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From individual IPVs empowerment to community activation

Booklet on women's labour rights

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CONTENTS

1. GENDER EQUALITY AT WORK: THE PRINCIPLES OF NON-DISCRIMINATION AND EQUALITY TREATMENT OF MEN AND WOMEN AT INTERNATIONAL AND EUROPEAN LEVELS.....	5
1.1. BULGARIAN CONTEXT	8
2. GENDER EQUALITY IN JOB ACCESS	10
2.1. BULGARIAN CONTEXT	11
3. GENDER PAY GAP	15
3.1. BULGARIAN CONTEXT	16
4. WOMEN'S ACCESS TO EDUCATION AND VOCATIONAL TRAINING.....	19
4.1. BULGARIAN CONTEXT.....	20
5. WOMEN'S CAREER PATHS AND LEADERSHIP POSITIONS	22
5.1. BULGARIAN CONTEXT	23
6. SUPPORT TO SELF-EMPLOYED WOMEN	26
6.1. BULGARIAN CONTEXT.....	28
7. MATERNITY PROTECTION AND WORK-LIFE BALANCE FOR BOTH PARENTS.....	29
7.1. BULGARIAN CONTEXT	31
8. OCCUPATIONAL SOCIAL SECURITY, HEALTH PROTECTION AND SAFETY IN WORKING CONDITIONS.....	36
8.1. BULGARIAN CONTEXT	37

INTRODUCTION

According to CEDAW (1992)¹ violence against women is recognised as a form of discrimination that seriously inhibits the ability of women to enjoy rights and freedoms on an equal basis with men. Important international regulatory acts (such as the UN General Assembly Declaration on the Elimination of Violence Against Women in 1993) define it '*as a manifestation of historically unequal power relationships between men and women*'. It is therefore key that not only does violence contribute to inequality between women and men, but inequality is the real foundation of violence.

On this basis, it is necessary to counter discrimination that affects women in all spheres of life, guaranteeing them social and economic rights and equal opportunities, especially at work to support their economic independence and empowerment, and to counter gender violence. Implementing equal opportunities in work settings also means introducing an overall improvement of quality of work and the entire organisational structure and productivity.

Despite the progress made in recent years, discrimination against women and the gender gap in the world of work still persist in many countries around the world. Women are still a long way from achieving gender equality in the world of work and, in many parts of the world, are trapped in low-skilled and lower-paid jobs than men. Discrimination, in particular, involves significant economic and social consequences, stifles opportunities and wastes the human talent needed for economic progress.

Women's labour rights mainly concern job access and working conditions.

This booklet contains specific information at European and national level (for Bulgaria, France, Greece and Italy) about labour rights and current specific policies/measures and instruments to support socio-economic independence of women, best practices and main effects of measures.

Labour rights and the policies/measures will be presented by specific areas/sections of concern:

- » gender equality in job access,
- » gender pay gap,
- » women's access to vocational training,
- » women's career paths and leadership positions,
- » support to self-employed women,
- » maternity protection and work-life balance for both parents (flexibility of working hours and work organisation, parental leave),
- » occupational social security, health and safety in working conditions.

Finally, a glossary will be provided to explain terms used.

¹ CEDAW General Resolution no 19, 1992, par. 1 and par. 11.

GLOSSARY

CEDAW: Convention on the Elimination of All Forms of Discrimination against Women

ESF: European Social Fund

EWoB: European Women on Boards

Gender- based violence and harassment (ILO definition): violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.

Harassment (EU definition): where unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment;

ILO: International Labor Organisations

Pay or remuneration: the ordinary basic or minimum wage or salary and any other additional emoluments, whether in cash or in kind, which the worker receives directly or indirectly, in respect of his/ her employment from his/her employer;

Sexual harassment (EU definition): where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment;

SMEs: small and medium-sized enterprises

STEM: is a broad term used to group together the following academic disciplines Science, technology, engineering, and mathematics (STEM)

TEU: Treaty on European Union

TFEU: Treaty on the Functioning of the European Union

WELP program: Women's empowerment in leadership position Program

Violence and harassment in the world of work (ILO definition): a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment

1. Gender equality at work: the principles of non-discrimination and equal treatment of men and women at international and European levels

Over the years, relevant international and European legislative and policy documents have recognised the non-discrimination principle and the principle of equal treatment of men and women in all life domains, and especially at work.

At international level, the **UN Convention on the Elimination of All Forms of Discrimination Against Women** (CEDAW, 1979), the main binding text on women's rights, has been instrumental in bringing to light all the areas in which women are denied equality with men and in defining an agenda for action by countries to eliminate discrimination and guarantee women's enjoyment of political, economic, social, civil and cultural rights on a basis of equality with men. The convention devotes specific attention to the field of employment, calling for States Parties to take all appropriate measures to eliminate discrimination against women in order to ensure, on a basis of equality of men and women, the same rights in this area, underlining that *'the right to work is an inalienable right of all human beings'* (Article 11, 1a).

Crucial for the definition of women's rights was also the **Beijing Platform for Action** adopted during the Fourth World Conference in Beijing (1995), which firmly established that women's rights are human rights and identified twelve critical areas with an indication of the strategic objectives to be pursued. In this framework, particular attention is paid to the economic and social rights of women through the **Objective F – Women and the economy** and specifically **Strategic Objective F.1: *Promote the rights and economic independence of women, in particular access employment and adequate working conditions, and access to economic resources.***

Since 1919, also the **International Labour Organization (ILO)** has developed international labour standards (through conventions and recommendations) aimed at promoting equal opportunities for women and men to obtain decent work, in conditions of freedom, equity, security and dignity. The ILO policy on gender equality addressed the specific needs of women in ILO initiatives/programmes and promoted targeted interventions/measures to allow women to participate equally in the labour market. For this last purpose, the ILO policy on gender equality has been operationalised since 1999 and it developed comprehensive action plans for gender equality, which aim to facilitate the adoption of gender policies and strategies adapted to the regional and national contexts of the ILO member countries.

Equality between women and men is a fundamental value of the European Union, dating back to the 1957 Treaty of Rome (today: TFEU, Article 157), which established the principle of equal pay for male and female workers for equal work or work of equal value.

Since then, the EU has continued to tackle gender-based discrimination and the principle of equality between women and men, promoted by the Treaty on European Union (TEU, Articles 2 and 3 (3)), which has become the basis for European integration and currently it underpins all European policies².

The European Union has also committed itself to specifically supporting and complementing the activities of the Member States in the field of **equality between men and women regarding labour market opportunities and treatment at work** (TFEU, Article 153).

² With the entry into force of the new Lisbon Treaty amending the Treaty of the European Union (2009), equality between women and men has been upgraded to the status of 'fundamental value' (Art. 2 TEU) and objective (Art. 3 TEU) of the EU.

These objectives and principles are also enshrined in the **EU Charter of Fundamental Rights of the European Union** (2012) that protects human rights and affirms the right to be free from discrimination on several grounds (racial or ethnic or social origin, language, religion etc.) including on the basis of sex (Article 21). Also the EU Charter affirms that *“Equality between women and men must be ensured in all areas, including employment, work and pay”* (Article 23, par. 1).

Within this framework, the European Union promoted the so-called **‘Dual approach’** that requires to implement the **‘Gender Mainstreaming approach’** and specific/direct gender equality policies/measures (including so-called **‘Positive Actions’**) to empower women in a complementary way in order to achieve a real equality between men and women.

BOX 1 – GENDER MAINSTREAMING AND POSITIVE ACTIONS

What ‘Gender Mainstreaming’ is?

According to TFEU (Article 8) *the European Union shall aim to eliminate inequalities and to promote equality between men and women in all its activities*. This concept known as **‘Gender Mainstreaming’** therefore means **integrating a gender equality perspective into all EU policies at all levels and stages of policy-making as well as into EU funding programmes across different sectors**. The EU Directive 54/2006 (art. 29) also specifies that *Member States shall actively take into account the objective of equality between men and women when formulating and implementing laws, regulations, administrative provisions, policies and activities in the areas referred to employment and occupation*.

Examples of Gender Mainstreaming implementation are provided by the EU Gender Equality Strategy 2020-2025 which affirms that specific needs, challenges and opportunities in different sectors, such as transport, energy and agriculture, will be addressed within the Commission’s gender mainstreaming actions. The Commission will address the gender dimension also in its major initiatives responding to European challenges such as climate change and digitalisation. The digital gender gap will be in fact addressed in the Digital Education Action Plan.

What a positive action is?

The positive action concept was firstly introduced at international level. It was defined as *“a temporary special measure adopted by States that aimed at accelerating “de facto” equality between men and women until the objectives of equality of opportunity and treatment have been achieved, without considering it discrimination”* (CEDAW, art. 4).

Also the European Union authorised the Member States to implement positive actions. In particular, it specified that *“with a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers”* (TFEU, Article 157 (4)). The same concept is enshrined by the EU Charter of Fundamental Rights of the European Union (Art. 23 (2)).

Examples of positive actions at work can be the adoption of national-wide mandatory targets on gender balance on company boards in order to improve the balance between women and men in decision-making positions or the targeted support to female entrepreneurship through specific entrepreneurial training and measures of credit access.

In addition to the European Treaties, also jurisprudence and in particular numerous cases brought to the European Court of Justice, have further strengthened the principle of equality and delivered justice for victims of discrimination.

Finally, European legislation and in particular, the **European Directives from the mid-1970s** have contributed to establishing equal treatment for men and women at work. The European Union has adopted several Directives covering equality between women and men in several fields such as employment and working conditions, self-employment, access to goods and services, occupational social security, pregnancy, maternity as well as family-related leaves and flexible working arrangements for parents and carers.

These provisions have progressively set a legal standard across all EU Member States ensuring a broad protection for women from discrimination.

Currently, the **Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)**, represents the main legislation on the subject having repealed and replaced a number of former directives³.

This directive contains provisions to implement the principle of equal treatment in relation to:

- » access to employment, including promotion, and to vocational training;
- » working conditions, including pay;
- » occupational social security schemes.

In addition, it reaffirms the key concepts of **direct and indirect discrimination** and it provides for the establishment within the Member States of bodies responsible for promoting equal treatment between women and men.

BOX 2 – DIRECT AND INDIRECT DISCRIMINATION

What direct discrimination is?

Direct discrimination is when one person is treated less favourably on grounds of sex than another is, has been or would be treated in a comparable situation.

Examples of direct discrimination on grounds of sex are the unfavourable treatment of a woman (e.g. the failure to hire) related to pregnancy/ maternity or the failure to promote a worker because she is a woman.

What indirect discrimination is?

Indirect discrimination is when an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.

Examples of indirect discrimination on grounds of sex are the case of the minimum height required for participation in a competition and calibrated on male averages: adopting a similar selection criterion undoubtedly benefits more men than women. Another example is the provision of a particular allowance only for full-time employees; women who most often use part-time work to work-family balance needs would be almost excluded.

Finally, over the years many relevant policy documents (strategies, Road maps, Plans) from EU Commission and EU Parliament drafted the framework for the European Union's work towards full gender equality in all spheres of life including at work.

Currently, the **EU Gender Equality Strategy 2020-2025** presents policy objectives and actions to make significant progress by 2025 towards a gender- equal Europe. Among the key objectives are:

- » closing gender gaps in the labour market and achieving equal participation across different sectors of the economy;

³ Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions; Council Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes; Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women; and Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex.

- » addressing the gender pay and pension gaps;
- » closing the gender care gap
- » achieving gender balance in decision-making in politics and at work,
- » challenging gender stereotypes and ending gender-based violence.

The Strategy reaffirms the need to pursue a dual approach in the implementation of policies combining gender mainstreaming perspective with actions targeted to women.

Intersectionality is assumed as a horizontal principle for the implementation of these activities on the basis of all women are different and may face discrimination based on several personal characteristics. For instance, a migrant woman with a disability may face discrimination on three grounds. The intersectionality of gender with other grounds of discrimination will be therefore addressed across all EU policies.

Gender equality-related projects and policies will be supported and funded in the EU budget (2021-2027) through a number of EU programmes: from dedicated grants under the **Citizens, Equality, Rights and Values Programme** to the big structural, social and cohesive EU funds.

1.1. BULGARIAN CONTEXT

In Bulgaria, legal guarantees for equality of women and men have been established, contained in the current Bulgarian legislation – the Constitution of the Republic of Bulgaria and special codes and laws.

The Law on Protection against Discrimination (LPAD)⁴ contains provisions to protect against discrimination, including on the basis of gender.

This Act protects against discrimination all natural persons on the territory of the Republic of Bulgaria.

Article 4 of LPAD regulates the prohibition of any direct or indirect discrimination based on sex, race, nationality, ethnicity, human genome, nationality, origin, religion or belief, education, belief, political affiliation, personal or social situation, disability, age, sexual orientation, marital status, property status or any other signs established by law or in an international treaty to which the Republic of Bulgaria is a party.

LPAD defines direct and indirect discrimination:

- » Article 4 (2) Direct discrimination shall be any less favourable treatment of a person on the grounds, referred to in paragraph 1, than another person is, has been or would be treated under comparable circumstances.
- » Article 4 (3) Indirect discrimination shall be to put a person, on the grounds referred to in Paragraph 1 in a less favourable position in comparison with other persons by means of an apparently neutral provision, criterion or practice, unless the said provision, criterion or practice have objective justification in view of achieving a lawful objective and the means for achieving this objective are appropriate and necessary.

After the adoption of the LPAD changes to the Labour Code (Art. 8, para 3) followed, which upgraded the legal prohibition and extended the scope of the signs of discrimination and prevented direct and indirect discrimination.

⁴ Law on Protection against Discrimination - <https://www.lex.bg/laws/ldoc/2135472223>

Article (3) of Labor Code (Amend., SG, No 100/1992; amend., SG 25/2001; amend., SG 52/04, In force from 1st of August 2004) In exercising labour rights and duties no direct or indirect discrimination shall be allowed on grounds of nationality, origin, sex, sexual orientation, race, skin colour, political and religious convictions, affiliation to trade union and other public organisations and movements, marital and material status, presence of psychic or physical injuries, as well as differences in the term of the contract and the duration of the working time.

The principles of gender equality are further developing in the Equal Opportunities for Women and Men Act⁵. The law aims to achieve real gender equality in the labour market.

The Law on equal opportunities for women and men regulates the guidelines of state policies for achieving equality.

(Art. 2.) The state policy on equality between women and men is based on the principles of:

1. equal opportunities for women and men in all spheres of public, economic and political life;
2. equal access for women and men to all resources in society;
3. equal treatment of women and men and non-discrimination and gender-based violence;
4. balanced representation of women and men in all decision-making bodies;
5. overcoming gender stereotypes.

In Bulgaria, basic documents for the implementation of the policy on equality between women and men are regulated. The Equal Opportunities for Women and Men Act the Council of Ministers defines the state policy on equality between women and men and adopts a National Strategy on Equality for Women and Men, hereinafter referred to as the “National Strategy”, as well as plans for its implementation (Art. 5.) The central and territorial bodies of the executive shall conduct the policy on equality between women and men in accordance with the National Strategy under Art.1.

The National Strategy for promoting equality between women and men is a key programming document that outlines the strategic framework of national policy and is an expression of the political commitment of the Bulgarian government to ensuring equal opportunities in different spheres of life.

Progress in promoting equality between women and men has also been reported in the 2019 World Bank “Women, Business and Law Report”. According to the data in the report, Bulgaria is at the forefront of the legal and institutional framework for promoting equality between men and women and creating opportunities for women to develop economically.

In the report, Bulgaria is cited as a good example of a country that has introduced paternity leave, which is important for sharing parental responsibilities, reconciling family and working life and promoting women’s economic activity⁶.

⁵ <https://www.lex.bg/index.php/bg/mobile/ldoc/2136803101>

⁶ <https://openknowledge.worldbank.org/bitstream/handle/10986/31327/WBL2019BU.pdf?sequence=7&isAllowed=y>. Доклад на Световната банка за 2019 г. „Жени, бизнес и право“.

2. Gender equality in job access

Regulatory treatment and main legislative references

According to **CEDAW** (art. 11), States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the right for women to work recognized as an inalienable right of all human beings (a), the right to the same employment opportunities, including the application of the same criteria for selection in matters of employment (b) as well as the right to free choice of profession and employment (c).

In addition, in order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures to prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status (art. 2, a).

Also **ILO Discrimination (employment and occupations) Convention No. 111**, 1958 provides the commitment of Member states signatories to pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination on the basis of sex. The terms “*employment and occupation*” include access to employment and to particular occupations (art.2).

In addition **ILO Maternity Protection Convention, 2000 (No. 183)** requires that each Member States adopt appropriate measures to ensure that maternity does not constitute a source of discrimination for access to employment, throughout measures such as: a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required in respect of work that is prohibited or restricted for pregnant or nursing women or where there is a significant risk to the health of the woman and child (art. 9). The Convention also considers unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave or during a period following her return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. The burden of proving the reasons for dismissal shall rest on the employer (art. 8).

According to **EU Directive 2006/54/EC**, the principle of equal opportunities and equal treatment of men and women has to implemented in relation to access to employment (art. 1, a). Prohibition of direct or indirect discrimination on grounds of sex in the public or private sectors was stated in relation to conditions for access to employment, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy (art. 14, par. 1, a) and in relation to employment and working conditions, including dismissals (art. 14, par. 1, c).

Member States may provide, as regards access to employment, that a difference of treatment which is based on a characteristic related to sex shall not constitute discrimination where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes a genuine and determining occupational requirement, provided that its objective is legitimate and the requirement is proportionate (art. 14, par. 2).

Current and future European policies and relevant examples of instruments adopted

The European Union takes the specific needs of women into account across its different spending programmes and policies and every year the ESF helps millions of women to improve their access to jobs. The Commission, in particular, supports platforms promoting women's participation and countering the gender stereotypes that are engrained in male-dominated sectors.

Currently, the European Union is taking action to boost women's participation in the digital sector. In particular, the Commission monitors women's participation in the digital economy through the annual **Women in Digital Scoreboard**⁷ and implementing the Ministerial declaration of commitment on Women in Digital⁸. The **European Network for Women in Digital** was launched in 2018 so that girls and women in the digital sector can collaborate on ideas and experiences in this field.

The European Union is also committed to closing gender gaps in research and innovation. For example, the **Horizon 2020** programme helps research organisations and universities to implement gender equality plans. In addition, the Commission sets up an **expert group** in November 2020 to formulate concrete measures to improve women participation in the sport sector, kick-starting the Renewed strategic framework for gender equality in sport⁹.

Finally, the European Union is also taking action to improve women's employment in transport sector. Since its launch in 2017, the EU-funded Women in Transport – **EU Platform for Change**¹⁰ has been the network enabling organisations to commit to increasing female employment and share best practices in this sector

2.1. BULGARIAN CONTEXT

Economic independence is an important condition for achieving a level playing field in the labour market. The last decade has seen a significant improvement in women's participation in the labour market. COVID-19 exacerbated existing gender inequalities and slowed progress. At the end of 2020 women's employment in the labour market has decreased following an upward trend.

The employment rate (15-64) of women reached 64.3% at 66% in 2019. Since the beginning of 2020, the employment rate gap between men and women has grown to 8.2%, reporting a slower recovery in the employment rate for women, after 7.6% in 2018.¹¹

The strongest decline in employees is observed in economic activities with the dominance of female employment. This shows the disproportionate impact of the pandemic on employment¹².

Measures to encourage women's participation in the labour market were carried out through the Employment Promotion Act, as well as training and employment programmes, projects and promotion measures, which are financed with funds from the state budget (SB) and under

⁷ European Commission, Women in Digital Scoreboard, 2020, available at: <https://ec.europa.eu/digital-single-market/en/news/women-digital-scoreboard-2020>

⁸ Available at: https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=58562

⁹ See https://ec.europa.eu/sport/news/high-level-group-gender-equality-sport_en

¹⁰ For more information, see: https://ec.europa.eu/transport/themes/social/women-transport-eu-platform-change_en.

¹¹ <https://www.nsi.bg/bg/content/>, National Statistical Institute, Labour Market

¹² <https://knsb-bg.org/index.php/2021/03/12/ravnopostavenostta-mezhdu-pokoleniyata-v-usloviyata-na-covid-19-be-obsadena-na-konferenciya/>, CNSB, Conference "Intergenerational Equality in COVID-19", 12 March 2021

the Operational Programme “Human Resources Development”.¹³

Integration into the labour market is supported through a wide range of services to reconcile work and family life, promote women’s return to work after childbirth, facilitate and incentivise fathers to take care leave for young children.

The Employment Promotion Act regulates a specific measure (Art. 53a) that provides financial incentives for employers who open jobs and employ full-time or part-time single parents/adoptive parents and/or mothers/adoptive parents with children up to 5 years of age.¹⁴

Employment Promotion Act Article 53a. (New, SG No. 26/2008) (1) For each job created for full-time or part-time work, filled by unemployed mothers (adopters) with children between 3 and 5 years of age, who are hired upon referral by the divisions of the National Employment Agency, the employer shall be provided with sums according to Article 30a (2) herein for the shorter of the period of employment of any such persons and twelve months.

(2) The employer shall have the right to propose training for attainment of professional qualification for the persons hired under Paragraph (1). Financial resources according to Article 30a (2) herein shall be provided to the training institution for the persons included by the employer and the National Employment Agency in organized training for professional qualification.

Article 30a. (New, SG No. 26/2003) (1) For implementation of the employment promotion programmes and measures, there shall be provided financial resources, intended for:

1. labour remunerations;
2. supplementary remunerations at the minimum amount fixed in the Labour Code and in the statutory instruments for the application thereof;

Vocational training opportunities are also provided to support the career development of parents.

The Employment Agency (EA) implemented the project “Parents in Employment” under operational program “Human Resources Development” 2014-2020.¹⁵

Current and next general national policies and relevant examples of measures/instruments adopted

In implementation of the Equality for Women and Men Act, the National Action Plan was aimed to promote equality between women and men has been developed. The plan follows the principles, objectives and priorities of the National Strategy for promoting equality between women and men.

Its development shall take into account the objectives and results achieved by the implementation of the National Strategy, which are reflected in the latest Report on Equality between Women and Men. The plan aims at implementing the single gender equality policy through the measures of institutions, social partners and organizations involved.¹⁶

The National Action Plan to Promote Equality for Women and Men 2021-2022 draws attention to measures to ensure a better reconciliation of the working and private lives of parents with young

¹³ <https://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1218> , National Strategy to Promote Equality between Men and Women

¹⁴ <http://trudipravo.bg/index.php/znanie-za-vas/962-zakon-za-nasarchavane-na-zaetostta>

¹⁵ <https://www.az.government.bg/pages/roditeli-v-zaetost/>

¹⁶ <https://www.mlsp.government.bg/uploads/41/ravni-vzmozhnosti/report2019.pdf>, Report on Equality for Women and Men 2019, MPC

children and the employment of unemployed persons by providing childcare opportunities, encouraging employers to employ unemployed people – single parents (adoptive parents) and/or mothers (adoptive parents) with children up to 5 years of age, development of the skills of unemployed women through vocational training to increase their participation in the labour market, etc.

TABLE 1 – RELEVANT NATIONAL MEASURE/TOOL/PRACTICE (GOOD PRACTICE)

TITLE OF THE MEASURE	Project "Parents in employment"
BODY RESPONSIBLE FOR IMPLEMENTATION	Employment Agency, MLSP (Ministry of Labor and Social Policy) https://www.az.government.bg/pages/roditeli-v-zaetost/
PERIOD OF IMPLEMENTATION	Objective of the project: to ensure a better reconciliation of professional life with the private life of parents with children from 0 to 12 years of age and to provide employment to unemployed persons by providing childcare opportunities.
TERRITORIAL COVERAGE (national, regional, local)	National
TARGET	<p>Parents</p> <ol style="list-style-type: none"> 1. Parents of children from 0- to 5 years of age, not enrolled in a nursery/ kindergarten, who have an insured job under an employment/employment relationship or are self-employed/self-insured persons, but currently take care of their children and have not returned to work; 2. Multi-child parents (with three or more children up to the age of 12 years)) to children from 0- to 12 years of age who have returned to their jobs, and children attend nursery/kindergarten as well as school. 3. Unemployed persons registered with the labour office, who are parents of children from 0- to 5 years of age, not enrolled in a nursery/kindergarten, or the multi-child parents of children from 0- to 12 years of age attending nursery/gkindergartens, as well as school. <p>Babysitters</p> <p>Job seekers unemployed - young people up to 29 years of age incl.; jobseekers, unemployed and inactive persons over 30; disadvantaged persons in the labour market</p>
MAIN PARTNERS/ STAKEHOLDERS INVOLVED (promoter and partners of the project/policy/ measure; Roles of actors involved)	EMPLOYMENT AGENCY

**SHORT DESCRIPTION
OF MEASURE
(objectives and actions)**

Ensuring better reconciliation of work with the private lives of parents with children from 0 to 12 years of age and providing employment to unemployed persons by providing childcare opportunities

Activities:

- Collection of applications by parents of a child/children from 0 to 12 years of age;
- Provision of employment mediation of unemployed parents with child/children;
- Selection of unemployed/inactive persons to determine their opportunities for inclusion in employment related to the care of children from 0 to 12 years of age;
- Organization of meetings for the approval of unemployed/inactive persons by parents for the care of their child/children.
- Provision of care for children from 0 to 5 years old, non -visiting nursery/ kindergartens/ preschools both of employed and unemployed parents (care allowance – up to 8 hours daily)
- Provision of care for child/ children from 0-12 years, visiting nursery/ kindergartens/preschools and schools both of employed and unemployed multi child (incl. single) parents/ mothers (care allowance up to 4 hours daily)
- Methodological support in relation to the raising of the child/children;
- Information and communication

**MAIN RESULT TO
DATE AND EXPECTED
LONGER TERM IMPACTS
(according to available
monitoring/evaluations)**

Performance indicators set for 2023:

Performance indicator: Unemployed and inactive persons – 8 615 persons.

Specific performance indicator for the procedure: Number of supported parents with children – 7 667 persons.

Result indicator: Unemployed and inactive participants who have a job when leaving the operation – 7 667 persons.

3. Gender pay gap

While there are more women university graduates in Europe than men graduates, women remain underrepresented in higher paid professions. More women than men work in low-paid jobs and sectors, and in lower positions. Discriminatory social norms and stereotypes about women's and men's skills, and the undervaluation of women's work are some of the contributing factors.

Despite the principle of equal pay for equal work or work of equal value has been enshrined in the Treaties since 1957 and translated into EU law and it ensures that there are legal remedies in case of discrimination, women still earn on average less than men⁵⁵.

Eliminating the gender pay gap therefore requires addressing all of its root causes, including women's lower participation in the labour market, invisible and unpaid work (women carry a disproportionate burden of unpaid work, which constitutes a significant share of economic activity), their higher use of part-time work⁵⁶ and career breaks.

Finally, horizontal segregation and pay gaps result in an even wider pension gap and consequently older women are more at risk of poverty than men.

Regulatory treatment and main legislative references:

According to **CEDAW**, States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work (art. 11, d).

The application to all workers of the principle of equal remuneration for men and women workers for work of equal value is also affirmed by **ILO Equal Remuneration Convention**, 1951 No. 100 (Art. 2)

According the **Treaty on the Functioning of the European Union (TFEU)**, the principle of equal pay for male and female workers for equal work or work of equal value was established (art. 157).

According to **EU Directive 2006/54/EC**, the principle of equal opportunities and equal treatment of men and women has to implemented in relation to working conditions, including pay (art. 1, b);

For the same work or for work to which equal value is attributed, direct and indirect discrimination on grounds of sex with regard to all aspects and conditions of remuneration shall be eliminated.

In particular, where a job classification system is used for determining pay, it shall be based on the same criteria for both men and women and so drawn up as to exclude any discrimination on grounds of sex (art. 4). Prohibition of discrimination in relation to pay is affirmed also by art. 14, c)

Current and future European policies and relevant examples of instruments adopted

The principle of equal pay for work of equal value was reiterated as a principle in the 2017 European Pillar of Social Rights and made a priority for the European Commission's action. The European Commission undertook a thorough evaluation of the existing framework on equal pay for equal work

or work of equal value¹⁷ and launched a public consultation to assess the impact both of existing EU legislation and pay transparency recommendations in order to reinforce the application of the equal pay principle and to fight occupational segregation. Because of a lack of transparency, in fact, many women do not know or cannot prove that they are being underpaid, while when information about pay levels is available it is easier to detect gaps and discrimination. In this purpose, the Commission recently tabled a **proposal for a Directive to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms** (COM/2021/93). Such an initiative strengthens the rights of employees to get more information about pay levels.

3.1. BULGARIAN CONTEXT

The right to equal remuneration for equal or equivalent work is enshrined in the national legislation in force. It's also guaranteed by the availability of legal tools in case of infringement.

Despite the legal guarantees, women continue to earn on average 13.7% less than men¹⁸

This difference is mainly driven by the strong presence of women in lower-paid industries, as well as their weaker performance in managerial positions.

Maintaining the pay gap during the active working age also leads to a difference in the retirement age. For Bulgaria, this difference in 2020 reaches 23.8%. The implications of COVID-19 are expected to widen the pay gap, despite government policies aimed at preserving employment and income, as well as additional payments to frontline employees.

This deserves faster adoption of the EC draft Directive on gender pay transparency, which, in its improved form, will accelerate progress towards pay equality.

On 4 March 2021 The European Commission proposed **EC Directive to strengthen the applicability of the principle of 'equal pay for equal work or work of the same value' between men and women through pay transparency and effective mechanisms** to ensure that women and men in the EU receive equal pay for equal work.

The proposal, political engagement of the President Von der Leyen, set out transparency measures such as job seekers information for the payment and the right to be aware of the payment levels of workers doing the same work, as well as obligations for large companies to report gender pay gaps.

The proposal also enhanced the tools to allow workers to claim their rights and facilitates access to justice. Employers won't be allowed to ask jobseekers about the pay they received at their previous job and must provide pay-related anonymized data at the worker's request. In addition, workers will be entitled to compensation for pay discrimination.

It should be recalled that the right to equal pay for men and women for equal work or work of equal value has been a fundamental principle of European Unity since the Treaty of Rome in 1957. Article 157 of Treaty for EU Functioning requires guarantee for equal pay together with Directive on Principle of Equal Opportunities and Equal Treatment of men and women in the field of employment and labor.

It should also be mentioned that since March 2014 EC adopted Recommendation on enhancing through

¹⁷ Evaluation of the relevant provision in Directive 2006/54/EC implementing the Treaty principle on 'equal pay for equal work or work of equal value', SWD (2020)50; Report on the implementation of the EU Action Plan 2017-2019 on tackling the gender pay gap, COM (2020)101.

¹⁸ NSI, structural indicator, www.nsi.bg

transparency of equal pay principle. However, the effective implementation and practical usage remains a serious challenge in the EU. The European Parliament and the Council have repeatedly called for action in this area. June 2019, the Council asked the Commission for concrete measures development in order to improve transparency of payment. This led to the development of a proposal of new tool (Payment Transparency Directive), which is expected soon to be adopted by European Parliament.

A number of international and European legal acts to achieve gender pay equality are included in national legislation. Equal pay for equal work is a fundamental principle enshrined in labour legislation (Article 8, para 3 of the Labour Code), reproduced in the norm of the LPAD (Article 14), according to which the employer provides equal remuneration for equal or equivalent work.

The criteria for labour evaluation in terms of wages and the assessment of employment performance shall be the same for all employees and shall be determined by collective bargains or internal wage rules or by the statutory conditions and procedures for assessment of civil servants regardless of the indications (under Art. 4, Al. 1 LPAD). The problem is the practical application of the norms.

Existing cultural stereotypes, lack of sufficient political will of the state to improve the legal framework of collective bargaining and for the action of the control institutions, together with current public attitudes of the social partners for action, to change the existing situation seems to be problematic.

Labor Code, Art 8 (3) (Amend., SG, No 100/1992; amend., SG 25/2001; amend., SG 52/04, In

force from 1st of August 2004) In exercising labour rights and duties no direct or indirect discrimination shall be allowed on grounds of nationality, origin, sex, sexual orientation, race, skin colour, political and religious convictions, affiliation to trade union and other public organisations and movements, marital and material status, presence of psychic or physical injuries, as well as differences in the term of the contract and the duration of the working time.

LPAD, Art. 4, para.1

(1) The employer shall ensure equal remuneration for equal or equivalent work.

(2) Paragraph 1 shall apply to all remuneration paid directly or indirectly, in cash or in kind irrespective of the duration of the employment contract and the length of working time.

(3) The criteria for labour evaluation in determining wages and the assessment of employment performance shall be the same for all employees and shall be determined by collective agreements or internal rules on wages, or by the statutory conditions and procedures for the evaluation of employees in the public administration, regardless of the signs under Art. 4, para. 1.

In implementation of activities in the National Strategy for the Promotion of Equality between Women and Men 2021-2022, the National Action Plan includes measures aimed at improving awareness of the level of pay of men and women in economic activities and qualifications.

Longer participation of women in insurance is a measure that will reduce the pension gap between the sexes. The step-by-step measure of the increase in the retirement age is reflected in the longer remaining in the labour market and, accordingly, the longer participation in insurance which is relevant to the amount of the pension received. The aim is to equalise the retirement age for men and women in 2037.

Signing a collective bargain with the nationally representative trade unions is enshrined as a measure in the Ministry of Defense. The aim is to strengthen the role and importance of collective agreements

in reducing the gender gap in pay and income. The CITUB, together with the MLSP, regularly reports on the progress made by the measures included to reduce the pay gap at the industrial and company level collective bargains¹⁹.

Collective bargaining is a key tool of Trade Unions to combat discrimination against women, not at least in terms of access to employment, payment, labor conditions, career growth and vocational training. It may also influence occupational qualification systems and wages, as well as performance-related bonuses or benefits.

TABLE 2 – RELEVANT NATIONAL MEASURE/TOOL/PRACTICE (GOOD PRACTICE)

TITLE OF THE MEASURE	Enhancing employers to hire single parents (adoptive parents) and/or mothers (adoptive parents) with children up to 5 years of age (Art. 53a of the Employment Promotion Act)
BODY RESPONSIBLE FOR IMPLEMENTATION	MLSP, Employment Agency (EA)
PERIOD OF IMPLEMENTATION	2021-2022
TERRITORIAL COVERAGE (national, regional, local)	National
TARGET	Single parents (adoptive parents) and/or mothers (adoptive parents) with children up to 5 years of age
MAIN PARTNERS/ STAKEHOLDERS INVOLVED (promoter and partners of the project/policy/ measure; Roles of actors involved)	MLSP, EA, Employers
SHORT DESCRIPTION OF MEASURE (objectives and actions)	Providing financial incentives for employers who create jobs and hire full – or part-time employees from the target group; financing part of employer's labor costs for a given period and providing vocational training opportunities.
MAIN RESULT TO DATE AND EXPECTED LONGER TERM IMPACTS (according to available monitoring/evaluations)	<ul style="list-style-type: none"> - Employment access for 288 unemployed for 2021 - Providing employment for 130 unemployed for 2022 (predicted by budget) <p>Narrowing the gender pay gap and achieving a better work-life balance for parents and/or mothers (adoptive parents) with young children</p>

¹⁹ <https://knsb-bg.org/index.php/2018/11/27/zhenite-v-balgariya-pechelyat-s-144-po-malko-ot-mazhete>, Конференция „Ден на равното заплащане между жените и мъжете – българският отговор“, 2018

4. Women's access to education and vocational training

Education is a powerful driver of more gender-equal and inclusive societies and it is also a tool to raise awareness of the key principles of equality between women and men.

Women's educational attainment is rising, but overall positive development is being held back by strong gender segregation and low engagement in lifelong learning.

Women and men in all their diversity, should be free to pursue their chosen educational and professional paths without the constraints of stereotypical gender norms. Instead, women represent only 36% of STEM graduates²⁰, despite the fact that girls outperform boys in digital literacy²¹.

Such a divide is mirrored by the gender segregation in the equivalent labour market, determining women's and men's earnings, career prospects and working conditions.

As regards the participation in lifelong learning, women more likely to engage in adult learning than men in the majority of Member States, but participation is often low among those who would benefit the most from education and training, for example women with low levels of qualification or women engaged in precarious employment.

Regulatory treatment and main legislative references:

According to **CEDAW**, States Parties shall take all appropriate measures to eliminate discrimination and ensure, on a basis of equality of men and women, the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training (art. 11, c).

Appropriate measures shall be taken by States Parties in order to ensure to women equal rights with men also in the field of education and in particular: the same conditions for vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories (this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training); the access to the same curricula, the same examinations, teaching staff with qualifications of the same standard; the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education, also by the revision of textbooks and school programmes; the same opportunities to benefit from scholarships and other study grants; the same opportunities for access to programmes of continuing education, including adult and functional literacy programmes; the organization of programmes for girls and women who have left school prematurely (art. 10, a) b) c) d) e) f).

Also **ILO Discrimination Convention No. 111**, 1958 provides the commitment of Member states signatories to pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination, including on the basis of sex. The terms “**employment and occupation**” include the access to vocational training and terms and conditions of employment (art. 2).

The principle of equal opportunities and equal treatment of men and women has to implemented in relation to access to vocational training (art. 1, a) also according to **EU Directive N. 54/2006**.

²⁰ <https://op.europa.eu/en/publication-detail/-/publication/9540ffa1-4478-11e9-a8ed-01aa75ed71a1/language-en>.

²¹ 2018 International Computer and Information Literacy Study (ICILS)

Prohibition of direct or indirect discrimination on grounds of sex in the public or private sectors in relation to access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience is affirmed (Art. 14, par. 1, b).

Finally, to prevent discrimination, the Directive calls for Member States to encourage employers and those responsible for access to vocational training to take effective measures to prevent all forms of discrimination on grounds of sex including in vocational training and promotion (Article 26).

Current and future European policies and relevant examples of instruments adopted

The first principle of European Pillar of Social Rights states that everybody in the EU has the right to quality and inclusive education, training and lifelong learning to acquire and maintain skills that enable women and men to participate fully in society and successfully manage transitions in the labour market.

The Updated Skills Agenda for Europe²² delivers on this principle by helping people to develop and widen their skills throughout their life, also helping address horizontal segregation, **stereotyping and gender gaps** in education and training. In addition, in the Agenda the Commission commits to raise the attractiveness of STEM studies and careers, with focused actions to attract girls and women, and by encouraging a cross-disciplinary and innovative teaching and learning approach in schools, VET and higher education. Also the **Commission Proposal for a Council recommendation on vocational education and training** of 24 November 2020²³ supports targeted measures to improve gender balance in traditionally male or female-dominated professions and addresses gender stereotypes and in the new **Commission Communication on Achieving the European Education Area by 2025** of 30 September 2020 (COM (2020) 625)²⁴ gender equality is put forward as one of the key elements. In particular, the Communication requires to making education and training more inclusive and gender sensitive.

Finally, in the current framework of digitisation of the economy and the labour market which sees women underrepresented, the updated **Digital Education Action Plan** (COM(2020) 624)²⁵ and the implementation of the **Ministerial declaration of commitment on 'Women in Digital'**²⁶ contribute to address this gap.

4.1. BULGARIAN CONTEXT

The education system follows the principles of equality and non-discrimination towards gender. Women represent about 54% of students, most dominated in areas such as education, health and social activities, humanities and the arts.

The uneven concentration of women and men in the education system affects the strong gender disparities in the labour market economic sectors. National Statistics data for 2019, show that in economic activities with the highest share of women among employees are: education (79.6%), humane health and social work (78.3%) and financial and insurance activities (69.5%), and lowest in

²² <https://ec.europa.eu/social/main.jsp?catId=1223&langId=en>

²³ <https://op.europa.eu/it/publication-detail/-/publication/8e89305c-bc37-11ea-811c-01aa75ed71a1/language-en>

²⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0625>

²⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0624&from=EN>

²⁶ <https://ec.europa.eu/digital-single-market/en/news/eu-countries-commit-boost-participation-women-digital>.

construction (6%), transport, storage and post (17.9%), as well as the production and distribution of electricity, heat and gaseous fuels (22.4%).

Women's preference of social sciences and humanities leads to the feminisation of these professions and lower level of payment. Overcoming gender stereotypes in different areas of public life and sexism is certainly a step in the right direction. The main source of creating stereotypes and prerequisites for inequalities is the educational system and the learning content.

Better career guidance for young people, as well as more career guidance advisers, is needed to address gender inequalities in career development. This would direct young people to break stereotypes.

The Bulgarian Law on Education, as well as LPAD ensure equal rights for equal education, inclusion and equality for all children and prohibit discrimination in pre-school and school education.

Education systems strive for high efficiency of the educational process and define as their main objective the provision of equal access to education. Equal access consists in providing equal opportunities for quality education for all students, regardless of their gender, family background, socio-economic or cultural status.

Equality in education means removing obstacles and restrictions that prevent students from fully developing their abilities and unleashing their potential, and creating conditions to limit the discriminatory impact of the social and family environment on their achievements.

In separate section of LPAD right to education and training is regulated.

LPAD, Article 29

(1) The Minister of Education and Science and the local self-government bodies shall take the necessary measures not to allow any racial segregation in the training institutions.

(2) The head of the training institution shall take effective measures to prevent any form of discrimination on the place of training committed by pedagogical or non-pedagogical staff or a student.

Article 35

(1) Persons, providing training or education, as well as the compilers of textbooks and learning materials, are obliged to give information and to apply methods of training and education in a way, focused on overcoming the stereotype of the roles of women and men in all spheres of the public and family life.

(2) The kindergartens, schools and high schools shall include in their educational curricula and plans training on the problems of the equality of women and men.

(3) Paragraph 1 shall apply also to overcoming the negative stereotypes towards racial, ethnic and religious groups, as well as towards persons with disabilities.

In the 2019-2020 National action plan for equality promotion between women and men implemented measures implemented aimed at the participation of women in trainings – for acquiring professional qualifications, trainings for acquiring key competences, training in the workplace (traineeship – for persons with qualifications and without work experience in the profession, apprenticeship under the direction of a mentor – for persons with basic and lower education and without qualifications), training through work (dual training), etc.

In 2021 in order to ensure the right to learning and lifelong learning enshrined in the European Pillar of Social Rights, the new European Skills Agenda for sustainable competitiveness, social justice and sustainability will be implemented. The programme sets objectives for upskilling, retraining, to be

achieved over the next five years. To achieve these objectives, the Programme provides 12 actions focused on skills for work through cooperation between the state, companies and social partners in order to provide opportunities for lifelong learning supported by EU budget.

5. Women's career paths and leadership positions

Despite some progress in recent years, women's under-representation in politics and decision-making positions in Europe's businesses and industry persists (vertical segregation).⁶⁸ Having both women and men well represented is instead crucial for successful leadership and to solve the complex challenges.

The fact of top positions are held exclusively by men for a long time shapes the recruitment pattern for successors, sometimes only due to unconscious bias.

Thriving at work while managing caring responsibilities at home is a challenge, especially for women. Women often align their decision to work, and how to work, with their caring responsibilities and their choices depend on whether and how much these duties are shared with a partner.

Closing the gender gap for women in leadership positions therefore requires to remove obstacles in career advancement through un mix of legislative measures and policies aimed to support women's career paths (mentorship programmes, legislative and not legislative measures to improve gender balance on corporate boards, measures to support equal sharing of care responsibilities at home and the availability of childcare etc.)

Regulatory treatment and main legislative references:

According to **CEDAW**, appropriate measures shall be taken by States Parties in order to ensure to women equal rights with men in the field of education including the same conditions for career (art. 10, a) as well as in the field of employment the right to promotion (art. 11, c).

Also **ILO Discrimination Convention No. 111**, 1958 provides the commitment of Member states signatories to pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination, including on the basis of sex. The terms "*employment and occupation*" include terms and conditions of employment (art. 2). **ILO Maternity Protection Convention, 2000 (No. 183)** requires instead that a woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave (art.8).

According to **EU Directive N. 54/2006**, the principle of equal opportunities and equal treatment of men and women has to implemented in relation to access to employment, including promotion (art. 1, a).

Prohibition of direct or indirect discrimination on grounds of sex in the public or private sectors was stated in relation to promotion (art. 14, a).

Finally, to prevent discrimination, the Directive call for Member States to encourage employers and those responsible for access to vocational training to take effective measures to prevent all forms of discrimination on grounds of sex also in promotions (Article 26).

Current and future European policies and relevant examples of instruments adopted

To help break the glass ceiling, the Commission tabled in 2012 a proposal for a **Directive on improving the gender balance on corporate boards**²⁷ which set the aim of a minimum of 40% of non-executive members of the under-represented sex on company boards. Its adoption is one of the European Commission commitments indicated in the EU Gender Equality Strategy 2020-2025. In parallel, the Commission facilitates the exchange of good practices addressing gender balance in executive boards and managerial positions, bringing in the examples of national or regional projects run by governments, civil society or the private sector²⁸.

The European Union is also broadening women career opportunities focusing on overcoming traditional prejudices in career choices. In this frame, for example, through ESF funded-projects, science and technology-based companies hold open days for young women to show them the attractions of a technical career. In addition, the EU Commission supports Member States in developing and implementing more effective strategies to increase the number of women in decision-making positions through the Mutual Learning Programme in Gender Equality²⁹ and cooperating with EU-wide projects, such as **European Women on Boards (EWoB)**³⁰ that has developed its WELP program (Women's empowerment in leadership position) to facilitate the change towards gender equality in decision-making and introduced **EWoB's Gender Diversity Index**, measuring the attainment of various diversity and inclusion indexes on the company and sector level, across the European Union.

5.1. BULGARIAN CONTEXT

Women still are underrepresented in senior leadership positions in politics, in business and in public organisations. Everyone loses because the policy decisions concerned don't take sufficient account of the specific needs of women.

According to a survey by Trend Agency³¹ **38%** of Bulgarian society thinks that women in Bulgaria find it difficult to make a career.

In politics in 2020, women's share stands for 35% in government and 27% in parliament. Women's business management by the end of 2019 is still insufficient to influence decision-making - the share of women on the boards of the largest listed companies is just 14.3% and the share of female executives is 26.9%.³²

One of the main priorities of the National Strategy for promoting equality between women and men in Bulgaria 2016-2020 is to increase women's participation in the labour market and an equal degree of economic independence. At the beginning of the period, women continued to make up a huge share of the workforce in low-paid sectors and were under-represented in decision-making positions.

In National plan for equality between women and men, the topic of promoting gender equality in decision

²⁷ COM (2012)614 final.

²⁸ The EU Platform of Diversity Charters will serve as a platform for exchange https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/tackling-discrimination/diversity-management/eu-platform-diversity-charters_en.

²⁹ https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-equality/who-we-work-gender-equality/mutual-learning-programme-gender-equality_en.

³⁰ Relevant projects include European Women on Boards (EWOB): <https://europeanwomenonboards.eu/>.

³¹ <https://bnr.bg/post/101442459/jeni-na-rakovodni-pozicii-ima-li-shans-balgarkata>, Women in leadership positions – the possibilities of the Bulgarian

³² According to data from the European Institute for Gender Equality, in October 2019 in the EU the share of women on the boards of the largest companies listed on the stock exchange was 28.8%, the share of women in senior executive positions was 18.6%. European Institute for Gender Equality, Statistical brief: gender balance in largest listed companies

making processes is set as a priority area. Measures are aimed at ensuring equal opportunities for the participation of women and men in decision - making in decision making processes in all economic activities.

Measures to increase the capacity of local authorities representatives on well-established national and European mechanisms and tools to promote equality between women and men in local decision-making processes are included.

The National Plan for Equality between Women and Men includes a measure to encourage women with permanent disabilities (entrepreneurs) to actively participate in the Agency for Persons with Disabilities' self-employment programme, pursuant to Article 46 of Law on the Integration of People with Disabilities.

Purpose, tasks and activities of the measure:

- » Achieving effective full inclusion of people with disabilities in all spheres of public life through rehabilitation and integration of people with disabilities.
- » Providing vocational training and rehabilitation of people with disabilities with a view to creating and/or enhancing their opportunities and motivation for employment realization.

Main tasks:

- » Creation of prerequisites for full rehabilitation and full inclusion of people with disabilities;
- » Ensuring equal opportunities for people with disabilities for culture, sports, tourism;
- » Development supporting the work of and with people with permanent disabilities, their adaptation and integration;
- » Organization of fairs, specialized labor exchanges, economic forums and events aimed at changing public perceptions of people with disabilities as full capacity citizens.

Expected results:

- » Full-fledged people with disabilities in society through their participation in events organized by NGOs.
- » Fully rehabilitated people with permanent disabilities.
- » Social services provided in the community by NGOs.
- » Acquired skills that allow for greater autonomy for people with disabilities.

Another measure:

- » Improving the legal basis for better reconciliation of the professional and private lives of parents and caregivers.

The aim is:

Transposition of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance between parents and caregivers and repealing Council Directive 2010/18/EU by:

- Development of a draft Law on Amendment and Supplementation of CT
- Development of a draft Decree of the Council of Ministers for amendment and supplementation of the Ordinance on working time breaks and holidays.

The aim is to achieve compliance of national legislation with Directive (EU) 2019/1158 as regards paid annual leave and opportunities for absence from work for family reasons.

Measure: Enhancing the capacity of local authorities on well-established national and European mechanisms and tools to promote equality between women and men in local decision-making processes.

Aim: The aim is to increase the knowledge and skills to implement well-established practices by participating

in trainings, webinars and forums of the Network of Associations of Local Authorities in South-East Europe (OLAS); The Council of European Municipalities and Regions (Standing Committee on Equality and working group on equality between women and men at local level); Committee of EU regions.

With a view to ensuring equal opportunities for the participation of women and men in decision-making processes, a number of measures are included in national policies. The aim is to increase the capacity of representatives of the institutions and local authorities on well-established national and European mechanisms and tools to promote equality between women and men in local decision-making processes.

Trainings, webinars and forums of the Network of Associations of Local Authorities in South-East Europe are held; The Council of European Municipalities and Regions (Standing Committee on Equality and working group on equality between women and men at local level); Committee of EU regions. Follow-up on indicators of development trends in the processes promoting equality in decision-making processes are reported in national reports on gender equality.

The National Gender Equality Plan includes measures cooperation between state and local structures, foreign embassies and NGOs on the implementation of the international women's agenda, peace and security and women's and men's equality policies. The aim is to bring about systematic and targeted measures to improve the balance between women and men in responsible/managerial positions and in decision-making.

TABLE 3 – RELEVANT NATIONAL MEASURE/TOOL/PRACTICE (GOOD PRACTICE)

TITLE OF THE MEASURE	Development of an Action Plan on Women, Peace and Security of the Ministry of Defence (MD)
BODY RESPONSIBLE FOR IMPLEMENTATION	MD
TERRITORIAL COVERAGE (national, regional, local)	National
TARGET	Women in defence
MAIN PARTNERS/ STAKEHOLDERS INVOLVED (promoter and partners of the project/policy/ measure; Roles of actors involved)	Ministry of Defence
SHORT DESCRIPTION OF MEASURE (objectives and actions)	Gender segregation in the labour market and taking into account new challenges
MAIN RESULT TO DATE AND EXPECTED LONGER TERM IMPACTS (according to available monitoring/evaluations)	Follow-up on indicators of development trends in the processes promoting a level playing field in decision-making processes.

6. Support to self-employed women

Empowering women in the labour market and improving their access also means giving them the possibility to thrive as entrepreneurs and investors. The EU cohesion policy supports women's entrepreneurship, their (re)integration into the labour market and gender equality in specific, traditionally male, sectors.

To facilitate the creation of female enterprises, the obstacles to women's participation in economic life must be removed and the use of goods, financial services and the access to financing must be guaranteed for women on a basis of equality of men and women.

In addition, it's crucial to support women entrepreneurs/self-employed to focus on new opportunities in the digital and green economy through targeted tools, networks and entrepreneurial training.

Regulatory treatment and main legislative references:

According to **CEDAW**, States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure, on a basis of equality of men and women, the right to bank loans, mortgages and other forms of financial credit (art.13). This provision requires States the duty to regulate the activity of third parties, which, in many cases, are not public bodies.

European Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity (repealing Council Directive 86/613/EEC) lays down a framework for putting into effect in the Member States the principle of equal treatment between men and women engaged in a self-employed activity, or contributing to the pursuit of such an activity (art. 1). This directive therefore covers also the spouses of self-employed workers or the life partners of self-employed workers, not being employees or business partners, where they habitually participate in the activities of the self-employed worker and perform the same tasks or ancillary tasks (art. 2).

The principle of equal treatment laid down by the directive prohibits directly or indirectly discrimination on grounds of sex, in the public or private sectors, in relation to the establishment, equipment or extension of a business or self-employed activity (art. 4).

Also in this field, Member States may maintain or adopt measures (positive actions), for instance aimed at promoting women's entrepreneurship initiatives, with a view to ensuring full equality in practice between men and women in working life (art. 5).

According to the Directive Member States shall ensure to female self-employed workers and female spouses and life partners maternity benefits (art. 8) in order to grant a sufficient maternity allowance enabling interruptions in their occupational activity in case of pregnancy or motherhood for at least 14 weeks. Spouses and life partners were also ensured social protection (art. 7).

Judicial or administrative proceedings should be available to all persons who consider they have sustained loss or damage as a result of a failure to apply the principle of equal treatment (art. 9) and compensation or reparation measures shall be introduced by the Member States for the loss or damage sustained by a person as a result of discrimination on grounds of sex (art. 10).

The prohibition of direct or indirect discrimination on grounds of sex in relation to conditions for access to self-employment was stated also by the **Directive 2006/54/EC** (art. 14, par. 1, c);

According to **Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access and supply of goods and services**, there shall be no indirect discrimination or direct discrimination based on sex, including less favourable treatment of women for reasons of pregnancy and maternity (art. 4, par 1 a), b). This provision shall be without prejudice to more favourable provisions concerning the protection of women as regards pregnancy and maternity (art. 4, par 2). In addition, differences in treatment are allowed if the provision of the goods and services exclusively or primarily to members of one sex is justified by a legitimate aim and the means of achieving that aim are appropriate and necessary (art. 4, par. 5) as well as the principle of equal treatment shall not prevent any Member State from maintaining or adopting specific measures (positive actions) to prevent or compensate for disadvantages linked to sex. (art. 6) with a view to ensuring full equality in practice between men and women.

Finally, in all new contracts the Directive specified that the use of sex as a factor in the calculation of premiums and benefits for the purposes of insurance and related financial services shall not result in differences in individuals' premiums and benefits (art. 5).

Current and future European policies and relevant examples of instruments adopted

The European Social Fund (ESF) promotes entrepreneurship through financial and business support services. In this framework, targeted support is provided to underrepresented and disadvantaged groups, including women entrepreneurs. The ESF also encourages entrepreneurship as a way into working life³³. Women in rural areas, in particular, are supported in setting up tourist activities as well as people (especially women) with children are offered IT skills to set up online and home-based businesses.

Targeted measures promoting the participation of women in innovation will be developed under the **Horizon Europe - European Innovation Council** (EU's key funding programme for research and innovation). These measures include a pilot to promote women-led start-ups and innovative SMEs in 2020³⁴.

In the frame of the European Strategy 2020-2025, the Commission also promotes the presence of women in decision-making positions in private equity and venture capital funds and it supports funds investing with gender diversified portfolios. A gender-smart finance initiative under the InvestEU programme is going to be launched by the European commission to stimulate funding for female-led companies.

In addition, the **Update Skills Agenda for Europe** underlines that the EU Commission will launch a **European action on entrepreneurship skills**, that includes connecting existing networks to provide a European entrepreneurial support for aspiring entrepreneurs, focusing on **young women entrepreneurs** and self-employment opportunities in the digital and green economy and incorporate a knowledge platform of online resources on entrepreneurial skills and opportunities for collaboration. For this purposes, the support will be provided by EU Cohesion policy.

Finally, over the years a lot of relevant European tools and networks in order to support women entrepreneurship are provided: **the European network to promote women's entrepreneurship**

³³ <https://ec.europa.eu/esf/main.jsp?catId=457&langId=en>

³⁴ <https://ec.europa.eu/research/eic/index.cfm>.

(WES)³⁵, the **European Network of Female Entrepreneurship Ambassadors**³⁶; and the **European Network of Mentors for Women Entrepreneurs**³⁷. More recently: the Europe-wide online platform Wegate launched in September 2016 to provide information and links on access to training, mentoring, advice and business networking opportunities; the **Enterprise Europe Network** (EEN) which has a women entrepreneurship group on Facebook that gathers 21 partner organisations in 14 countries. The group connects women entrepreneurs to the network's business and innovation support activities and provides concrete services, such as business partnering, access to foreign markets etc; the **European community of women business angels and women entrepreneurs** - created in 2017 by means of 4 projects covering 14 EU countries and funded by the European Parliament - to support women entrepreneurs in accessing alternative sources of funding.

6.1. BULGARIAN CONTEXT

The national culture in Bulgaria is not yet sufficiently supportive for female entrepreneurs, does not encourage women to engage with entrepreneurship and advance their careers. The biggest financial challenge for young female entrepreneurs is access to finance, followed by a lack of savings and high interest rates. The biggest barrier in terms of competence is the lack of information on how to start a business, followed by a lack of entrepreneurial skills.³⁸

The share of self-employed people in 2020 was 6.7%, of which women represented 35%. According to an analysis by the Center for Economic Development, in Bulgaria about 1/3 of small companies are owned by women. Bulgarians manage companies in trade and services; however, the number of consulting companies is growing.³⁹ Survey data show that only 36% of women in Bulgaria who have their own business have used funding schemes.

State policy supports the creation of business after the different target groups such as women, young people and the elderly through the “Entrepreneurship 2020” Action Plan adopted in 2015. However, many of the custom actions described in the plan lack accuracy. Most are training programs and are usually accessible to everyone.

The vision of the Ministry of Economy is towards increasing the competitiveness of companies led by women; increasing the share of companies run by women; investment in courses for upskilling and management skills, etc. The main sources of access to finance are OP “Innovation and Competitiveness” (2014-2020), OP “Human Resources Management” (2014-2020) and COSME programme (2014-2020).

Support for female entrepreneurship provided by Ministry of Economy is implemented through the measures Entrepreneurship 2020 Action Plan for Bulgaria. The measures supporting female entrepreneurship are presented under BG16RFOP002-2.024 “Promoting entrepreneurship”, which aims to create and develop new enterprises in the priority sectors of the National Strategy for the Promotion of Small and Medium-sized Enterprises 2014-2020 and specific areas related to overcoming European and regional challenges. The procedure prioritises young female entrepreneurs up to 29 years old.

³⁵ It is a policy network with members from 31 European nations (the EU countries, Iceland, Norway, and Turkey), whose the delegates represent national governments and institutions;

³⁶ Launched in 2009, it made up of around 270 entrepreneurs from 22 European countries, with the aim of acting as role models by telling their story to raise awareness and encourage entrepreneurship as a career option for women of all ages

³⁷ The Mentors Network was inaugurated in 2011(70 European countries are part of it).This network provides advice and support to women entrepreneurs on the start-up, management and growth of their businesses in the early phases.

³⁸ https://www.rapiv.org/files/BULGARIA%20SoC_Bulgarian.pdf, Study on the State of Support of Young Female Entrepreneurs, Women in Business, 2018, Varna

³⁹ NSI and own calculations, <https://www.nsi.bg/bg/>; Report, Women's Leaders, <https://www.bcci.bg/bulgarian/projects/ewn/Women-on-board.pdf>

In 2021, measures under the Promotion of Employment in Small and Medium-sized Enterprises Act will continue. Unemployed persons entitled to monetary unemployment benefit and wishing to start an economic activity for the production of goods and/or services alone or together with other persons will be supported by grants for the costs of employing another unemployed person without entitlement to monetary compensation. Incentives will continue to be provided to employers for micro-enterprises for the first five jobs created.

Measures of the Entrepreneurship 2020 - Bulgaria Action Plan include the following:

Area of Action No3 - “Strengthening the entrepreneurial culture in Europe for the growth of a new generation of entrepreneurs”. Six measures are included here. They are related to enhancing and promoting entrepreneurship in Bulgaria, developing a strategy to promote female entrepreneurship, supporting a network of female entrepreneurs, supporting the employment of people caring for children and other dependent family members, establishing a mechanism for exchanging the experience and skills of older entrepreneurs to new entrepreneurs and promoting entrepreneurship for unemployed young people under 29.

7. Maternity protection and work-life balance for both parents

Over the years a protection system was drafted for pregnant workers, workers who have recently given birth or who are breastfeeding based of the fact they need specific measures with regard to their safety and health and to avoid some types of activities which may pose a specific risk. The protection system also provides for pregnant workers the right to maternity leave. This protection system does not conflict with the directives concerning equal treatment for men and women.

Work-life balance remains a considerable challenge for many parents and workers with caring responsibilities, in particular because of the increasing prevalence of extended working hours and changing work schedules, with a negative impact especially on women's employment.

The care-giving responsibilities are, in fact, some of the main reasons why women tend to work less than men and in lower-paid sectors, take more career breaks and have fewer and slower promotions.

Improving the work-life balance of all workers (women and men) and promoting equal care responsibilities between parents are therefore crucial for addressing the gender gaps in the labour market. Both parents need in fact to feel responsible and entitled when it comes to family care.

Currently the lack of paid paternity and parental leave in many Member States, instead, contributes to the low take-up of leave by fathers.

Parental leaves and flexible working arrangements for all workers are therefore among the most effective measures to promote work-life balance and equal sharing of caring responsibilities between parents.

Regulatory treatment and main legislative references:

According to **Cedaw** (art. 11, par. 2, a, b, c, d), in order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take

appropriate measures in order to prohibit dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status, to introduce maternity leave with pay without loss of former employment, to encourage the provision of a network of child-care facilities to enable parents to combine family and work responsibilities, as well as to provide special protection to women during pregnancy in types of work harmful to them.

The **ILO Maternity Protection Convention, 2000 (No. 183)** establishes that each Member shall adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to them (art. 3). Women shall be entitled to a period of maternity leave of not less than 14 weeks (including a compulsory period of six weeks after childbirth, unless otherwise agreed at the national level (art. 4), as well as shall be entitled a leave in case of illness or complications (art. 5). In both cases, according to art. 6, cash benefits shall be provided to women and the amount of such benefits for maternity leave shall not be less than two-thirds of the woman's previous earnings. Cash benefits shall also ensure that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living. Where a woman does not meet the conditions to qualify for cash benefits under national laws, she shall be entitled to adequate benefits out of social assistance funds. Finally, medical benefits shall be provided for the woman and her child that include prenatal, childbirth and postnatal care, as well as hospitalization care when necessary. A woman shall be provided also with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child and these breaks or reductions shall be counted as working time and remunerated accordingly (art. 10).

With regards the provisions about maternity and discrimination for access to employment (art.9) and the right to return to the same position after maternity (art. 8) see the previous fiche on gender equality in job access and women's career paths and leadership positions topics.

Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding in particular provides for the employer obligation to assess any work activity risks to the worker safety or health and if it is necessary to modify temporarily the working conditions and or the working hours of the worker or to move her to other job (artt. 4, 5). The Directive also provides cases in which exposure is prohibited (art.6), the prohibition of night work (art. 7), the right of maternity leave for at least 14 weeks (art. 8), the prohibition of dismissal during the period from the beginning of the pregnancy to the end of the maternity leave (art. 10) and specific employment rights relating to the employment contract, including the maintenance of a payment and/ or the entitlement to an adequate allowance (art. 11).

The **Directive 2006/54/EC** regulate the return from maternity leave (art. 15). It specifies that a woman on maternity leave shall be entitled, after the end of her period of maternity leave, to return to her job or to an equivalent workplace on terms and conditions which are no less favourable to her and to benefit from any improvement in working conditions to which she would have been entitled during her absence.

The Directive also provides the right of Member States to recognise paternity and adoption leave specifying that they shall take the necessary measures to protect working men and women against dismissal due to exercising of those rights and ensure that, at the end of such leave, they are entitled to return to their jobs or to equivalent workplaces on terms and conditions which are no less favourable

to them, and to benefit from any improvement in working conditions to which they would have been entitled during their absence (art 16).

The recent **European Directive 2019/1158 on work-life balance for parents and carers** (repealing Council Directive 2010/18/EU)⁴⁰ lays down minimum requirements related to paternity leave provided for 10 working days on the occasion of the birth of the worker's child (art. 4), parental leave – individual right quantified at least in four months for each parents of which two not transferable months and which can be requested in flexible ways (art. 5) and carers' leave provided for five working days per year (art. 6), the right to time off from work on grounds of force majeure for urgent family reasons (art. 7). This directive also provides the right to payment or allowance for workers who exercise their right to leave (art. 8) and the right to request flexible working arrangements for caring purposes for workers with children over 8 years old and carers (art.9).

All employment rights shall be maintained during the leaves or time off from work and at the end of leaves workers are entitled to return to their jobs or to equivalent posts on conditions which are no less favourable and to benefit from any improvement in working conditions (art. 10). Any Discriminations on the ground that they have taken leaves or exercised time off from work should be prohibited provided (art. 11) as well as the dismissal of workers for the same reasons (art. 12).

Current and future European policies and relevant examples of instruments adopted

The insufficient access to quality and affordable care services and the unequal sharing of care responsibilities between parents are two of the key drivers of gender inequality in the labour market.

The **Barcelona targets for high quality and affordable childcare** set in 2002 by the European Council, formed over the years a crucial part of the European Commission's strategy to ensure women can participate fully in the labour market. These targets are today mostly met but some Member States are significantly lagging behind⁴¹. For these reasons, the Commission will revise the Barcelona targets in 2022 in order to ensure further upwards convergence among Member States of early childhood education and care. In addition, the Commission continues supporting Member States' work on improving the availability and affordability of quality care services for children and other dependents through investments from the European Social Fund Plus, the European Regional Development Fund, the InvestEU programme and the European Agricultural Fund for Rural Development.

The principles of gender equality and work-life balance are currently reaffirmed in the **European Pillar of Social Rights**, proclaimed by the European Parliament, the Council and the Commission on 17 November 2017 and in the most recent **European Pillar of Social Rights Action Plan** (COM (2021) 102 final)⁴² tabled by the European Commission in 2021.

7.1. BULGARIAN CONTEXT

The policy on reconciliation of work and family life, which the Bulgarian state conducts, promotes services for raising children or dependent family members, sharing family responsibilities between men

⁴⁰ It builds on the rules laid down in Directive 2010/18/EU and complements them by strengthening existing rights and by introducing new rights

⁴¹ https://ec.europa.eu/info/sites/info/files/bcn_objectives-report2018_web_en.pdf.

⁴² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions empty. The European pillar of social rights action plan, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2021%3A102%3AFIN&qid=1614928358298>

and women, incentives for the recruitment of unemployed mothers and/or young children, inclusion of women in various forms of lifelong learning, the development of flexible forms of employment, etc. Changes have been made to national legislation to encourage women to return to work after childbirth, facilitate and incentivise fathers to take care of young children.

The unequal distribution of caring responsibilities between women and men is the cause of the employment gap. This gap increases significantly when families have children, reflecting the difficulties experienced by women in reconciling work with childcare and care responsibilities. For 2018, the employment rate of women (aged 15-64) with at least one child under 7 years is 8.1 percentage points lower than the employment rate of women of the same age group.

The complex of legal norms guarantees the special status and protection of the mother, family and motherhood, equal treatment of men and women in terms of employment, qualifications and working conditions contained in various legislative documents, the foundations of which are in the Constitution of the Republic of Bulgaria, the Protection against Discrimination Act, the Labour Code, the Employment Promotion Act, Gender Equality Act, National Strategy for promoting gender equality (2009-2015), etc.

The Labour Code has a system of rules that are in line with European standards and guarantee the protection of the mother, equal treatment of men and women in terms of employment, qualifications and working conditions. The main function of these provisions is to relieve working women caring for children and dependent family members. In this regard are the norms concerning the laying of night and overtime by mothers with children up to 6 years of age and the missions of mothers with children up to 3 years of age.

Bulgaria is one of the countries with the highest length of leave due to pregnancy and childbirth, as well as for raising a child up to 2 years of age, which can also be enjoyed by the father or one of their parents if they work under an employment relationship. There is the possibility of additional compensation if this leave is interrupted and is not enjoyed by anyone. This motivates the mother to return to work faster. In Bulgaria, paternal leave at birth amounts to 15 days from the date of discharge of the child from the medical institution.

The father is entitled to leave and childbirth benefit

Pursuant to Article 163(8) of the Labor Code at the birth of a child, fathers working under an employment contract are entitled to 15 calendar days of leave as from the day of discharge of the child from the medical institution, if:

- » they are married to the mother of the child;
- » or live in the same household as her.

It is important to know that father's leave at the birth of a child is stated and used on calendar days. Leave has a special purpose for the father to take care of the child as soon as he is discharged from the medical institution and therefore can not be postponed for a later period.

Fathers, insured for general illness and maternity are also entitled to cash benefit, which is paid from the state social security budget if they have 12 months of insurance for that risk.

The cash benefit the father receives regardless of the compensation received by the child's mother.

In response to the COVID-19 pandemic to support families with children, urgent measures were taken

to address challenges aimed on the one hand at supporting and stimulating businesses, including the preservation of jobs and, on the other hand, reconciling work and family life and providing material support to those in need.

The policies implemented on the labor market through the National Employment Action Plan and a number of programs, measures and schemes under OP Human Resources Management 2014-2020 are aimed at improving the synchronization between private and family life.

Monthly targeted assistance is still applicable in 2021 for parents of children up to the age of 14 who contribute to the insurance system and who, in the context of a declared state of emergency or an epidemic, must stay at home in order to care for their children when they are closed, as they cannot carry out remote work from home and are unable to take paid leave.

Families where one or both of the parents have been left out of work but are not entitled to unemployment benefit are also entitled to the new allowance; self-insured but impossible to work because of the restrictions in relation to the state of emergency or the emergency epidemic; as well as families of relatives and/or close and foster families in which children are housed, against whom a temporary protection measure has been taken under the Child Protection Act, if the families also meet the other conditions for granting the assistance.

Provisions in the Labor Code, which can be upgraded by a collective bargain in the presence of a trade union in the company/organization

1. Working hours, arrangement, holidays

The allocation of working time in accordance with Article 139, which means the establishment of working time with variable limits, if in the undertaking the organization of work so allows, is recommended:

- » by collective agreement to negotiate the introduction of working time with variable limits at the request of an employee, where **necessary, with a view to combining their working and family life**. The workload of other workers and the specificities of the technology and organisation of production should be taken into account. The mechanism of application of this practice should be governed by the Collective bargains and internal rules for the organisation of working time and leave.

2. The organisation of working time

- » by collective agreement, it is possible to negotiate the right of the employee if he requests to be absent from work during certain hours of the working day within the working week or month to be compensated by work on other days of the working week or month, without changing the amount of the monthly salary.
- » by collective agreement, similar to the total calculation of working time, to agree on standard working time regimes which may be introduced for individual employees (at their request) where necessary with a view to reconciling their working and family lives.

In the process of collective bargaining, it is possible to agree reduced monthly working time for all employees. Such a practice already exists in some enterprises in Bulgaria, where it is agreed that the last Friday of the month will be with reduced working hours.

Shift work

Labor Code, Art. 141, Where *the nature of the manufacturing process requires, work in the company*

shall be organised in two or more shifts,

Pursuant to Art. 141 It is possible to agree in the Collective bargains at the request of an employee, where necessary, for certain periods to include it in daily work schedules or a replacement preferred by him.

Inadmissibility of the emergency and the nighttime

Labour law governs the right of mothers with children up to 6 years of age, as well as mothers who care for children with disabilities regardless of their age not to exercise overtime.

Work to be done at Home

Labor Code, Art. 312. (1) (Amend., SG, No 100/1992) A female employee who is a mother of a small child shall be entitled to work at home with the same or another employer until the child reaches the age of 6.

(2) (Amend., SG, No 100/1992) Where a female employee under the preceding paragraph is reassigned to work at home with the same employer, he shall provide upon ceasing of the work at home, but not later than reaching of the age of 6 by the child, the job performed before reassignment at home, and if the job has been eliminated, another job with her consent.

(3) (Amend., SG, No 100/1992) Where the female employee under paragraph 1 begins work at home with another employer, her employment relationship with the employer with whom she had worked prior to her reassignment shall not be terminated, but she shall be given unpaid leave. When she ceases to work at home, but not later than reaching of the age of 6 by the child, the unpaid leave shall be terminated. If the job has been eliminated the employer shall provide with her consent another job.

According to the rule of work at home, the right of a mother with a child until the age **of 6 years, as well as fathers (Art. 313 Labor Code) is regulated.**

According to the Child Protection Act, parents are obliged not to leave children without supervision and care until the age of 12 and are criminally responsible if a danger to the physical, mental and moral development of the child is created.

These provisions justify building on a home work rate using collective bargaining. Thus, the collective bargains will arrange for the right of parents with children up to 12 years of age to work in a home, at their request and if the labour organisation allows it. It should therefore be noted that the employer must provide the necessary resources for the employee to work from home and, at his decision, to return to the reverse regime without affecting the salary.

Leaves

Labor Code, Art. 168. (Amend., SG, No 100/1992) (1) (amend., SG 25/2001) If stipulated by a collective employment contract a female worker or employee with 2 surviving children under the age of 18 shall be entitled to 2 working days, and a worker or employee with 3 or more surviving children under the age of 18 - to 4 working days paid leave for each calendar year.

Labour legislation gives the right through the collective bargain to regulate additional leave for mothers with two or more children up to 18 years of age (Art. 168). It is possible to agree on the number of days of additional leave in the collective bargain, but not to limit it to mothers with two or more children, but to include all parents with children, without taking into account the number of children.

Paternity leave is regulated by 15 from the date of discharge of the child from the medical institution.

Through collective bargains can be agreed, fathers of newborn children up to 40 days not to be involved in business trips more than 100 km from the place of living. This measure is important for sharing child-rearing responsibilities, especially in the first days of a newborn when the mother needs support.

TABLE 4 – RELEVANT NATIONAL MEASURE/TOOL/PRACTICE (GOOD PRACTICE)

TITLE OF THE MEASURE	Maintenance and development of built kindergartens of Ministry of Deefense in military garrisons.
TERRITORIAL COVERAGE (national, regional, local)	National
TARGET	Defense Ministry servants
MAIN PARTNERS/ STAKEHOLDERS INVOLVED (promoter and partners of the project/policy/ measure; Roles of actors involved)	Ministry of Defense
SHORT DESCRIPTION OF MEASURE (objectives and actions)	Achieving a better balance in reconciling work and private life and reducing the gap in childcare and dependent household members through actions to maintain and develop Ministry of Defense kindergartens in military garrisons
MAIN RESULT TO DATE AND EXPECTED LONGER TERM IMPACTS (according to available monitoring/evaluations)	Construction of kindergartens

8. Occupational social security, health protection and safety in working conditions

*The principle of equal treatment for men and women in matters of social security refers to the **statutory social schemes** which provide protection against the risks of sickness, invalidity, old age, accidents at work, occupational diseases and unemployment, **social assistance** as well as **occupational social security schemes** in so far as it is intended to supplement or replace the abovementioned statutory social schemes.*

*The right to safety in working conditions also includes the **prevention and the protection from harassment and sexual harassment**. They both are considered discriminations on basis of sex and contrary to the European rules on equal treatment between men and women at work. These forms of discrimination occur not only in the workplace, but also when accessing to employment, vocational training and promotion. Harassment and violence can potentially affect any workplace irrespective of the size of the company, field of activity or form of the employment contract.*

Regulatory treatment and main legislative references:

ACCORDING TO **CEDAW** (ART. 11), States Parties shall take all appropriate measures to eliminate discrimination and ensure, on a basis of equality of men and women, **the right to social security**, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave (e); and **the right to protection of health and to safety in working conditions**, including the safeguarding of the function of reproduction (f).

The recent **ILO Convention No 190 concerning the elimination of violence and harassment in the world of work** (2019) acknowledges that harassment in the workplace affects a person's psychological, physical and sexual health. It also recognises that violence and harassment may prevent people – particularly women – from accessing, remaining and advancing in the labour market. It calls for States to establish specific rights in order to protect workers (sanctions, effective complaint mechanisms, support, and remedies etc.); and to adopt laws and regulations requiring also employers to take appropriate steps to prevent “violence and harassment in the world of work”, including “gender-based violence and harassment”.

At European level, the **Council Directive 79/7/EEC of 19 December 1978** is the first European legislation **in matters of social security**, that affirmed the principle of equal treatment, that is the prohibition of discrimination on ground of sex, either directly or indirectly, by reference in particular to marital or family status, with reference to **statutory schemes** which provide protection against sickness, invalidity, old age, accidents at work and occupational diseases, unemployment as concerns as well as **social assistance**, in so far as it is intended to supplement or replace the former (art. 3). The directive specifies that the principle of equal treatment shall be without prejudice to the provisions relating to the protection of women on the grounds of maternity (art. 4, par 2). Moreover, a number of other exceptions to the principle have been introduced to allow for positive discrimination for women who interrupted their careers for child care: determination of pension age, acquisition of benefit entitlements after career breaks for child care, increases of pensions for a dependent wife and the granting survivor's pensions.

The **Directive 2006/54/EC**⁴³ completes the previous legislation affirming the **principle of equal treatment in occupational social security schemes**, benefits to supplement those provided by statutory social security schemes or to replace them, which providing protection against sickness, invalidity, old age, including early retirement, industrial accidents and occupational diseases, unemployment. They can refer to other social benefits, such as survivors' benefits and family allowances, if such benefits are paid by the employer to the worker by reason of the latter's employment (art.8). The provisions do not prejudice to possibility of adopting positive actions with a view to ensuring full equality in practice between men and women in working life (art. 4).

Both Directives prohibit direct or indirect discrimination on grounds of sex as regards: the scope of such schemes and the conditions of access to them; the obligation to contribute and the calculation of contributions; the calculation of benefits, and the conditions governing the duration and retention of entitlement to benefits.

The right to safety in working conditions also includes the **prevention and the protection from harassment and sexual harassment**. In this purpose the **Directive 2006/54/EC (art. 26)** specifies that Member States shall encourage, employers and those responsible for access to vocational training to take effective measures to prevent all forms of discrimination on grounds of sex, among which harassment and sexual harassment in the workplace, in access to employment, vocational training and promotion.

Current and future European policies and relevant examples of instruments adopted

In the framework of safety in working conditions, to address harassment in work contexts, international and European policies promote an inclusive and gender-responsive approach, which tackles causes, including gender stereotypes, multiple and intersecting forms of discrimination and unequal gender-based power relations. As an employer, the Commission will adopt a new comprehensive legal framework with a set of both preventive and reactive measures against harassment in the workplace. Un example of European good practice is the **@MeTooEP** (2018), a blog publishing anonymous testimonies of sexual harassment in the European Parliament, where neither the victims' nor the perpetrators' names are mentioned. The blog was created to allow victims of sexual harassment to speak freely about the violence they have encountered.

8.1. BULGARIAN CONTEXT

Women and girls are becoming more victims of domestic violence and gender-based violence. They make up the majority of victims of trafficking in human beings and those who have suffered violence and harassment in the workplace. Having other vulnerabilities makes women more likely to encounter violence, such as a health problem or disability, belonging to an ethnic or religious minority or migrant background, etc. The lack of economic independence further highlights women's vulnerability. In the context of The Covid-19, violence against women is on an upward trend.⁴⁴

The consequences of violence and harassment in the workplace are undoubtedly a problem, not only

⁴³ This Directive recast the main provisions of the Council Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes)

⁴⁴ . In Bulgaria, almost one in four women (23%) have been the victim of physical and/or sexual abuse by their partner.

for the victims themselves, but also for society as a whole, because the negative effects manifest themselves in different directions and their impact is not only immediate, but also long-lasting. Violence, harassment and in particular sexual harassment can lead to a decrease in labour productivity, improved relationships and the use of sick leave or leave in order to protect victims from the impact of this phenomenon. Sexual harassment has a negative impact on the working environment, on business and the economy as a whole.

A definition of domestic violence, including violence by an intimate partner, has been given in the Law on Protection from Domestic Violence Protection Act (LPDV) in force since March 2005, which defines domestic violence and provides protection measures against it, as well as measures to assist and support victims.

LPDV, Article 2. (1) (Amended, SG No. 102/2009, effective 22.12.2009) Domestic violence shall denote any act of physical, sexual, mental, emotional or economic violence, as well as attempts of such violence, coercive restriction of personal life, personal liberty and personal rights committed

against individuals, who are related, who are or have been in a family relationship or in de-facto conjugal co-habitation.

(2) Any domestic violence committed in the presence of a child shall be considered mental and emotional violence against said child

Law on Protection against Discrimination (LPAD) defines the concept of harassment and the term “sexual harassment”. According to the provision of the LPAD harassment is considered to be discrimination, i.e. equated to discrimination, constitutes a form of discrimination.

The victim of harassment has the right to lodge a complaint with the Commission for Protection against Discrimination, the body responsible for preventing discrimination, protecting against discrimination and ensuring equal opportunities. This is a specialised public body that oversees the application and compliance with equal treatment laws.

The victim can also submit a report to the territorial directorate “Labour Inspectorate”, accompanied by detailed information on the case.

LPAD, Art 4, Any direct or indirect discrimination on grounds of sex, race, nationality, ethnicity, human genome, nationality, origin, religion or belief, education, beliefs, political affiliation, personal or social status, disability, age, sexual orientation, marital status, property status or any other indication established by law or in an international treaty to which the Republic of Bulgaria is a party is prohibited

Art 5, The harassment on the grounds referred to in Article 4, Paragraph 1, sexual harassment, instigation to discrimination, persecution (persecution) and racial segregation, as well as building and maintenance of an architectural environment hampering the access of people with disabilities to public places shall be deemed discrimination.

National Strategy for promoting equality between women and men includes key actions to advance the fight against violence and protect and support victims. Priority areas are aimed at bringing in systematic and targeted policies and measures to prevent and counter all forms of domestic violence, gender-based violence, violence in the workplace, etc., including online violence, as well as improving the protection of victims of violence.

Providing accessible and quality services for support and reintegration of victims of violence and victims

of trafficking in human beings; perpetrators of violence. Data collection and awareness-raising and sensitivity of institutions and the public. Strengthening the capacity, qualifications and competences of the various specialists and responsible institutions for preventing and combating violence and supporting victims.

Efforts by the Social Services Agency (ASA) to reintegration and empower victims of trafficking in human beings and assistance to support victims of domestic violence continue.

TABLE 5 – RELEVANT NATIONAL MEASURE/TOOL/PRACTICE (GOOD PRACTICE)

TITLE OF THE MEASURE	Improving the efficiency of police in the area of domestic violence and gender-based violence
TERRITORIAL COVERAGE (national, regional, local)	National
TARGET	Police officers
MAIN PARTNERS/ STAKEHOLDERS INVOLVED (promoter and partners of the project/policy/ measure; Roles of actors involved)	Ministry of Interior
SHORT DESCRIPTION OF MEASURE (objectives and actions)	Improving the conditions and competence of staff in the treatment of vulnerable groups - children victims of crime and children at risk, as well as children who commit crimes
MAIN RESULT TO DATE AND EXPECTED LONGER TERM IMPACTS (according to available monitoring/evaluations)	<p>Improved administrative capacity and competence of police officers to prevent domestic and gender-based violence and to work with victims in this area.</p> <p>Create an algorithm to assess the risk in cases of domestic violence and gender-based violence.</p> <p>Training of 200 police officers related to risk assessment in domestic violence cases, as well as to deal with cases of domestic violence.</p> <p>Part of the trainings also involve military police officers from the Ministry of Defense</p>

Partnership

ActionAid Italia, Italia

Istituto per la Ricerca Sociale (IRS), Italia

Rel.Azioni Positive Società Cooperativa Sociale, Italia

Center for Sustainable Communities Development, Bulgaria

Fondation Agir Contre l'Exclusion (FACE), Francia

Women's Center Of Karditsa (WCK), Grecia



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