preventive policies and campaigns are also being implemented. For example, within the framework of EU-OSHA European Campaign “Safety and Health at Work in the Digital Age” (2023-2025), the Ministry of Labour and Social Policy (MLSP) and the Executive Agency “General Labour Inspectorate” (EA GLI) conducted specialized information and control activities aimed at managing risks in algorithmic management, platform work and isolation in remote work.

(ii) Workplaces requiring intensive attention or high productivity

The main requirements in this regard are set out in the aforementioned Ordinance No. 5 of 1999, which obliges employers to identify the workplace and work process factors, including psychological and sensory load, monotony and shift work. For jobs with high intensity and a requirement for continuous attention (e.g. dispatchers, operators, cashiers, IT specialists), employers are required to introduce physiological work and rest regimes in accordance with Ordinance No. 15 of 1999 on physiological work and rest regimes during working hours. The use of video displays and interactive systems is further regulated by Ordinance No. 7 of 2005 on the minimum requirements for ensuring health and safety at work when working with video displays, which provides for mandatory daily breaks, periodic medical examinations and ergonomic requirements aimed at limiting visual and neuro-psychological strain.

(iii) Workplaces involving stress or traumatic situations

The assessment of psychosocial risks is part of the mandatory risk assessment. At the same time, the legislation requires occupational health services to assist employers in developing programmes for the prevention of occupational stress, burnout (burnout syndrome) and post-traumatic stress, and their role is particularly important in high-risk sectors such as healthcare, social care, emergency services, police and fire safety.

Protection against psychosocial pressure and violence is part of the requirement under Art. 127, para. 2 of the Labour Code, according to which the employer is required to protect the dignity of the worker or employee during the performance of the work under the employment relationship. There are also specific rules set out in the Protection against Discrimination Act regarding the requirements for preventing psychological harassment, violence and discriminatory treatment in the workplace.

In addition to regulatory measures, inspection and information campaigns are also carried out. The inspections carried out by the Executive Agency “General Labour Inspectorate” (EA GLI) must examine the implementation of the obligation of employers to regularly assess the risks, and the psychosocial factors must be identified and assessed, for example through conversations, interviews, observations or questionnaires. It is necessary to prepare an action

plan, which must include all measures to be taken to eliminate or control the risks, with specific responsible persons, as well as verification of the proper and effective implementation of the planned measures.

Among the non-legislative initiatives, it should also be noted that, in accordance with the National Strategy for Mental Health of the Citizens of the Republic of Bulgaria, the introduction of internal company policies and protocols for the provision of psychological support, counselling and rapid response to incidents that result in critical or traumatic stress, is encouraged.

For its part, the Executive Agency “General Labour Inspectorate” conducts targeted inspection campaigns in sectors with high work intensity and stress (e.g. human healthcare, transport, trade), monitoring compliance with working-time requirements, ensuring daily/weekly breaks and respecting the requirements for occupational safety.

Article 3§2

Please provide additional detailed information on the specific measures taken to ensure the occupational safety and health of domestic workers in law and in practice, in conformity with Article 3§2 of the Charter.

The Health and Safety at Work Act in Bulgaria applies to all groups of workers and to all places where work or training is carried out, regardless of the form of organization, type of ownership and the basis on which the work or training is carried out. Domestic workers (persons providing cleaning services, housework, domestic care for children, elderly or sick persons in private households) fall within the scope of the Bulgarian legislation on safety and health at work and the general system for labour protection.

Where a domestic worker is employed under an employment contract (directly by an individual-employer or through an enterprise/agency for the provision of temporary employment/social services), the provisions of the Labour Code (LC) and the HSWA shall fully apply. The individual or enterprise that employs the worker has the legal capacity of an “employer” and is required to ensure healthy and safe working conditions, including carrying out a risk assessment, providing the necessary personal protective equipment (e.g. when working with cleaning products and chemical agents) and provide safety instruction.

The main challenge for domestic workers is the balance between the right of inspection under the HSWA and the constitutional right to the inviolability of the home (Article 33 of the Constitution of the Republic of Bulgaria). In this regard, the following mechanisms apply:

Where a domestic worker is employed through a company/agency for the provision of services (incl. personal assistants under the Personal Assistance Act), the control over the employment contracts, the safety instructions and the provision of protective equipment are carried out in accordance with the general rules for carrying out control activities. It should be noted that according to Art. 402, para. 1, item 1 of the LC, the competent control authorities, within the scope of their powers, have the right to visit at any time the places where work is performed, the premises used by the workers and employees, as well as to require the persons who are on the premises to identify themselves with an identity document.

When the employer is an individual (which is the case for a very small share of the persons providing services in the home), inspections in private homes are carried out with the consent of the occupants/employer and in response to complaints received in accordance with the statutory procedures.

A large part of domestic care in Bulgaria is provided under national programmes and the Personal Assistance Act and the Social Services Act. In these cases, municipalities or specialised service providers act as employers.

For these workers, a risk assessment in the workplace is mandatory, specialized training is provided (e.g. for moving sick persons, safe handling of medical devices) and personal protective equipment is provided.

All reports submitted by foreign nationals – third-country nationals, related to working conditions and compliance with labour legislation when working as domestic workers are promptly inspected, and in the event of violations, the relevant administrative and coercive measures are taken within the legal powers of the Labour Inspectorate. The majority of these reports are received through the National Commission for Combating Trafficking in Human Beings. Given the specificity of the cases, inspections are carried out in coordination between several competent institutions, including the Ministry of Interior, EA GLI, the National Revenue Agency, as well as other competent authorities, where necessary. The interinstitutional approach contributes to the comprehensive clarification of the facts and the adoption of effective measures to protect the rights of the affected persons.

EA GLI and the Ministry of Labour and Social Policy are conducting awareness campaigns on the rights and obligations of workers in the domestic care and cleaning sectors, in order to reduce undeclared (informal) employment and guarantee their labour and social security rights.

Article 3§3

Please provide information on the specific measures taken to ensure the supervision of implementation of health and safety regulations by the labour inspection or other competent authorities, including information on inspections and their results, as well as information on awareness raising activities to inform workers and employers of their rights and obligations, concerning the following categories of workers:

- **domestic workers;**
- **digital platform workers;**
- **posted workers;**
- **workers employed through subcontracting;**
- **self-employed workers;**
- **workers exposed to environment-related risks such as climate change and pollution.**

The specialized state authority, overseeing the overall compliance with the labour legislation and ensuring health and safety at work (HSW) in the Republic of Bulgaria, is the Executive

Agency “General Labour Inspectorate” (EA GLI) under the Minister of Labour and Social Policy.

Pursuant to Art. 402 of the LC, the inspectors have full independence and have extensive powers to exercise control, including the power to:

- Visit enterprises, sites and workplaces at any time without prior notice.
- Require employers to provide explanations, information and complete documentation.
- Identify the causes of occupational accidents and investigate them.

In order to ensure the effective implementation of occupational safety standards, EA GLI has a wide range of enforcement and sanctioning mechanisms under Art. 404 of the Labour Code:

- Mandatory prescriptions: Giving mandatory instructions for elimination of established violations within a set deadline.
- Suspension of machines and workplaces: The right to immediately suspend the operation of machinery, equipment, individual workplaces or entire sites when there is an imminent danger to the life or health of workers.
- Suspension from work workers and employees : The possibility to suspend from work workers/employees who have not received the necessary HSW instruction or training or do not have the necessary licensed competence.
- Administrative liability: For non-fulfilment of the HSW norms, acts establishing administrative violations (AAV) are drawn up and Penalty decrees with fines and pecuniary sanctions are issued (Articles 413 – 416 of the LC).

The control activities of EA GLI cover all economic sectors throughout the country, applying an integrated inspection model (both in terms of employment relationships and health and safety conditions).

The inspections performed by EA GLI are planned on the basis of a risk analysis that takes into account sectors with the highest rates of occupational injuries (construction, mining, manufacturing, transport, agriculture), results of inspections, etc.

In addition to its sanctioning function, the Labour Inspectorate conducts preventive and information campaigns focusing on new risks (incl. digitalisation, remote work, exposure to chemical agents and carcinogens).

In 2025, 79 press releases on current topics were published on the website of EA GLI under the “Press Centre” section. Among the traditional topics of disseminated information are rights and obligations in relation to seasonal employment and labour mobility. The most communicated topics in the media are related to the disseminated press releases and concern the results and the effects of control activities and inspection campaigns; work in high temperatures; the lawful recruitment of workers in agriculture, etc.

EA GLI maintains high levels of follow-up inspections to verify the actual implementation of the given instructions.

EA GLI carries out its activities in close cooperation with trade unions and employers' organizations, including through the Committees and Groups on Working Conditions (CWC/GWC) within enterprises.

For the specific categories of workers identified in the inquiry, with regard to HSW control and awareness-raising activities, the following can also be added:

1. Domestic workers

Where domestic workers (assistants, domestic helpers, carers) are employed through temporary work agencies or by social service providers, EA GLI performs inspections directly with the employer/provider regarding the employment contracts concluded, the risk assessment carried out, the safety instructions and the personal protective equipment (PPE) provided. Inspections at private residences are carried out in compliance with the constitutional guarantees of inviolability of the home (with the consent of the occupants) or in case of reports/accidents.

Information campaigns are carried out jointly with municipalities and social partners, aimed at social and home service providers, for the mandatory compliance with the standards for safe work, ergonomics and the prevention of psychosocial stress.

In 2025, no reports related to the employment of domestic workers were received at the EA GLI. In 2026, three reports related to the labour exploitation of foreign workers from third countries were received at the EA GLI. The inspections did not reveal any violations of health and safety at work, as the reports were submitted after the work had ceased and did not contain any information concerning violations in this area.

2. Digital platform workers (Platform Economy)

EA GLI conducts targeted inspections in the sectors of urban delivery and transport services provided through digital platforms. The inspections monitor the actual legal status of workers (prevention of undisclosed employment relationships) and compliance with the safety rules for the movement and transportation of goods.

In the first half of 2026, EA GLI carried out 74 inspections within the first planned campaign: "Inspections of companies whose workers work through or are recruited through digital online platforms to provide specific services or solve specific problems." During the inspections, 258 violations of labour legislation were found, including 159 in the field of employment relationships and 4 in the field of labour migration and labour mobility. The remaining 95 violations in the field of health and safety at work mainly concern the organization of the activities for ensuring HSW. The majority of the identified violations concern working hours (50), remuneration (30) and the occurrence of an employment relationships (24). Within the framework of the inspections, 17 persons were found to be working without an employment contract, for which administrative penalty proceedings were initiated against the employer.

Raising awareness: Bulgaria actively participates in the EU-OSHA European Campaign "Safety and Health at Work in the Digital Age" (2023-2025). Methodological guidelines for managing the risks related to algorithmic management, isolation at work and digital monitoring are disseminated through the National Focal Point within the MLSP.

3. Posted workers

EA GLI exercises enhanced control over the compliance with the rights of workers posted to or from the Republic of Bulgaria in the context of the provision of services, in accordance with the Labour Migration and Labour Mobility Act. Inspections focus on ensuring minimum working conditions and HSW in the host country/enterprise.

In 2025, the control authorities of the EA GLI carried out 98 inspections in control sites where posted workers were employed, finding 567 violations of labour legislation, mainly in the field of employment relationships – 404, 113 of which concern posting of workers in the context of the provision of services. The violations in the field of HSW are 148, most of which are in terms of the organization established to ensure health and safety at work.

In order to eliminate the identified violations, 492 coercive administrative measures were applied and administrative penalty proceedings were initiated in 106 cases, seven of which concerned violations in the field of health and safety at work.

The Labour Inspectorate cooperates with the European Labour Authority (ELA) and conducts joint and cross-check inspections with the control authorities of other EU Member States. A specialized website (in Bulgarian and English) with detailed information on HSW rights, obligations and standards applicable to posted workers is maintained.

4. Workers employed by subcontractors

Control of subcontracting chains is a priority in high-risk sectors such as construction and manufacturing. During inspections of construction sites, EA GLI monitors whether coordination between the main contractor and subcontractors is in place and properly implemented, as well as the joint responsibility for ensuring a safe working environment, the provision of health and safety instruction, etc.

In 2025, labour inspectors carried out 61 inspections in temporary work agencies and six inspections in user enterprises. During these inspections, they found 193 violations, including 18 in the field of HSW, of which 14 concern the organization established within the enterprise for ensuring HSW.

In order to eliminate the identified violations, 171 coercive administrative measures were applied and administrative penal liability was sought in 18 cases, all of which concerned violations in the field of employment relationships.

EA GLI also conducts annual national campaigns in the construction sector, including the provision of self-assessment checklists to employers and technical managers to prevent falls from heights and structural collapses.

5. Self-employed persons

Pursuant to Art. 14 of the HSWA, self-employed persons are personally responsible for their own safety. When these persons work at the same site or workplace as other workers (e.g. at a construction site), their actions are subject to coordination and control by the Safety Coordinator and the EA GLI in order not to create risks for other workers.

Information seminars and online tools (such as the OiRA platform – Online interactive Risk Assessment) for free risk assessment in support of self-employed people are provided through the nationally representative and sectoral organizations of the social partners.

6. Workers exposed to environmental risks (climate change and pollution)

The national legislation of Bulgaria establishes general principles for the protection of workers against adverse climatic impacts and unfavourable microclimate in the workplace. A specific regulations have also been adopted - Ordinance No. RD-07-3 of 18.07.2014 on the minimum requirements for the microclimate of workplaces. Thus, the national legislation defines the optimal and permissible minimum and maximum air temperature values during the cold and warm periods of the year for light, moderate and heavy physical work in the work premises. It is explicitly provided that work in outdoor workplaces must be suspended in extreme weather conditions - defined by orange and red code by the National Institute of Meteorology and Hydrology, as well as in all cases where weather conditions may pose a risk to the health and safety of workers.

Outdoor work under the above conditions cannot exceptionally be discontinued for: carrying out work in connection with the defence of the country; prevention of disasters and accidents; carrying out urgent activities of public necessity for the restoration of water supply, electricity, heating, sewerage, transport and communication links and providing medical assistance.

Technical and/or organizational measures to protect workers may include:

- appropriate organization of the working process and/or working hours, including ensuring breaks at appropriate frequency and duration;
- appropriate organization of workplaces when working outdoors, especially with regard to the risk of sunstroke/heatstroke, hypothermia, frostbite, etc.;
- provision of appropriate personal protective equipment, including special work clothing;
- providing areas for rest with appropriate conditions for restoring the thermal balance of the body;
- sufficient amount of drinking water, as well as hot and cold drinks and other liquids to restore the water-salt and thermal balance of the body;
- provision of monitoring or means of communication for workers at outdoor isolated workplaces;
- provision of pre-medical care and first aid, as well as appropriate transport for workers who suddenly become unwell in order to obtain medical care;
- development and introduction of physiological work and rest regimes during working hours.

EA GLI performs enhanced control over compliance with the requirements for work in extreme temperatures (hot and cold waves) and unfavourable weather conditions, especially when working outdoors (construction, agriculture, infrastructure maintenance). Inspections verify the provision of appropriate work clothing, shaded rest areas, maintaining appropriate temperature conditions in the rest areas and the provision of cooling/hot drinks. During the summer heat, EA GLI annually issues public instructions and warnings to employers on mandatory measures for preventing heat stress and sunstroke.

When carrying out any inspection at control sites where workers are exposed to environmental and climate change risks, labour inspectors check how employers have assessed the risks and what measures they have taken to reduce them, as well as how they fulfil their obligations under labour legislation with regard to outdoor work. For example, in 2025, 31 violations were identified at outdoor workplaces, out of a total of 189,576 violations recorded during the year.

Article 5

Police and Armed forces: Please provide information on whether and to what extent members of the police and armed forces are guaranteed the right to organise.

With regard to the employees of the Ministry of Interior (MoI), Art. 242, para. 1 of the Ministry of Interior Act (MoI Act) provides that the MoI employees have the right to freely organize in trade unions to protect their labour and socio-economic rights and interests. Given the specific nature of their activities, civil servants under the MoI Act may be members of trade unions composed only of MoI employees. They may not admit into their organizations persons who are not MoI employees (Art. 242, para. 2 of the MoI Act). Trade union organizations, which include MoI civil servants, may not join or be members of national trade union organizations outside the MoI (Art. 243, para. 3 of the MoI Act). Persons serving under labour contracts have the right to associate into trade unions under the conditions and procedure set out in the Labour Code (Art. 242, para. 3 of the MoI Act). Trade union organizations within the Ministry of Interior shall represent their members before the MoI management and protect their rights arising from their official, employment and social security relationships, as well as on issues concerning the standard of living, through proposals, requests and participation in the elaboration of drafts of normative and general administrative acts (Art. 243, para. 2 of the MoI Act).

Pursuant to Art. 245, para. 1 of the MoI Act, the Minister of Interior and the trade union organizations, which include civil servants in the Ministry of Interior, conclude an agreement for cooperation concerning the exercise of the socio-economic rights and interests of civil servants. The Minister of Interior and the trade unions, in which persons working under an employment relationship in the Ministry of Interior are members, may conclude collective labour contracts and agreements under the terms and conditions of the Labour Code (Art. 245, para. 2 of the MoI Act).

For specific categories of civil servants carrying out activities related to defence and national security, trade union activities are prohibited (Art. 184 of the Law on Defence and Armed Forces of the Republic of Bulgaria (LDAFRB) and Art. 45, para. 3 of the Law on the State Agency for National Security).

Servicemen who practice professions as physicians, dentists, master-pharmacists, nurses, midwives and associated medical specialists and medical assistants may be members of the relevant professional organizations (Art. 185 of the LDAFRB).

Pursuant to Art. 48 of the LDAFRB, the Armed Forces consist by the State military and specialized formations and their amalgamations established by the State, subordinate to a specific organization and order of operation, which possess and apply military and special means of action to ensure the defence objectives of the country.

The types of military and specialized formations and their associations are exhaustively listed in Art. 50 of the LDAFRB.

Article 5 of the European Social Charter also covers “those serving in the armed forces”. In this sense, the information provided concerning the members of the Armed Forces relates to the personnel of the Armed Forces, which includes military and civilian personnel.

The right of military personnel to organize is regulated by the provisions of Art. 186 of the LDAFRB. In Art. 186, para. 1 of the LDAFRB, it is explicitly regulated that in peacetime

servicemen may organize for the purpose of carrying out activities of mutual interest. These activities must be carried out outside working hours and may not impair the combat readiness, training, discipline, morale of the personnel or violate the established order and chain of command in the Ministry of Defence, in the structures of direct subordination to the Minister of Defence or in the Bulgarian Armed Forces. Issues relating to the State's defence policy, military construction, preparation, combat readiness and mobilization of the armed forces, their staffing, armaments, equipment and other property may not be the subject of activities of the associations under para. 1. (Art. 186, para. 2 of the LDAFRB).

The associations may be members of related international organizations. (Art. 186, para. 3 of the LDAFRB). The relations between the associations of military personnel and the Ministry of Defence are governed by agreements (Art. 186, para. 4 of the LDAFRB).

Pursuant to Art. 26, item 29 of the LDAFRB, the Minister of Defence cooperates with associations of military personnel. Pursuant to Art. 226m, para. 1 of the LDAFRB, the Minister of Defence may support associations of military personnel by providing them with financial or material assistance, under the terms and conditions determined by an act of the Minister of Defence, as well as provide premises in military clubs or other appropriate premises in buildings managed by the Ministry of Defence or structures directly subordinate to the Minister of Defence without payment of rent, under para. 2 of the same provision.

The right of civil servants in the Ministry of Defence, the structures of direct subordination to the Minister of Defence and the Bulgarian Army to organize into trade unions is regulated by Art. 285, first sentence of the LDAFRB, namely that civil servants may establish and join trade unions.

The social partners in the Ministry of Defence on the part of the trade unions are the Federation of Independent Trade Unions of Defence "Bulgarian Army" (FITUD "BA"), affiliated with the Confederation of Independent Trade Unions in Bulgaria, and the National Trade Union "Defence" (NTU "Defence"), affiliated with the Confederation of Labour "Podkrepa", which are represented by their respective chairmen. The same have established local trade unions.

Social dialogue in the Ministry of Defence has good traditions. Through the Sector Council on Social Cooperation at the Ministry of Defence (SCSC-MoD), the relations between the Ministry of Defence and the trade unions are implemented and coordinated, the actions and interests in the implementation of the Collective Labour Agreement at the Ministry of Defence and the agreements signed with it, as well as the Agreement on civil servants who are members of trade unions are coordinated.

The SCSC-MoD is a body for consultation and cooperation and discusses and gives opinions on matters relating to:

- employment and directly related relations, social security relations and living standards of civilian employees under an employment relationship that are specific to the Ministry of Defence, the structures of direct subordination to the Minister of Defence and the Bulgarian Armed Forces;
- the official and social security relations of civil servants under official service relationship, specific to the Ministry of Defence and the structures directly subordinate to the Minister of Defence that apply the Administration Act.

Local commissions for social cooperation have also been established.

Article 6.1

Targeted question 3: Please provide further information on joint consultations on matters related to (i) the digital transition and (ii) the green transition.

A fundamental principle of national legislation is that the State regulates the employment and directly related relations, social security relations, as well as matters of living standards in cooperation and after consultation with representative organizations of workers and employees and employers. Cooperation and consultation are mandatory when adopting regulatory acts on matters referred to in the above questions (Art. 3, para. 2 of LC). Cooperation and consultations at the national level are carried out by the National Council for Tripartite Cooperation, and at sectors, branches, regions and municipalities are carried out through sectoral, branch, regional and municipal councils for tripartite cooperation.

Article 6§2

Please provide information on the measures taken or planned to guarantee the right of self-employed workers who are economically dependent or in a situation comparable to that of employees, including platform workers, to bargain collectively, as well as on the practical application of those measures.

According to Bulgarian law, the so-called self-employed persons are parties to a contractual relationship (e.g. a contract for production), which is concluded under the Obligations and Contracts Act and the general rules of civil law apply to it. Given the nature of the contractual relationships, the parties to them are equal civil-law entities and there are no relations of authority and subordination or economic dependence of one party to the other. In this regard, these persons are not workers or employees within the meaning of the Labour Code and the rights and obligations regulated by the Labour Code do not apply to them. This does not exclude other forms of association and civic participation, which may be carried out in accordance with general legislation.

In accordance with national legislation, trade unions represent and protect the interests of workers and employees before state authorities and employers in matters of employment and social security relations and living standards through collective bargaining, participation in tripartite cooperation, organization of strikes and other actions in accordance with the law (Art. 4, para. 2 of the LC).

In connection with the transposition of Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work, *an Act amending and supplementing the Labour Code is currently being developed, which will establish criteria for recognition of the employment status of persons performing platform work*. National legislation will also regulate the rights and obligations of the representatives of persons carrying out platform work. The right to organize/participate in trade unions and collective bargaining will be guaranteed in accordance with the general principles of national legislation for persons performing platform work who are employed under an employment relationship.

Article 6.4

Please provide confirmation that all persons working in the Ministry of interior and Ministry of Defence are prohibited from striking.

Please provide information as to whether members of the armed forces have means, other than the exercise of the right to strike, allowing them to effectively negotiate the terms and conditions of employment, including remuneration.

Regarding persons working in the Ministry of Interior (MoI):

Art. 242, para. 1 of the Ministry of Interior Act (MoI Act) provides that the civil servants in the MoI may be members of trade unions composed only of employees of the MoI. They cannot admit into their organizations persons who are not employees of the MoI. Para. 3 of the same article provides that persons working under an employment relationship have the right to organize in trade unions under the conditions and procedure set out in the Labour Code. Pursuant to para. 4 of Art. 242 of the MoI Act, trade unions within the MoI carry out their activities without interfering in the management of the structures and in the management of the system.

Pursuant to Art. 243 of the MoI Act, the trade unions of the MoI employees acquire the capacity of a legal entity upon registration in accordance with the procedure established for the registration of non-profit associations. Trade union organizations within the Ministry of Interior represent their members before the MoI management and protect their rights arising from their official, employment and social security relationships, as well as in matters concerning the standard of living through proposals, requests and participation in the preparation of draft legislation and general administrative acts. Trade union organizations, which include MoI civil servants, may not join or be members of national trade union organizations outside the MoI. Trade union organizations, which include MoI civil servants, have the right to join international trade union organizations with similar functions and characteristics.

Art. 244, para. 1 of the MoI Act provides that trade unions express and defend the interests of their members and assists in exercising their socio-economic rights and interests and improving their standard of living through cooperation and consultation with the MoI management. Para. 2 of the same article provides that, if in the course of carrying out the activities under para. 1 no agreement is reached with the MoI management, the organizations under Art. 242, para. 1 may undertake forms of protest actions of their choice, without their members ceasing to perform their official duties. During the protest actions, the representatives of the organizations under Art. 242, para. 1 and the MoI management make efforts to resolve the controversial issues through negotiations and consultations (para. 3 of Art. 244 of the MoI Act).

Regarding persons working in the Ministry of Defence (MoD):

Pursuant to Art. 184 of the LDAFRB, military personnel do not have the right to strike and to take trade union action.

The reasons for this restriction, which applies to all military personnel, are primarily related to national security, military discipline and the continuous functioning of the armed forces. Military service has a special public law character, different from the ordinary employment relationship.

The restrictions on civilian employees in the national legislation are set out in Art. 16, item 6 of the Settlement of Collective Labour Disputes Act, according to which strikes are not permitted within the system of the Ministry of Defence, the Ministry of Interior, the judicial, prosecutorial and investigative authorities, the State Intelligence Agency and the National Security Service. In addition, Art. 285, second sentence of the LDAFRB provides that civilian employees in the Ministry of Defence, the structures of direct subordination to the Minister of Defence and the Bulgarian Armed Forces do not have the right to an effective strike.

The denial of the right to strike to civilian employees is related to the functions performed by those employees, which are closely associated with the armed forces, taking into account that

stopping the work (as a whole or in part) of such personnel for the purpose of strike action would endanger national security.

Pursuant to Art. 77 of the LDAFRB, the Ministry of Defence assists the Minister of Defence in exercising his powers as a central single-person authority of the executive branch and in carrying out his activities relating to the direction and command of the armed forces. Without being part of the armed forces, the civilian employees of the Ministry of Defence, in performing their functions, are closely connected with national security, given that, within the meaning of Art. 4, para. 1 of the LDAFRB, the defence of the Republic of Bulgaria is part of national security. In this sense, the civilian employees of the Ministry of Defence, insofar as they assist the Minister of Defence, are directly related to national security and the performance of their activity cannot be interrupted without creating a risk to national security.

The Armed Forces of the Republic of Bulgaria are required to guarantee the sovereignty, security and independence of the country and to protect its territorial integrity, in accordance with Article 9 of the Constitution of the Republic of Bulgaria, and the protection of the Fatherland is the duty of every Bulgarian citizen – Article 59, para. 1 of the Constitution. This constitutional purpose of the armed forces excludes the cessation of all or part of their activities, including through an effective strike, of both military personnel and by civilian employees and service workers whose functions are connected with the activities of the armed forces.

With the prohibition of effective strike action by civilian employees under Art. 285, sentence 2 of the LDAFRB, in practice, the continuity of the activity of the defence system as part of national security is guaranteed. National security is a fundamental value, the protection of which may be grounds for limiting some of the fundamental rights of citizens of the state, while respecting the principle of proportionality of restrictions.

The terms of employment are protected by the trade unions through collective bargaining, through the participation of their representatives in working meetings with the leadership of the Ministry of Defence, in working groups/committees on issues related to the employment/service and social security legal relations of civilian employees in the Ministry of Defence, the structures of direct subordination to the Minister of Defence and the Bulgarian Armed Forces.

In order to protect the rights of the workers and employees in the Ministry of Defence, the structures directly subordinate to the Minister of Defence and the Bulgarian Armed Forces, a Collective Labour Agreement has been concluded, which provides for additional protection of employment and social security rights and provides them with the opportunity to raise their living standards. The Collective Labour Agreement regulates a number of additional benefits for civilian employees beyond the minimum provided for under the Labour Code. It is concluded for a period of two years and serves as a framework for the Ministry of Defence, the structures directly subordinated to the Minister of Defence and the Bulgarian Armed Forces. On 19.12.2025, the seventeenth contract was signed for the period 2026 – 2027.¹

¹ **Collective bargaining within the Ministry of Defence dates back to 1990**, when a **General Agreement** was signed on 17 August 1990 between the Ministry of Defence and the Federation of Independent Trade Unions of Defence “Bulgarian Army”, and on 16 December 1991 - between the Ministry of Defence and the National Trade Union “Defence”.

On **4 November 1991**, the **first Collective Labour Agreement concerning remuneration** was signed between the Ministry of Defence and the Federation of Independent Trade Unions of Defence “Bulgarian Army”, which was subsequently joined by the National Trade Union “Defence”. It was promulgated by order of the Minister of Defence dated **04 November 1991**.

On **19 May 1993**, Minister of Defence Valentin Aleksandrov and the chairmen of the two trade unions signed *the first comprehensive collective labour agreement*, which was formalised by a ministerial order dated **21 May 1993**.

Over the past years, the two trade unions have proven to be a constructive, tolerant, reputable, reliable, competent and proactive social partners. With a high degree of professionalism and persistent efforts, they have succeeded in defending the interests and social values of the civilian employees in the Ministry of Defence, the structures of direct subordination to the Minister of Defence and the Bulgarian Armed Forces, and were able to confidently meet the new challenges and priorities facing the trade union and the Ministry. The Ministry of Defence appreciates their commitment and dedication to contributing to policy implementation and the solving of complex issues in the social and employment spheres of defence and security in the Republic of Bulgaria.