

The outlook for health and safety at work, policies and practices in Bulgaria

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The Republic of Bulgaria joined the European Union (EU) in January 2007. How far this will prove to be a good or bad thing will depend on the country's general readiness and what it has achieved in the economy, human resources development, social policy, institutional development, and especially in legislation and the control and monitoring of its application. Where occupational health and safety (OHS) is concerned, EU membership has certainly posed serious challenges to Bulgarian business and trade unions. Many Bulgarian firms still operate with a legacy of the recent past, as health and safety improvements are considerably slower than expected in coming through.

Throughout the pre-accession period we built up considerable experience in the development and coordination of laws and the preparation of sub-delegated legislation to come into line with EU legislation. The Bulgarian trade unions were key players in that process.

Raised and changing requirements for the implementation of health and safety at work gave new opportunities, but also brought new challenges for institutions, employers' organizations and organized labour.

Cooperation and social dialogue

Bulgarian legislation is already aligned on EU health and safety at work laws. The Health and Safety (Working Conditions) Act (HSWCA) 1997 laid the groundwork for introducing regulations and reflected our clear agenda for change, development and progress. It covers the main principles of European occupational health and safety legislation: prevention, order of priority of safety measures, employer's duty of care, coherent company policy, information and consultation, coordination of actions, workers' medical surveillance, establishment of an efficient control and monitoring system, planning of measures and priorities (taking into account the limited financial resources) through constructive dialogue between all interested parties.

The bulk of sub-delegated legislation under the HSWCA giving effect to the requirements of the individual Directives under Framework Directive 89/391/EEC is contained in 24 health and safety at work regulations. The Bulgarian trade unions were actively involved in framing and coordinating these.

The Labour Code (Modification and Amendment) Act 2006 resolved the protracted controversy over the so-called hazardous work conditions compensation

system and set going an approach aimed at preventing health risks and motivating workers and employers around safe work. At the same time, trade union pressure achieved full compliance with the principles of the Social Charter on the right to decent working conditions, introducing reduced working time and/or additional paid leave for workers where the risks to their lives and health cannot be eliminated or substantially reduced.

This was brought about through three new Regulations:

- defining the types of work that qualify for reduced working time;
- for additional annual leave; and
- defining the terms and the order for provision of food vouchers and/or food allowances.

Some shortcomings notwithstanding, these regulations preserved some rights and focused their scope to an optimal extent. At the same time, they demonstrated to employers that not all risks had been eliminated, that much remained to be done to improve work conditions, and that workers' rights should be properly protected. The transition from a compensation to a risk prevention culture was extremely difficult for us as trade unions, because the proper balance of interests, reality and a modern vision of health and safety at work had to be struck.

The trade unions put great effort into getting differentiated social security payments introduced for work accident risks and occupational diseases, and the introduction of compulsory work injuries insurance.

Bulgarian health and safety at work legislation consists of a large body (over 100) of Health and Safety Regulations for different economic activities and branches adopted over the period 1960–1980. This body of subordinate legislation is currently being revised and updated in line with an approved model for their reform to comply with the European legislation and with the aim of becoming practical instruments for implementation of the system for evaluating and controlling specific occupational risks. This whole process is being run with participation by union officials from different branches and work groups.

The social dialogue between employers and trade unions was introduced after 1990 and enhanced on an institutional level as a major driver of the country's development. A specific model for health and safety at work was developed and has been implemented at a national, regional, branch and company level.

The activities of all actors in this process are based on the tripartite principle. The National Working Conditions Council was set up to handle coordination and consultation on framing state policies on health and safety at work. Representatives of state bodies, nationally representative employers' organizations and nationally representative workers' organizations – The Confederation of Independent Trade Unions in Bulgaria and the Confederation of Labour "Podkrepa" – sit on the Council.

What does it do?

- discusses current working conditions and suggests measures for improving them;
- discusses and expresses opinions on draft HSW regulations and suggests modifications and amendments;
- decides on the setting-up of sectoral and branch structures for tripartite cooperation on working conditions;
- sets up advisory bodies to the Council to deal with specific issues;
- coordinates the activity of bodies with supervisory responsibilities for working conditions;
- analyses and promotes national and international experience, organizes national contests, seminars, action days and other means of promoting activities;
- adopts programmes to identify and design projects to address occupational health and safety issues, financed by the "Working Conditions" Fund.

24 Branch Working Conditions Councils in all major sectors of the economy have been established so far in Bulgaria. They are composed of representatives from the national sectoral or branch federations and trade unions, representative workers' organizations from the sectoral or branch structures, representative employers' organizations and equal numbers of representatives from the relevant ministry or government agency.

68 Regional Working Conditions Councils (regional and municipal) have also been set up, composed of representatives from regional unions or organizations, representative workers'/employees' organizations and employers' organizations and equal numbers of representatives from regional or local government. To date, 28 Regional and more than 40 Municipal Working Conditions Councils are in operation.

Cooperation at company level is extremely important and has great potential. Company-level cooperation between employees and employers on health and safety at work has been implemented through the Working Conditions Committees and Groups (WCC/WCG), set up as a statutory requirement under the HSWCA. Figures produced by the "General Labour Inspectorate" Executive Agency ("GLI" EA) and trade union surveys estimate the number of companies that have established in-house Working Conditions

Committees and Groups at over 12 500. What does this mean in terms of national coverage?

Taking into account the legal requirement to set up Working Conditions Committees in enterprises with more than 50 employees, and the fact that most of the 180 000-plus registered companies are mainly small and medium, it can be said that Working Conditions Committees have been established in over 90% of the big and medium enterprises employing more than 60% of the country's working population.

The benefits to company health and safety policy of Working Conditions Committees and Groups being set up and operating are undisputable. Improvement of working conditions is much more effective when workers have a say in management's programmes. The trade union contribution to the establishment of these bipartite bodies is also undisputable, in that no major problems were encountered in setting up and improving WCs and WCGs in workplaces where trade unions are active.

The trade unions have played a major role in training workers' representatives to Working Conditions Committees and Groups in the last five years. CITUB and CL "Podkrepa" trained over 35 000 trade union representatives in Working Conditions Committees and Groups in the period 2003-2007, with co-financing from the "Working Conditions" Fund. We believe that more should and could be done if we had the necessary financial resources.

WCCs and WCGs have already proved their benefits, especially in enterprises where employers have introduced good practices and corporate social responsibility.

There are a number of issues regarding the operation of Working Conditions Committees and Groups:

- legislative protection for workers' representatives and members of WCCs and WCGs has not been fully developed;
- trade unions have a very limited influence on the establishment and functioning of WCCs/WCGs in small and medium enterprises as well as in the informal economy;
- figures suggest that most small and medium enterprises have not set up such forms of management/labour cooperation, and it is precisely in these type of enterprise that health and safety at work has been neglected;
- company restructurings and redundancies have caused considerable upset and change in the membership of WCCs/WCGs, which impacts on staff training.

The Bulgarian experience with cooperation and resource allocation for key priorities at national and company level bears special attention. A "Working Conditions" Fund was established in the Ministry of Labour and Social Policy to finance activities

and actions for the improvement of working conditions in line with HSWCA requirements. The fund's resources are allocated with the explicit decision of the social partners to funding projects and programmes for:

- training workers' and employers' representatives on health and safety issues;
- drawing up regulations, methods and methodologies on health and safety at work;
- co-financing company investment projects for improving working conditions. In the last 3 years, more than 65 companies have received over 4 million BGN financial support for the implementation of certain projects with clearly defined criteria and procedures. The results are more than encouraging and show that with proper funding, results can be achieved;
- from September 2006, the National Insurance Institute (NII) will through the "Working Conditions" Fund co-finance the activities of the National Clinics for Occupational Diseases with 3 million BGN for screening, prevention and treatment of occupational diseases, and strengthening expertise in occupational diseases;
- the social partners – the trade unions and the employers' organizations – received "Working Conditions" Fund assistance and support for the development and publication of newsletters, brochures, books, CDs, etc. on health and safety at work. This is a step in the right direction, but does not go far enough to meet needs and resources.

Apart from cooperation on getting changes to legislation and participation in the institutional forms of partnership, the trade unions follow specific approaches to developing a new occupational health and safety culture.

In 2005, a joint effort was made with NGOs and the State to assess the economic impact of introducing and implementing the requirements of the EU HSW Directives. It focused mostly on the additional cost to business of introducing the requirements and standards of the EU Directives into national law. The overall cost to business of implementing the new requirements was a paltry 90 million BGN (about 45 million Euros). An optimistic scenario that in no way reflects the real needs of the Bulgarian economy reports a figure in excess of 2.5 billion Euros. In the experts' assessment, too much focus is put on organizational activities, which require no substantial financial resources, while the technical and technological decisions have been disregarded. As trade unions we do not accept such an overly optimistic view, especially given the real state of OHS in Bulgaria.

In the last few years, good practice has spread in many Bulgarian enterprises. Firms in different branches and sectors have made serious headway with quality management, environmental issues and OHS in recent years through ISO 9000, ISO 14 000,



and OHSAS 18001 certification. Today, in excess of 1050 firms are up to European norms and standards. This approach delivers the results needed by participants in the work process – management has made substantial investments, and in so doing has prepared companies for a competitive business environment.

To clarify the real issues involved and promote compliance with labour, social security and health and safety at work laws, trade unions in Bulgaria have for 6 years been running a CITUB-instigated national campaign for protection of fundamental rights at the work place. The campaign has singled out companies that have seriously violated the right to healthy and safe work, as well as those that have implemented good practices and reached European and world standards.

The Confederation of Independent Trade Unions in Bulgaria (CITUB) initiated in 2007 the award of an annual "Prometeya" prize for contributions to improved working conditions in firms. The prize was awarded to five firms from different industry branches that have successfully implemented health and safety at work management systems. Through this prize we as trade unions want to acknowledge those employers who invest in and work to improve the working conditions and wellbeing of their workers. We are looking for this prize to help promote improved and more widespread good practices.

But the campaign has also raised serious issues of concern. Very many small and medium-sized enterprises have done too little or almost nothing. In a number of these, working conditions have remained either unchanged, or actually got worse. The reason for this is also related to the fact that many companies have been housed in unsuitable facilities; their equipment and technologies have been bought at rock-bottom prices and are worn out; employers are

*Sofia, Bulgaria, 12 April 2007. Some 3000 railroad workers protest against low salaries and pensions in Bulgarian national railroad company.
AFP Photo / Boryana Katsarova*

unaware of health and safety issues and have left problems to worsen; there is no long-term approach or clear vision for business development, including the 'humanizing' of the working environment. There is clearly a considerable need for financing, but even more for a commitment to make crucial changes. We, as trade unions, have an obligation here. Our specific approach was also to write the so-called "black" and "grey" books on violations of labour and social security laws in the Republic of Bulgaria. They were worked out based on the campaign with the participation and cooperation of the "General Labour Inspectorate" Executive Agency.

The figures for work injuries and occupational diseases are clear pointers for safety and health at work. There has been a steady trend in recent years to a consistent reduction in work injury figures in Bulgaria. This makes us hopeful, but also more demanding about how the whole system works. Every accident that results in death or disability is cause not only for concern, but also for taking decisive measures. Bulgarian trade unions have for the past 10 years been duly honouring the 28th of April – International Commemoration day for dead and injured workers – with our social partners.

More than 35 memorials have been erected on our initiative for those killed in work accidents. Hundreds of media events have been staged on preventing work-related injuries. Those campaigns run jointly with our social partners are the Bulgarian contribution to strengthened European and world practice.

Challenges to Bulgarian trade unions in the pre- and post-accession periods

The Bulgarian trade unions had to find the right, balanced approach to the reform of Bulgarian legislation, to be a constructive partner in strengthening the European principles, norms and criteria while at the same time taking account of the realities in the country and protecting the interests of its members. In working out the Health and Safety (Working Conditions) Act, the Social Security Code and other instruments, the conflict of interests was considerably less, and implementation of the changes in the legislation was comparatively untroubled. We can say today that the Bulgarian trade unions achieved a mutually acceptable and balanced resolution of that problem. The framework of legal rules was substantially reformed, while the rights of Bulgarian workers were protected to the maximum in line with the European Social Charter. No gross violation of Bulgarian workers' acquired rights was allowed and we successfully transformed them.

We preserved reduced working hours, and even secured further reductions, additional annual leave, food allowances for risk and specific working conditions, and the early retirement scheme by which

the highest-risk occupations retained their right to retire 5 or 10 years earlier under the early retirement funding scheme. Specific working conditions allowances have been transferred to the basic wage, so workers' interests have not been seriously harmed. On the minus side, some Bulgarian workers have lost some vested rights. Objectively, however, we feel we achieved more than expected and have no reason to feel ashamed at the compromises we negotiated.

In our view, harmonization of Bulgarian with EU legislation is not yet complete, especially as regards working out mainly new branch and company safety and health at work rules. We see the challenges brought to trade unions by full membership of the European Union as being:

- How and with what tools we can enforce the law?
- How to address the complex problems of health and safety at work through collective bargaining at national, branch and company level?
- How and with what resources should we work to boost the activity of both the trade union's structures and the Working Conditions Committees aimed at developing a new health and safety at work culture?
- What additional tools are needed to stimulate investment in occupational health and safety?
- With what resources (organizational, financial, human, etc.) will we be able to guarantee workers' right to information and consultation in health and safety at work matters?
- Will we manage to impose the working out and implementation of a unified national system for occupational health and safety training at all national levels and throughout working life?
- Will we manage, together with the social partners, to raise the work of the Occupational Health Services to new levels in order to make risk assessment a key tool for the management of health and safety at work?

Getting appropriate solutions to the closure of firms and production lines that fall well short of EU norms and standards is shaping up as one of the greatest challenges now and in future years. It is a challenge directly related to the corporate interests of the trade unions.

The price of transition for Bulgarian workers

The enforcement of legislation is resulting and will result in the closure of whole firms or production lines that do not meet European standards. This is in no way the workers' fault, but they will pay most of the price. Bulgarian workers will be faced more acutely with the dilemma of work at any price or work in decent working conditions.

Recent years have seen migration by young specialists to big cities or abroad due to the lack of choices

in their home towns or low pay. This results in a lack of motivation to struggle for better working conditions on the one hand, and a loss of skilled young workers in the small towns and villages. This young worker brain drain and the ageing of workers in whole regions of the country will add to the health and safety risks at work, and deepen the demographic crisis.

Unemployment, seen in the context of the right to safety and health at work, reduces personal motivation to struggle for better working conditions. More, it will continuously generate conditions for social dumping, the existence of a "grey" sector in the economy. Bulgarian workers who are not socially secured and insured will pay the price with their life and health.

Pay and benefits

Even now, average wages in Bulgaria are very low. At the same time, the urgent need of most Bulgarian firms to invest in new technologies and humanizing the working environment will hold down pay rises and improvements in hard-won social benefits.

Training and qualifications

There is an acute nationwide shortage of skilled workers in whole branches and regions. This is a problem of clear and pressing concern to Bulgarian business. Bulgaria will have to import labour in the coming years. The implementation of modern technologies and information systems will increasingly make additional demands of manual and non-manual workers in terms of language, computer literacy, knowledge and skills in health and safety at work. The Bulgarian educational system at all levels, and the state as a whole, have an obligation to equip the rising generations and Bulgarian workers with knowledge in health and safety at work. This is undoubtedly a challenge and a problem which young workers will face. The operation of the

Bulgarian information and consultation system will be put to the test.

As during the transitional period, the coming years will find many Bulgarian workers still contending with traditional workplace risks:

- about 20% will work in an unfavourable production microclimate;
- 15 to 18% will work in a dust-ridden environment polluted with aerosols;
- about 33% will work in noise which exceeds the permitted levels;
- strenuous physical labour will persist in a number of branches and activities because of the manual handling and physical work systems still in use.

These figures are borne out by both the sociological investigations done by the trade unions and the data supplied by the Occupational Health Services and the "General Labour Inspectorate" Executive Agency. Workers receiving allowance for work in high-risk and specific working conditions also confirm these figures.

The Bulgarian trade unions, as members of the greater European trade union family, have sought and received support and assistance from the Dublin Foundation, the Bilbao Agency, and not least from the ETUI-REHS Health and Safety Department. We, as a trade union, have responded to and participated actively in the projects run by all these bodies.

Our cooperation in recent years with ETUI-REHS has been very useful and productive. Today, more than ever, we need more information and more extensive participation in different expert groups and meetings. This will allow us to see what we are doing right and wrong, and the weaknesses in our work; the expertise of the ETUC will help us to address more successfully the challenges to the European trade union movement. ■