

## DESK RESEARCH BULGARIA

### 1. Development of trade unions in historical perspective

Since the beginning of the 1990s, Bulgarian trade unions have faced difficult choices for action in the conditions of the transformation:

- transition from a totalitarian to a democratic society and state;
- transition from a centralized planned economy to a market economy;
- changes in many aspects of social policy;
- changes in the attitudes and values of citizens.

In Bulgaria, as in most Central and Eastern European countries, in the 1990s, processes of restoring the free and often pluralistic nature of the trade union movement, which existed in a number of cases even before the Second World War, took place.

#### 1.1. *Trade Unions and political change*

To begin with, trade unions accept and support democratic political change. Some of them arose in the conditions of the collapsing totalitarian system, that is, at the beginning of 1989, immediately before and shortly after the start of the democratic changes. Such is the current **Confederation of Labour “Podkrepa”**, which emerged as an independent trade union in February 1989. Along with the independent trade union Podkrepa, in November 1989-February 1990, other, smaller unions were also born.

At the same time, in the old trade union system, there have been a number of attempts at renewal since past periods - 1986-1988, although not particularly successful due to the pressure of the totalitarian regime. At the end of November 1989 within the old trade union system attitudes towards independence from the Communist Party, the state and employers prevailed, and in December the old leadership was replaced and a new temporary executive committee was elected. In February 1990, the founding congress of the Independent Bulgarian Trade Unions was organized and the **Confederation of Independent Trade Unions in Bulgaria (KNSB)** was established. It inherited the structures of the old trade unions and carried out, albeit more slowly, its transformation by actively

supporting political change and the promotion of democracy. The two major trade union confederations had been undergoing a complex transformation to distinguish them from political parties and other organizations. For the Confederation of Independent Trade Unions in Bulgaria (KNSB), as the legal successor of the old trade unions, this was a difficult separation from the tutelage of the Communist Party. The Confederation of Labor, Podkrepa (CL Podkrepa) also experienced a process of "separation", as it had taken strong anti-communist positions since its foundation and became part of the Union of Democratic Forces (UDF) created at the end of 1989, which included both restored traditional and new political parties, as well as numerous civic organizations. During the UDF rule in 1991-1992, as a result of its anti-union policy and a clear misunderstanding of the nature of industrial relations and social dialogue by the majority of the ministers, CL Podkrepa also opposed the policy of this government, as well as KNSB.

Gradually, both main trade union confederations emancipated themselves from the influence of political parties and took positions protecting the interests of workers, regardless of which party was in power and which was in opposition, beginning to maintain equal relations with all the main political forces. However, there are two specific cases where slight deviations from these processes are registered. The first case is the establishment in February 1997 of the United Labor Block (UBB) by the still acting chairman of KNSB<sup>1</sup>.

This is a party conceived as Labour party, but in the end the UBB failed for a number of reasons. The second case is related to the attempts to unify the historical Bulgarian Social Democratic Party (BSDP), which was restored at the end of 1989 but divided in 1991. At the end of 1997, former members of the Social Democratic Party-SDP (which separated from the BSDP in 1991 and remained a part of the UDF), dissatisfied with the policy of the leadership, left it and made an attempt in the form of a civil association to bring the two branches closer together. Active members of the BSDP and SDP, as well as non-party members, representatives of the two main trade union confederations and other civil

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<sup>1</sup> Prof. Krastyo Petkov, chairman of KNSB at that time, was elected in May 1997 for a chairman of UBB and takes an unpaid leave till the Regular Congress of the Confederation in December 1997.

organizations were invited to join the association. However, the movement failed to establish itself.

### *1.2. Economic and Social Transformation and Industrial Relations*

Economic transformation, privatization and restructuring have been among the main policies of the unions for a long period of time - from the 1990s to the end of the first decade of the new century. As a result of privatization and restructuring, many jobs have been lost, and the dynamics of industrial relations have been affected in the following aspects:

- reducing the number and density of trade unions and employers' organizations;
- deregulation of industrial relations and decentralization of collective negotiations and bargaining.

In Bulgaria, industrial relations have existed since the beginning of the 20th century, but in 1944-1949 they were practically liquidated by the totalitarian communist system. At the beginning of the 1990s, the system of industrial relations began to recover, which was driven by the beginning of the democratic political changes, the emergence of new trade unions and the reformation of the old ones. In 1990, the revival of employers' organizations began, and a regulatory framework for the regulation of collective labor disputes was created. In the same year, the foundations of the tripartite partnership were created and negotiations for collective labor agreements began in the enterprises and in the industries and branches. In 1993-2011, a number of changes were made to the Labor Code, creating the new normative framework of industrial relations.

### *1.3. Historical review of the trajectory of trade unions in Bulgaria*

In the early 1990s, trade union density was still quite high - over 80% of employed workers and employees, and the main visible change was the emergence of trade union pluralism. After that, it began to decrease steadily and stabilized at a level of 15% after 2020.

*Table 1: Trade union density by years*

<i>Year</i>	<i>Trade union density (in % to the number of employed)</i>
1990	80%
1993	42 %
1999	30%
2003	22%
2007	20%
2011	16%
2016	16%
2020	15%
2022	15%

*Source: ISTURET*

A major factor in the decline in union membership was initially unemployment, as well as difficulties with a number of employers. In 2008-2011 there was a decline again due to the financial economic crisis, but in 2012-2019 the decline stopped and growth began again - overall for employment and for the number of employed. In 2020-2021 there was another decline due to the pandemic and again a weak growth in 2022 (NSI, Labor force observations, 2001-2022). The problem for the trade union organizing is no longer redundancies and unemployment, but the difficult recruitment of new union members in new enterprises (especially in small and micro enterprises, in private services) and the weak motivation for membership (especially among young people).

Another feature is the more pronounced movement from one union to another in 1990-2000, i.e. from old and reforming unions to new ones. In the period 1995-1999, there were also movements among the new unions. Later, these trends were weaker and although new unions appeared, in general the numerical composition of the two main

confederations was already stable and no significant movements were observed between them.

Trade unions are relatively well represented in heavy industries, in some infrastructural services - energy, transport, posts, water supply and sewerage services, budget sectors. Density in some industries such as food, clothing, leather and footwear, woodworking and paper, as well as construction and agriculture, trade and tourism has greatly decreased. However, in a number of private services there are either no unions at all or they are almost symbolic.

#### *1.4. Overview of collective negotiations and bargaining in Bulgaria*

Collective bargaining and social dialogue in general began to recover from 1990. At first, trade unions partnered mainly with employers from the state-owned enterprises, but gradually with privatization the old structures were restored and/or new employer organizations were formed.

##### *1.4.1. Employer organizations*

Employer organizations in Bulgaria are distinguished by their strong pluralism, overlap (double, triple and other membership of enterprises) and stratification in a historical context. The number of their members and their density are also decreasing, especially in the last 10 years. **The density of employer organizations, calculated on the basis of the total number of employers, is about 18%.<sup>2</sup>** At national level, 5 employer organizations are represented:

- **Confederation of Employers and Industrialists in Bulgaria (KRIB)**
- **Bulgarian Industrial Association (BIA)**
- **Bulgarian Chamber of Commerce and Industry (BCCI)**
- **Association of Industrial Capital in Bulgaria (AIKB)**
- **Union for Business Initiative (SSI)**

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<sup>2</sup> According to data from the census of employer organizations, 2020.

In addition to the five organisations, there are also a number of smaller unions, regional and sectoral employers' organisations. A significant part of enterprises, especially small and micro enterprises, are not members of employers' organizations.

#### 1.4.2. *Social dialogue*

Social dialogue as a mechanism for settling relations between employers and trade unions has a long history in Europe and other developed countries, but in Bulgaria its development at the national level began after 1989. Its main forms are tripartite and bilateral partnership at different levels. The tripartite cooperation emerged at the beginning of 1990. It was born from the acute social problems that flooded the country and was one of the mechanisms through which their solution was sought. The tripartite partnership has existed since 1990, but its institutionalization dates back to 1993. Tripartism has been developed at the national, sectoral and regional/municipal levels and has an essential role in discussing employment, labor law, social security, living standards, minimum wage. Officially, the role of the social partners is only advisory. Some government departments are managed with the participation of the social partners. In Bulgaria, as in most Eastern European countries, the role of tripartism is still strong, despite the decreasing density of trade unions and employers, the deregulation and decentralization of collective bargaining. Bilateral social dialogue, especially in industries and branches exists and is viable and has a role in a number of industrial sectors.

#### 1.4.3. *Major trends in collective bargaining and negotiations*

Collective negotiations and bargaining in Bulgaria take place at the sectoral level - in industries and branches, as well as at enterprise level. There are also collective negotiations and bargaining at the municipal level - intersectoral or sectoral, but only for companies/organizations and sectors that are financed by municipal budgets. A known shortcoming in the regulatory framework is the elimination of the possibility of conducting negotiations with a group of employers, which limits regional and municipal negotiations for the business sectors, especially for small and micro enterprises. In addition, civil servants do not participate in collective bargaining and unions have to negotiate signing

agreements on their behalf. The concept that is laid down and the normative framework is that the negotiations at a higher sectoral, branch, possibly municipal level lay down norms to be accepted as a minimum at the enterprise level. This concept has unfortunately been cracked in practice over the last 10-15 years, especially in large enterprises and divisions of multinational companies, where industry standards are in some cases greatly exceeded, and in others completely ignored.

The scope/coverage of workers under Collective Labour Agreements (CLAs) has changed in the nearly 33 years since industrial relations began to recover. At the beginning of the 1990s, the trade unions, mainly KNSB, took a number of steps to restore collective bargaining at various levels, and initially collective bargaining was conducted exclusively in enterprises and sectors with state or municipal ownership. In 1990-1998, the scope was within 60-70% of the employed<sup>3</sup>, considering that there are sectoral CLAs for most industries and economic activities.

After the start of privatization, especially after 2000, the number of workers and enterprises covered by CLAs began to decrease. A major problem after 2000, which has been increasing more and more, is the erosion of sectoral/industry collective bargaining. This is visible in the industry - for example, chemical and pharmaceutical industry (there have been no sectoral negotiations since 2004), later also in most branches of the food industry (they have also been absent there for the last 5-10 years). At the same time, in a number of sectors there are sectoral or branch trade unions, but in general the trade union density in them is low and practically in a number of enterprises there are no trade unions that require compliance with sectoral CLAs (e.g. in construction, agriculture, paper industry, trade, tourism). After the crisis in 2008-2009, the number of those covered dropped to less than 30% of employed.

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<sup>3</sup> Data KNSB

*Table 2 Scope/coverage with CLA by year*

Year	Coverage with CLA (total) <sup>4</sup>	coverage with Sectoral CLA
2015	<30%	no data
2016	<30%	no data
2017	30%	no data
2018	30%	no data
2019	30%	23, 8%
2020	30%	23,6%
2021	30%	23%
2022	30%	22,7%

Source: *ISTURET*

*Table 3 Scope/coverage with sectoral CLAs (for some sectors) by year*

<b>A. Industry and other production</b>				
	2019	2020	2021	2022
a. Mining industry	59%	68,6%	67,8%	66%
b. Processing industry (total)			4,2 %	0,9%
b 1. Pulp and paper industry	30%			
b 2. Brewery	100%	100%	100%	100%
c. Agriculture, forestry and fisheries - total			7,7%	9,3%
c 1. Forestry	70-100%	39%		

<sup>4</sup> The data on the total scope are approximate, as there are enterprises and workers for which more than one CLA operates - for example, industry/branch and enterprise, industry/branch and municipal, municipal and enterprise, industry/branch, municipal and enterprise



d. Construction			1,6%	1,4%
<b>B. Services and related production</b>				
e. Energy production and supply	45%	58,7%	56,2%	53,4%
f. Water supply, sewage and waste processing - total		38%	36,1%	36,6%
f 1 Water supply and sewage	58%	85%	76,7%	77,5%
g. Transport - total				
g 1 Railway transport	50%			
g 1.1 Passenger railway transport	99%			
h. Postal services	45%			
i. Trade, tourism, other services				
i.1. Hotels and restaurants			1,8%	1,2%
<b>B. Budget sectors</b>				
j. Държавно управление				
j.1. Agricultural Research and Training Administration	70-97 %			
j.2 Social Assistance Administration	55%			
k. Education - total	59%	58,4%	62,3%	66,7%
k.1. Preschool and secondary education	75%	75%	85%	83%
l. Culture - total		25,7%	20,8%	17,7%
l.1. Artistic, creative, etc. activities		72,6%	57,9%	50,11%

Source: ISTURET

According to data from the National Institute for Conciliation and Arbitration (NIPA), the coverage of CLA at the enterprise level for the period 2011-2021 varies between 14% and 16%.

*Table 4 Scope/coverage with CLA at enterprise level*

Year	4 Scope/coverage with CLA (total for the country)
2011	14,1%
2012	15,6%
2013	15%
2014	14,5%
2015	14,1%
2016	14%
2017	14 %
2018	15,3%
2019	15,3%
2020	15,9%
2021	15,6%

*Source: NIPA*

There are, however, tendencies to decrease the number of sectoral CLAs and those in enterprises, although in some years there is also a slight increase. In 2020-2021, there are 23 sectoral CLAs (industry and branch) registered. The number of CLAs operating at enterprise level is 1,522 for 2021 and 1,424 for 2022 (NIPA data).

#### *1.4.3. Collective labor disputes*

The restoration of industrial relations in Bulgaria, as well as in a number of Eastern European countries, began with the intensification of labor conflicts and strike actions, as in 1989-1990 and for some time afterwards they were dominant in public life, due to the

difficult adaptation of workers, and of employers to the market mechanisms of the economy. This is the reason for the swift passage of the Collective Labor Disputes Settlement Act (1990). According to data from the National Institute for Conciliation and Arbitration (NIPA), there was a decrease in the number of collective labor disputes in enterprises on an annual basis for the period 2010-2014 (from 19 to 10), after which there was a jump in 2015 and again smooth decrease thereafter.

*Table 5 Collective Labour Disputes (CLD)*

Year	Number CLDs	Number of employess involved
2010	19	33071
2011	13	50984
2012	15	41479
2013	10	20798
2014	10	34483
2015	24	32219
2016	22	91627
2017	13	65563
2018	9	17983
2019	7	8649
2020	3	1674
2021	7	4785

Source: NIPA

### *1.1. The impact of the Covid 19 crisis on the trade union movement*

Undoubtedly, the pandemic has had an impact on social dialogue and industrial relations. At the national level, with the cooperation of trade unions and employers' organizations, a number of anti-crisis measures have been created, which lead to the preservation of more than 300 thousand jobs.<sup>5</sup> In a number of industrial enterprises, in close cooperation and with the assistance of trade unions, employers have taken very strict measures to preserve the life and health of workers.

In addition, the pandemic accelerated not only the digitization of work, but also the communications and forms of social dialogue and collective negotiations. This also provoked the trade unions to orient their policies towards digitization and also to encourage the training of their staff to acquire digital skills. The restrictive measures further stimulated the use of digital technologies in trade union work, too.

## **2. Legal and political-economic context for trade unions**

### *2.1. Legal and institutional framework for trade unions*

The right to unionize workers and employees is a manifestation of the general and fundamental rights of citizens, regulated in the Constitution of Bulgaria. The general right of association of citizens consists in the opportunity granted to them and guaranteed by the Constitution to unite and establish organizations to express, defend and protect their common interests, as an important condition for the construction of civil society. At a legal basis, the constitutional right for the protection of workers and citizens, respectively of the employers, is regulated mainly by the Labour Code (LC). Separate chapters in the LC also arrange the specific rules and fields of these clauses. The rights of trade unions are enshrined in the Labor Code. The most important and common to all trade union organizations are:

- Participation in the preparation of the internal acts of the enterprise - Art. 37 LC;
- Participation in discussion of labor and insurance issues - Art. 42 LC;
- Representation at the Court - Art. 45 LC.

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<sup>5</sup> KNSB data

Along with the mentioned general rights, trade union organizations have other rights:

- Participation in collective bargaining and conclusion of collective labor agreements;
- Participation in the settlement of implementation of the state control for compliance with the legal framework of labor relations;
- Participation in the settlement of collective labor disputes and the management of the right to strike.

Current law allows trade unions to acquire the status of a legal entity. As legal entities, they are legitimate parties in the civil process and to participate in it as plaintiffs and defendants, to be subjects of property rights and other civil rights – ownership, bond and others.

The criteria for recognizing trade union organizations as representative are established in the law and exhaustively listed in Art. 34, items 1-4 LC.

Another direction of the legal and institutional framework is the regulation of **social dialogue** and, in particular, the regulation of tripartite cooperation. The main instrument in the legal framework for regulating the tripartite cooperation is the Labor Code. The tripartite cooperation is general and joint participation through dialogue, discussions, mutual concessions and compromises of the three most interested parties - the state, employers and trade unions, in settling and solving labor and social problems (art. 3, para. 1 LC). Tripartite cooperation is also regulated in a number of special laws - the Social Security Code, the Employment Promotion Act, the Health and Safety at Work Act, the Health Insurance Act, etc.

Conducting tripartite cooperation is mandatory - cooperation and consultations must be carried out during the adoption of normative acts on relations and issues of labor and directly related relations, insurance relations, as well as issues of the standard of living. These can be both laws and by-laws of the Council of Ministers, of individual ministers or of the heads of other departments. **The bodies of tripartite cooperation** are: National Council for Tripartite Cooperation, sectoral, branch, regional and municipal councils for tripartite cooperation. Among the sources of the legal framework supplementing social dialogue

through dialogue with civil society is the Law on the Economic and Social Council adopted on April 10, 2001, which institutionalizes social dialogue and consultations on economic and social policy between civil society structures (Art. 2, paragraph 2 LESC). This type of dialogue is different; it is consultation and seeking consensus for common solutions on a range of economic and social issues between employers' organizations, trade unions and other civil society organizations.

The methods of settling collective labor disputes are regulated in the Law on the Settlement of Collective Labor Disputes. Accordingly, the means used to resolve these disputes are of two main types - methods of voluntary settlement of collective labor disputes and methods of settlement through force and pressure.

Disputes for voluntary settlement are of three types: a) direct negotiations between the parties; b) mediation; c) voluntary labor arbitration. The ways to settle collective labor disputes through force and pressure are **the strike or various forms of protest. The strike is a right of workers, regulated in Article 50 of the Constitution of the Republic of Bulgaria.** It often happens in practice that workers mix the two concepts, but they are fundamentally different from each other and their procedures are governed by two separate laws:

- **Law on settlement of collective labor disputes - strikes**
- **Law on assemblies, rallies and demonstrations - protests**

What is specific about the strike is that it is a collective right, because it is exercised jointly by an indefinite circle of workers. **This means that an individual worker cannot independently declare a strike** (Kapitanov, T., undated).

In general, the regulatory framework in Bulgaria provides relatively good conditions for trade unions to operate and for the development of industrial relations, regardless of the fact that a number of trade unionists are not satisfied and insist on a more conservative arrangement of these relations, including through laws on trade unions, branch organizations, etc. The regulatory framework is fully compliant with European and international standards and norms and, compared to a number of EU countries, provides significant opportunities for trade unions to rely on the labor law. The problem is rather in

deviations and non-compliance with the laws by a number of employers and insufficient institutional control.

## *2.2. Political-economic context for trade unions*

### *2.2.1 Relations with political parties*

The two main trade union confederations try to be equally distant from all political parties, movements, etc. and to partner with them when necessary to represent workers' interests. Both confederations have prohibitions in their statutes for persons in leadership positions in trade union structures to hold positions in the leadership of political parties or movements, as well as to be MPs, ministers, mayors, etc.

### *2.2.2 Union policies and relations with state institutions*

In the past period of more than 33 years, trade unions have participated in, or at least given ideas and proposals to a wide range of social and economic policies, as well as those directly related to workers' interests. In general, the trade unions try to push their policies through the parliament, the executive and the local authorities, and for this purpose they are involved in various formats of meetings with representatives of the state. Another direction is the relationship with the government, which is carried out mainly through the social dialogue, specifically the tripartite cooperation, in which the employers' organizations also participate. At the regional and municipal level, trade unions also use forms of social dialogue, mainly tripartite cooperation, as well as the possibility to nominate municipal councilors - independent or as participants in the civic quotas of party lists - to influence the policies of local self-government bodies.

### *2.2.3. Relations with employer organizations*

Relations with employer organizations are another aspect of the political-economic context. A number of factors over the years stand out as an obstacle to dialogue between the two parties: e.g. the presence of a large number of employer organizations in some sectors, the lack of self-determination as an employer organization (e.g. some are recognized only as business organizations, but not as employers), the denial of trade unions as a negotiating party (including anti-union actions at enterprise level), etc. If in the



90s of the last century the employers' organizations in most cases tended to reach compromises with the trade unions, after 2000-2001 there was a re-thinking of the objectives and conflicts often emerged.

#### *2.2.4. International trade union and inter-institutional relations*

The political-economic context of the trade union activity is also expressed through their international activity. In addition to purely trade union ties and affiliation to ETUC and ITUC, the unions have successfully participated in the European Economic and Social Council (EESC) since 2007. Representatives of the Bulgarian unions participate in the management or supervisory bodies of several EU agencies, where tripartite management is envisaged. Through their affiliation to the ETUC and the European sectoral federations, representatives of both confederations are also involved in the European social dialogue. Also, on an international level, the participation in the work of the International Labor Organization (e.g. in the general Annual conferences, in the work of the Eastern European Bureau of the ILO, etc.) should be emphasized. In the process of preparation for Bulgaria's accession to the OECD, trade unions have the right to nominate representatives as observers with the Trade Union Advisory Committee of the OECD.

#### *2.3. Challenges, threats and opportunities for trade unions in expanding their power and scope of collective bargaining*

The priority directions in the activity of the Bulgarian trade unions include: income policy and the reduction of inequalities; the technological transformation and the adaptation of the labor market to the changing socio-economic environment; lifelong learning; the transition to a green economy; guaranteeing decent work in atypical forms of employment; the modernization of the insurance system and the system of social support; the expansion and improvement of collective bargaining, bilateral and tripartite cooperation; the digitization of trade union activity; fight against harassment and violence in the workplace, etc.

Due to the limited number of concluded branch collective labor agreements and the unused extension mechanism, collective bargaining on wages has critically low levels of



coverage - 23.6% at the branch level and 15.6% at the company level. A step forward in the collective bargaining and achieving higher coverage of the employees and workers is the adopted Directive on adequate minimum wages in the European Union. In this regard, KNSB also adopted a Roadmap for the implementation of a National Action Plan for the promotion of collective labor bargaining and for adequate minimum wages.

### **3. Trade Union Strategies**

#### *3.1. Organizational strategies for attracting members*

The dynamics of union membership in recent years show that the decline rate in membership has largely slowed, and the trend of losing union members has largely been contained. Unions remain relatively stable in terms of overall numbers. The data from the reporting report of the 9th Congress of KNSB showed that in recent years the dominance of the public sector has been strengthened at the expense of industry and services; the number of some main members is increasing (KNSB, 2022). From the analyzes of a number of documents of the KNSB and CL "Podkrepa", the opinion emerges that the process of creating new trade union organizations is slow and difficult.

Of particular importance to the motivation for union membership is the general environment that unions achieve through legislation. KNSB and CL Podkrepa are the initiators of the adoption of laws, amendments and additions to them, which are aimed at protecting the rights and interests of the employees and workers. On their initiative changes and additions to the Labor Code were reached creating an opportunity for greater protection of the rights of the hired workers, for a greater balance between labor and capital.

From the fall of 2022, KNSB and CL "Podkrepa" are conducting a joint protest campaign to protect incomes from inflation and the jobs in crisis. After a number of protest actions, information campaigns, forums and meetings of workers and employees at all levels, including National Protest Rally, a significant part of the demands of the individual protest actions were won. These actions motivate union membership and are a response to workers' expectations.



Unions make efforts in their structures to retain the number of members, but also to attract new members. Part of KNSB policies in the field of unionization is the educational campaign "**My first workplace**". This campaign, which lasted more than 10 years, is among the tools for promoting the trade unions and explaining the meaning and benefits of trade unionism. Another important element of KNSB's strategies related to unionization are **the information and consultation campaigns**. In 2012-2013, the "**Be Info**" campaign was carried out, during which KNSB together with BIA and KRIB conducted an information campaign with the aim of familiarizing workers and employers with information and consultation systems and supporting the creation of such. As part of the campaign, a large number of enterprises were visited, consultations and trainings were held, information and consultation systems were established, and new trade union organizations were created. A second similar campaign was held in 2017-2018, and a third one was initiated in 2019.

**KNSB also conducts a number of campaigns through which it demonstrates the benefits of establishing a trade union and promotes its position as a defender of the working people.** In 2021 the campaign "**For more democracy at workplace**" started. The main objectives of the campaign are for workers' representatives to be informed and consulted, to hold timely discussions with management at all levels and to actively participate in the decision-making process. KNSB also created an **on-line reception desk** that helps everyone who needs advice and consultation in the field of labor and social security legislation. The campaign of KNSB **Grey Kills** and the developed **VOX mobile application** for whistleblowing against unfair practices of employers facilitates the link with workers whose rights have been violated and who wish to receive expert protection.

In addition to the campaigns, KNSB has been developing long-term social projects with the aim of increasing the motivation for trade union membership. An example in this regard are: a) **The National Mutual Fund**, which is a mechanism for financial assistance to union members; b) **the program for trade union members, which provides attractive prices and discounts in over 600 commercial entities throughout the country;** c) **the charity campaign *You are not alone* (to support trade unionists who underwent hospital**

**treatment for Covid;** d) policy in the field of workers' sports, development of children's creativity, charity and social campaigns, etc.

Since 2014, **the Confederation of Labor "Podkrepa"** annually organizes campaigns to commemorate the *World Day of Safety and Health at Work*, which contribute to greater activity to protect the life and health of workers, public intolerance towards offenders, introduction of the systemic approach and building a safety culture at work. Consultations, trainings and effective dialogue are carried out to improve the working conditions at each workplace. (CL "Podkrepat", 2017). The strategies of CL Podkrepa for attracting new trade union members include information actions and direct meetings with workers at enterprise level. Organization of open reception desks for young people and workers at regional level who have recently entered the labor market to familiarize them with the basic principles of trade unionism (CL Podkrepa, undated).

### *3.2 Strategies in the processes of social dialogue and collective bargaining: negotiations with social partner organizations and state institutions, building coalitions with other organizations*

KNSB promoted the introduction of a text regulating the foundations of the social dialogue – **the tripartite cooperation** - in the Labour Code. This is how the idea of **representativeness of workers' and employers' organizations** began. These changes in labor legislation aimed at tripartite cooperation between the state and nationally representative trade union and employer organizations are an important tool for preventing labor conflicts. Since 2001, there has been a Regulation on the organization and activity of the tripartite cooperation councils. **The National Council for Tripartite Cooperation (NCTC)** is a body for carrying out consultations and cooperation at the national level on issues of labor and directly related relations, insurance relations, as well as on issues of the standard of living. The trade unions are represented in various working groups and commissions at the NCTC and at individual ministries, including The National Employment Council, the Advisory Council on Corporate Social Responsibility, the National Council on Working Conditions, the tripartite bodies that supervise or manage various agencies - NAVET, NSI, NIPA, etc. Cooperation and consultations on the regulation of labor

and directly related relations, insurance relations and issues of the standard of living by sectors, branches, regions and municipalities are carried out by sectoral, branch, regional and municipal councils for tripartite cooperation. These councils consist of two representatives from each of the relevant ministry or other department, regional or municipal administration, representative organizations of workers and employees and employers. For more than 33 years, the trade unions have been involved in the process of tripartite cooperation. There are controversies on a number of issues, mainly between trade unions and employers' organizations, mainly regarding the amounts of the minimum wage, for drawing up rules for negotiating minimum amounts of wages by industries and branches, for the amount of the maximum insurance income, etc. KNSB and CL Podkrepa actively participate in bilateral meetings and forums between nationally representative trade union and employer organizations. Although at national level this type of partnership is not institutionalized, some of the meetings and forums are fruitful, especially for prior agreement of positions or differentiation of positions on important aspects of work and living standards, which were discussed at the meetings of NCTC.

### *3.2.1. Tripartite and bilateral partnership in industries and branches*

The predominant part of the sectoral councils in **industry, construction and agriculture** are established under the Ministry of Economy and Industry. Within these structures, the important and sector-specific issues, on which there is often a consensus between the social partners, are discussed. The goal is to involve the state in solving the issues by coordinating and submitting them at a higher level. However, practice shows that the sectoral tripartite partnership often acquires a formal character and does not live up to the expectations of the partners. The questions asked are usually transferred for coordination with other branch structures and departments and remain without development. With the existing practice and regulations for adopting changes in the legislation and in the by-laws, there is no possibility to make proposals at the branch level. These issues are decided at the national level after discussion in the NCTC, where conflicting interests appear and reaching a consensus is difficult.

### *3.2.2. The bilateral social partnership*

The bilateral social partnership is implemented between the branch trade union federations and the branch structures of the nationally representative employers' organizations. It is not limited to actions related to the negotiation of CLAs, but is aimed at solving sector-specific problems. In most cases, **relations between social partners are assessed as good**, but in sectors with pluralistic and fragmented social partners, the dialogue is more difficult. In the **budgetary sphere**, social partnership structures are mostly relatively well institutionalized and sustainable. In some activities structures for both bilateral and tripartite partnership have been established. The lack of regulation of the social cooperation, social dialogue and bargaining for the civil servants should be noted as a problem.

### *3.2.3. Partnership within municipalities*

The main structures for social dialogue at regional level are the Municipal Councils for tripartite cooperation. In the places they exist and function, they are a primary means of coordinating interests, posing problems, and building consensus prior to the collective bargaining process itself. The summarized data from KNSB study for 2019 show that only 23 municipal councils for tripartite cooperation have been established, including 16 in regional cities, and in almost 1/3 of them there is practically no activity. Trade union representatives often do not understand the importance of the Municipal Councils, sometimes they consider that with a good bilateral dialogue with the mayor, they do not need an additional formalized structure. In some cases, councils have been replaced by forms of cooperation that are more appropriate for the respective municipality.

### *3.2.4. European dimensions of social dialogue*

Within the framework of European cooperation on social dialogue, the participation of KNSB and part of the main members in the European intersectoral and sectoral social dialogue should be mentioned. The trade unions participate in the preparation of the framework agreements through ETUC, as well as promote their implementation in Bulgaria. However, on some of them, for example the Agreement on violence and stress, there is still stagnation and unspoken resistance on behalf of the employers' organizations.

It can be summarized that there is an overall delay in the integration of the sectoral trade unions in the sectoral social dialogue at the European level, as well as insufficient active participation in the relevant sectoral councils.

#### **4. Trade unions, civil society and social movements**

##### *4.1 Trade unions, civil society organizations and social movements: connections and controversies over the years*

Over the years, trade unions in Bulgaria have built numerous relationships with various civil society organizations (including scientific organizations and NGOs). Accordingly, the links follow the policy line of the trade union movement and are mainly aimed at protecting existing or enforcing new labor protection rights. KNSB builds networks and alliances with the aim of “affirming democratic values, expanding civil solidarity in society and creating potential for sustainable development” (KNSB, 2015, p. 213).

##### *4.1.1. Relations with organized civil society and non-governmental organizations*

The relations of the trade unions with civil society are carried out in several main directions:

- Relationships with organizations whose membership partially overlaps and/or some of the interests, values and goals overlap (youth and student organizations, women's organizations, organizations of pensioners, unemployed, disabled, socially disadvantaged, etc.);
- Links with organizations of employees who are not wage workers, but with which the trade unions also share common values, goals, etc. (organizations of self-employed and independent professions, class and creative unions, craft organizations, cooperative organizations, organizations of agricultural producers, of small entrepreneurs, etc.);
- Relations with organizations that express and protect public interests in a wide range, which indirectly affect the interests of wage workers (consumer associations, patient organizations, environmental organizations, etc.);

- Relations with charitable organizations: trade unions carry out independent social and charitable activities, but also maintain relations with NGOs that have charitable goals;
- Relations with scientific organizations, technological associations: trade unions maintain relations both with NGOs that carry out scientific research, analysis, professional training, but also with state and private universities and scientific institutes of the Bulgarian Academy of Science (outside of their capacity as employers).

A large number of the organizations mentioned above have their representatives in the Economic and Social Council (ESC) of Bulgaria. Undoubtedly, ESC is this institutionalized platform within which trade unions can actively communicate with the Bulgarian civil society and initiate potential partnerships. KNSB is related and interacts both by the Confederation itself and its members, and through its associations (e.g. Youth Forum 21st Century, Public Women's Parliament - 21st Century, Center for Industrial and Social Initiatives, etc.).

By means of the established partnerships, it can be assumed that new trade union members are also attracted, but the effect of this can hardly be measured. To a large extent, relations arise spontaneously, based on partner links within individual projects. There are also longer-lasting relationships, which to a large extent is built on the pursued goals by the organisations.

#### *4.1.2. Relations with social movements and participation in civil protests*

Over the years, there have also been interactions between unions and civil initiatives and ongoing mobilizations, which are expressed rather in the form of a dialogue, but not in active inclusion in the actions they organize. KNSB, to some extent and CL Podkrepa are rarely involved in social movements and protests – they participate in such actions only when they express and defend labor and social rights and interests, without politicizing the process and seeking a change of power. Both trade unions participated in national strikes and petitions against the governments to some extent in the late 1990 and late 1996-early 1997, and this was due to the fact that the governments in those periods were inactive and

obstructing the necessary economic reforms. The more recent protest movements - mainly those in 2013-2014 and 2020, although they arose as civil ones, were essentially highly politicized movements, which was the reason for the unions to refrain from participating. KNSB remains aloof from the mass movements and distances itself from the political perspective of the rest of the protesters. KNSB responded to public unrest with public declarations rather than organizing of workers on a local level, or initiates own protest marches (such as the one in 2013). CL Podkrepa sometimes goes beyond the boundaries of a purely trade union protest. For example, at the end of February 2013, the Confederation announced that it was "opening a procedure for organizing a general national political strike" and published five declarations with specific demands to the authorities.

In 2020, a new mass protest wave arose, demanding the resignation of the government and the attorney general. The protests included both representatives of party organizations and civil organizations and movements (e.g. civil association "BOEC", the "Justice for Everyone" initiative, "The System Kills Us", the so-called "Poisonous Trio"<sup>6</sup> and others), which, however, failed to unite in a single protest core (Actualno.com, 2020).

Similar to the year 2013, KNSB distanced itself from the political demands of the protesters. Unlike in 2013, the other nationally representative trade union – CL Podkrepa this time did not have a clear commitment to communicate with the protesters and defend their demands. On the contrary, the leader of CL Podkrepa did not recognize any of the demands of the protesters as related to the ideas defended by the trade unions and was clearly unwilling to allow the union movement to be used (through the mobilization of workers and its inclusion in the protest crowds) to raise and implement new political subjects in government (Atanasova, M., 2020).

#### *4.2 Mobilizations of industrial action over the last three decades on issues related to the bargaining process*

Bargaining (and particularly wage bargaining) is expected to be the focus of the trade union actions in view of the newly adopted European directive on adequate minimum wages and

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<sup>6</sup> Compiled by Nikolay Hadjigenov, Prof. Velislav Minekov and Arman Babikyan



the expected national plan to increase the scope of collective bargaining. In the large-scale protest action of November 2022, KNSB and CL Podkrepa identified two problems to be solved by the legislative power: a) creating guarantees for exercising the right to collective bargaining for all civil servants, as well as b) criminalizing all actions aimed against the right to unionize (KNSB, 2020).

Along with bargaining, strike action is another tool of trade unions to protect workers' rights and interests. The confirmation and guarantee of the constitutional right to strike (art. 50 of the Constitution) is of priority importance for KNSB. In this regard, in the program of KNSB for the its mandate from 2022 to 2027, it is envisaged that the Confederation should take targeted actions to repeal the current Law on the Settlement of Collective Labor Disputes and adopt a new one (in accordance with Article 50 of the Constitution and international standards ) - Law on the exercise of the constitutional right to strike. Apart from targeted national actions, the trade union movement in Bulgaria relies on international support to protect the right to strike, but also supports the efforts of other trade unions to implement this right in solidarity. At the local and sectoral level, readiness for strike actions is periodically declared, due to non-fulfillment of agreements in the Labor Code or implementation of normative acts. Examples in this regard include:

- The strike readiness in 2016 in the kindergartens of Dimitrovgrad municipality due to the lack of an increase in wages (KNSB, 2016);
- The strike readiness of the workers in the Bulgarian State Railways since the beginning of 2011, among the reasons for which is the untimely payment of salaries (Nova.bg, 2011);

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