The right to strike in the public sector

Bulgaria

Contents
1. Legal basis
2. Who has the right to call a strike?
3. Definition of strike
4. Who may participate in a strike?
5. Procedural requirements
6. Legal consequences of participating in a strike
7. Case law of international/European bodies
8. Recent developments
9. Bibliography
   Notes

This factsheet reflects the situation in October 2018 and was elaborated by Diana Balanescu (independent expert), reviewed by EPSU/ETUI and sent to EPSU’s Bulgarian affiliates for comment.
1. Legal basis

International level

Bulgaria has ratified:

UN instruments¹

| International Covenant on Economic, Social and Cultural Rights |
| (ICESCR, Article 8) |
| International Covenant on Civil and Political Rights |
| (ICCPR, Article 22) |

ILO instruments²

| Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise |
| (on 8 June 1959); |
| Convention No. 98 concerning the Right to Organise and to Bargain Collectively |
| (on 8 June 1959). |

Bulgaria has not ratified:

| Convention No. 151 concerning Labour Relations (Public Service), |
| Convention No. 154, Collective Bargaining Convention, 1981 |

European level

Bulgaria has ratified:

| Article 6(4) (the right to collective action) of the Revised European Social Charter of 1996 with no reservations |
| (ratification on 7 June 2000, entry into force on 1 August 2000);³ |
| The Additional Protocol to the European Social Charter Providing for a System of Collective Complaints |
| (entry into force on 1 August 2000);⁴ |
| Article 11 (the right to freedom of assembly and association) of the European Convention on Human Rights |
| (ratification and entry into force on 7 September 1992).⁵ |

National level

The Constitution of the Republic of Bulgaria

Article 50 of the Constitution states that: ‘Workers and employees shall have the right to strike in defence of their collective economic and social interests. This right shall be exercised in accordance with conditions and procedures established by law.’⁶
**Applicable laws**

- **In general** – the Settlement of Collective Labour Disputes Act, No. 21 of 13 March 1990 (the ‘SCLDA’). A strike is defined as a dispute between workers and employers concerning labour relations, social security matters and living standards. The definition also covers disputes related to the conclusion or fulfilment of a collective agreement.\(^7\)

- **Specific regulations for the public sector** – the SCLDA (Articles 14 and 16(6)), the Railway Transport Act No. 11/2000 (Article 51), the Civil Service Act No. 67/1999 (Article 47) and the Defence and Armed Forces of the Republic of Bulgaria Act No. 112/1995 (Article 274(2)) provide for restrictions on the right to strike for certain professions or workplaces as detailed in section 4 below.
2. Who has the right to call a strike?

Under Bulgarian law, the right to call a strike is not restricted to a trade union. Groups of employees can go on strike.⁸ Under Article 11(2) of the SCLDA, the decision to call a strike must be taken by a simple majority of the workers in the enterprise or division concerned.⁹ The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) highlighted the need to amend Article 11(2) of the SCLDA in order to bring it into conformity with ILO Convention No. 87, taking due account of its long-standing comments (as further detailed in section 7 below).¹⁰
3. Definition of strike

The SCLDA provides for the following types of collective action:11

- The **active strike**, which is the main type of industrial action during which employees stop working. It may be organised only if the negotiation, arbitration, conciliation and mediation procedures have failed.12 For the duration of the strike, employees need to be present at the employer’s site during their regular working hours.13

- The **symbolic strike** is another type of strike which involves continuing to work while wearing or displaying appropriate signs, protest posters, ribbons, badges or other suitable symbols.14 This kind of strike can also be used by civil servants, because the law forbids active strikes in the public sector and precludes civil servants from withdrawing their labour collectively.15

- The **solidarity strike** – workers may call a solidarity strike in support of a legal strike by other workers, subject to the condition of notifying the employer of the duration of the strike at least seven days before the solidarity strike is due to begin.16

- The **warning strike** – workers may, without prior notice, call a warning strike which may not last for more than an hour.17

Under Bulgarian law, strikes in support of political demands are illegal.18 Picketing, however, is permitted if used as a form of peaceful persuasion.19
4. Who may participate in a strike?

According to the Settlement of Collective Labour Disputes Act (SCLDA), the right to strike is guaranteed for all sectors of the economy. However, the exercise of the right to strike is forbidden, restricted or subject to conditions in some sectors or for some categories of workers as follows:\textsuperscript{20}

- Civil servants were previously only permitted to carry out symbolic strike action – carry or wear appropriate signs and symbols, protest posters, ribbons or other symbols, without a stoppage of work. However, Article 47 of the Civil Service Act was amended in 2016, providing all but the most senior civil servants the right to take strike action.\textsuperscript{21}

- Under Article 51 of the Railway Transport Act, in the event of a strike, ‘employees and their employers, the railway operators, must provide adequate transport services to the population, to the extent of no less than 50% of the volume of transportation available prior to such action being undertaken.’\textsuperscript{22}

- Strikes are not permitted in the Ministry of Defence, the Ministry of the Interior, judicial, prosecutorial and investigative bodies\textsuperscript{23}, the State Intelligence Agency or the National Security Service.\textsuperscript{24}

- All personnel (military as well as civilian) employed by the Ministry of Defence and any associated public bodies are denied the right to strike under Article 274(2) of the Defence and Armed Forces of the Republic of Bulgaria Act (No. 112/1995).\textsuperscript{25}

- In some essential public services, the employees and the employer are obliged to conclude a written agreement at least three days prior to the beginning of the strike in order to organise a minimum level of service.\textsuperscript{26} The agreement must provide that, during the strike itself, the workers and the employer will ensure conditions for carrying out activities whose non-performance or interruption may endanger or cause irreparable damage to:\textsuperscript{27}
  (a) the lives and health of people in need of urgent/emergency medical care or hospital admittance;
  (b) the production, distribution, transmission and supply of gas, electricity and heating, adequate public utilities and public transport services, radio and television broadcasts and telephone services;
  (c) public or private property or the environment;
  (d) public order.

  Should the parties fail to reach such an agreement, they may each request the assistance of the National Institute for Conciliation and Arbitration to resolve the matter by a sole arbitrator or an arbitration committee.\textsuperscript{28}

Article 14(1) of the SCDLA may seem to provide a definition of ‘essential services’ and which services/sectors of the economy are considered to be ‘essential’. However, the legislation does not provide specific rules for the establishment of ‘minimum services’ in such sectors. ‘Essential services’ in the strict sense of the term have been defined by the ILO as those services ‘the interruption of which would endanger the life, personal safety or health of the whole or part of the population.’\textsuperscript{29}
5. Procedural requirements

- Before workers may go on strike, all means of negotiation must be exhausted. The right to strike should be exercised only as a last resort (ultima ratio).

- The decision to call a strike must be approved by a simple majority of the workers in the enterprise or division concerned.

- Written notice must be given to the employer at least seven days before the strike is due to begin. This must indicate the duration of the strike and the body that will manage the strike. The obligation to give notice of a strike does not apply in the case of a warning strike.

- Participation in a strike is voluntary. No one can be forced to participate or prevented from participating in a strike. It is forbidden to create obstacles or difficulties for those workers choosing not to participate in a strike that prevent them from continuing their work.

- Strikers must remain in the workplace during a strike.

- Romanian legislation does not provide for a peace obligation.
6. Legal consequences of participating in a strike

Participation in a lawful strike

- An employee cannot be dismissed owing to his/her participation in a lawful strike.\(^{37}\)
- The employment relationship is suspended for the whole period of participation in a strike, whether the strike is lawful or unlawful.\(^{38}\)
- Workers who participate in a lawful strike are not entitled to remuneration for the period they are on strike, but they are covered by social security.\(^{39}\) The period of a worker’s participation in a legal strike is taken into account when calculating the length of service.\(^{40}\)
- Workers on strike receive compensation from a specially designated strike fund. This fund is established at the workers’ discretion either with their own resources or with resources from their professional organisations. It is prohibited to block access to the strike funds during a strike.\(^{41}\)
- A worker cannot be held legally and financially liable for participation in a lawful strike.\(^{42}\)
- A worker who is not participating in a strike but, as the result of a strike by other employees, is unable to perform his or her employment duties, is entitled to his or her full salary, as in the case of a forced stoppage of work.\(^{43}\)
- Lockouts, defined as an employer’s reaction to strike action, are unlawful.\(^{44}\) After the announcement of a strike and for the duration of a legal strike, the employer cannot discontinue the activities of the enterprise or a part thereof and dismiss workers with the aim of:
  (i) preventing or stopping the strike;
  (ii) making it impossible for the claims sought by the workers to be put into effect.\(^{45}\)
- During a lawful strike, the employer is prohibited from employing new workers, including any provided by a temporary employment agency, in the place of striking workers, unless it is necessary for the performance of activities such as health care, electricity and gas supply, public utilities and transport services, and telephone services, while the strike is in progress.\(^{46}\)

Participation in an unlawful strike

- Any employer, as well as any worker who is not on strike, may submit a claim before the district court with a view to establishing the illegality of a declared, started or completed strike. The court considers the case within seven days in a public hearing with the participation of a prosecutor and renders its decision within three days after the hearing.\(^{48}\)
- The SCLDA provides for disciplinary action to be taken for participation in an unlawful strike in accordance with the provisions of the Labour Code and other applicable legislation.\(^{49}\) The types of disciplinary sanction that may be imposed are a reprimand, a warning of dismissal and dismissal.\(^{50}\)
• If the strike is declared unlawful, the worker is entitled to social security only if he or she has been voluntarily insured (unlike in the case of participation in a lawful strike where the worker is entitled to receive compensation under the social security system in accordance with the general procedure).52
7. Case law of international/European bodies on standing violations

ICESCR

In its general observations to the combined 4th and 5th periodic report on Bulgaria, the Committee on Economic, Social and Cultural Rights (CECSR) stated that:

13. The Committee is concerned about the restrictions applicable to the right to strike for certain categories of civil servants, including managerial personnel (art. 8). The Committee recommends that the State party amend its legislation with a view to according all categories of civil servants, including managerial personnel, with their right to strike.

ILO

Committee of Freedom of Association (CFA)

CFA, Case No. 2696, Education International (EI), the Trade Union of Bulgarian Teachers (SEB) and the Trade Union of Teachers Podkrepa, Report No. 356, March 2010

In a communication dated 15 February 2009, the complainant organisations Education International (EI), the Trade Union of Bulgarian Teachers (SEB) and the Trade Union of Teachers Podkrepa denounced an attempt to undermine the right to industrial action of teachers in the public sector, through litigation for alleged discrimination as a result of a lawful strike. They alleged the use by Bulgarian authorities of anti-discrimination laws to restrict union rights and to deny to officials in the education sector the right to collective industrial action. The Government referred to the appeal by the trade unions of Decision No. 205 of 2 October 2008 of the Commission on Protection against Discrimination before the Supreme Administrative Court.

The decision had determined an unfavourable treatment of pupils in state and municipal schools compared with those in private schools and a direct causal connection between the effective teachers’ strike (24 September to 5 November 2007) and the above-mentioned unfavourable treatment.

In addition, the decision had recommended that the Council of Ministers of Bulgaria put forward a draft law for amending Article 14(1) of the Settlement of Collective Labour Disputes Act, to the effect that education services in the primary and high school education in state and municipal educational establishments are included in the category ‘socially important’ services which must be provided during a strike.

As regards the substance of the recommendation by the Commission, the Committee understood from the Government’s reply that it will proceed to review the manner in which it shall give effect to the recommendation that the Council of Ministers introduce an amendment to Article 14(1) of the Settlement of Collective Labour Disputes Act, to the effect that ‘educational services as public services should be included in the group of the socially significant services whose provision should be ensured to a maximum degree during a strike’ (Supreme Administrative Court citing the Commission’s decision).
The Committee observed that Article 14(1), as currently drafted, provides that a written agreement must be concluded between workers and employers prior to a strike, ensuring the conditions for the realisation of the activities, the non-fulfilment or stoppage of which during the strike may create risks for certain enumerated goods and services.

In this regard, the Committee recalled that education is not an essential service in the strict sense of the term. It pointed out, however, that minimum services may be established in certain sectors in accordance with the following principles: A minimum service may be set up in the event of a strike, the extent and duration of which might be such as to result in an acute national crisis endangering the normal living conditions of the population.

Such a minimum service should be confined to operations that are strictly necessary to avoid endangering life or normal living conditions of the whole or part of the population; in addition, workers’ organisations should be able to participate in defining such a service in the same way as employers and the public authorities. The Committee had stated, for example, that minimum services may be established in the education sector, in full consultation with the social partners, in cases of strikes of long duration (see Digest, op. cit., paragraphs 610 and 625).

In the light of the general wording of the recommendation and the use of terms such as ‘maximum degree’, the Committee wished to recall that the determination of minimum services and the minimum number of workers providing them should involve not only the public authorities, but also the relevant employers’ and workers’ organisations.

This not only allows a careful exchange of viewpoints on what in a given situation can be considered to be the minimum services that are strictly necessary, but also contributes to guaranteeing that the scope of the minimum service does not result in the strike becoming ineffective in practice because of its limited impact, and to dissipating possible impressions in the trade union organisations that a strike has come to nothing because of over-generous and unilaterally fixed minimum services (see Digest, op. cit., paragraph 612).

The Committee emphasised that such a service must genuinely be a minimum service, i.e. restricted to the operations which are necessary to satisfy the basic needs of the population or the minimum requirements of the service, while ensuring that the scope of the minimum service does not render the strike ineffective.55

Committee of Experts on the Application of Conventions and Recommendations (CEACR)56

Observation (CEACR) adopted 2016, published 106th ILC session (2017)57

The Committee recalled that, for a number of years, it has been raising the need to amend Article 47 of the Civil Servants Act, which restricts the right to strike of public servants, including those not exercising authority in the name of the State. The Committee noted the Government’s indication that:

(i) on 9 September 2015, the Council of Ministers adopted a decision approving the draft Act amending the Civil Servants Act to regulate the right to strike for civil servants;

(ii) the Bill was approved by the Administrative Reform Council and the National Council for Tripartite Cooperation, and was then submitted for discussion by the Council of Ministers to the National Assembly;
the Committee on Labour, Social and Demographic Policy approved the Bill and advised the Parliament to support the amendments at first reading;

on 10 February 2016, the National Assembly adopted at first reading the amendments to the Civil Servants Act, which entitle civil servants to go on strike; and

on 29 June 2016, it was submitted for consideration to the Committee on Legal Affairs of the National Assembly. The Committee also noted that the KNSB/CITUB confirmed that the final adoption of the Bill amending the Civil Servants Act by the National Assembly was expected at the end of 2016. The Committee trusted that the draft Act amending the Civil Servants Act to regulate the right to strike for civil servants would be adopted in the very near future and requested the Government to provide a copy of the Act once it was adopted.

The Committee further recalled its comments concerning the need to amend Article 11(2) of the Collective Labour Disputes Settlement Act, which provides that the decision to call a strike shall be taken by a simple majority of the workers in the enterprise or the unit concerned, and Article 11(3), which requires the strike duration to be declared in advance.

Noting that the Government did not provide information in regard to this matter, the Committee recalled that:

(i) requiring a decision by over half of the workers involved in the enterprise or unit in order to declare a strike is excessive and could unduly hinder the possibility of calling a strike, particularly in large enterprises, and that, if a country deems it appropriate to require a vote by workers before a strike can be held, it should ensure that account is taken only of the votes cast and that the required quorum and majority are fixed at a reasonable level; and

(ii) workers and their organisations should be able to call a strike for an indefinite period if they so wish without having to announce its duration.

The Committee expected that the work of the inter-institutional working group created in the framework of the National Coordination Mechanism on Human Rights will accelerate the bringing of Article 11(2) of the Collective Labour Disputes Settlement Act into conformity with the Convention, taking due account of its long-standing comments. The Committee requested the Government to provide information on any progress achieved in this respect, in particular on proposals made by the above working group and on relevant deliberations within the National Coordination Mechanism on Human Rights.

In its previous comments, the Committee had also been raising the need to amend Article 51 of the Railway Transport Act, which provides that, where industrial action is taken under the Act, the workers and employers must provide the population with satisfactory transport services corresponding to no less than 50% of the volume of transportation that was provided before the strike.

The Committee noted the Government’s indication that:

(i) on 4 July 2014, at the first meeting of the inter-institutional working group of the National Coordination Mechanism on Human Rights, the Ministry of Communications and Information Technology (MTITC) requested all relevant information on the need to amend Article 51 of the Railway Transport Act and pledged to discuss the issue with the competent units in the transport ministry, including the Railway Administration Executive Agency and;
(ii) at the third meeting on 22 January 2015, the MTITC sent an opinion, which confirmed previously presented arguments that, at this stage, no amendments to this provision were on the agenda.

The Committee also noted that the KNSB/CITUB alleged lack of political willingness to address this matter. The Committee expected that the work of the inter-institutional working group will accelerate the bringing of Article 51 of the Railway Transport Act into conformity with the Convention, taking due account of the Committee’s long-standing comments. The Committee requested the Government to provide information on any progress achieved in this respect, in particular on proposals made by the above working group and on relevant deliberations within the National Coordination Mechanism on Human Rights.

**Council of Europe**

**Decisions of the European Committee of Social Rights (ECSR) within the collective complaints procedure**

58

*Confederation of Independent Trade Unions in Bulgaria, Confederation of Labour ‘Podkrepa’ and European Trade Union Confederation v Bulgaria, Complaint No. 32/2005, decision on the merits adopted on 16 October 2006*

In the complaint registered on 16 June 2005, the complainant trade union organisations the Confederation of Independent Trade Unions in Bulgaria (‘CITUB’), the Confederation of Labour ‘Podkrepa’ (‘CL “Podkrepa”’) and the European Trade Union Confederation (‘ETUC’) alleged that Bulgarian legislation restricts the right to strike in the health, energy and communications sectors as well as for civil servants and railway workers in a way that is not in conformity with Article 6(4) of the Revised European Social Charter.

The ECSR decided unanimously that:

(i) the general ban of the right to strike in the electricity, healthcare and communications sectors (Article 16(4) of the Collective Labour Disputes Settlement Act) constitutes a violation of Article 6(4) of the Revised Charter;

(ii) the restriction to the right to strike in the railway sector pursuant to Article 51 of the RTA goes beyond those permitted by Article G and therefore constitutes a violation of Article 6(4) of the Revised Charter;

(iii) allowing civil servants to engage only in symbolic action which the law qualifies as strike and prohibiting them from collectively withdrawing their labour (Article 47 of the Civil Service Act) constitutes a violation of Article 6(4) of the Revised Charter.

With regard to the restriction of the right to strike in the railway sector, the Committee observed that the scope of Article 51 of the RTA and the restrictions to the right to strike resulting from this provision are not sufficiently clear to allow workers in the sector concerned wishing to call or to participate in a strike to assess what is the scope of services required by the law in order to meet the required 50% threshold. It is further unclear what are the criteria for determining the 50% threshold.

The Committee therefore considered that the law does not satisfy the requirements of precision and foreseeability implied by the concept of ‘prescribed by law’ within the meaning of Article G. Thus, in the case at hand, there was no need for the Committee to assess the conformity of the 50% threshold itself with Article 6(4) of the Revised Charter.
Secondly, the Committee found that it had not been established that the restriction of the right to strike imposed by Article 51 of the RTA pursues a legitimate purpose in the meaning of Article G of the Revised Charter. It considered that the alleged and not further specified consequences for the economy do not qualify as a legitimate aim in this respect.

Finally, in the absence of a legitimate purpose for the restriction to the right to strike according to Article 51 of the RTA, such restriction may consequently not be considered as being necessary in a democratic society within the meaning of Article G. The Committee therefore held that the restriction to the right to strike pursuant to Article 51 of the RTA goes beyond those permitted by Article G and therefore constitutes a violation of Article 6(4) of the Revised Charter.  

As regards the restrictions to the right to strike of civil servants, the Committee found that this restriction amounts to a complete withdrawal of the right to strike for all civil servants. The Committee recalled that restrictions to the right to strike of certain categories of civil servants, for example those whose duties and functions, given their nature or level of responsibility, are directly affecting the rights of others, national security or public interest may serve a legitimate purpose in the meaning of Article G (see Conclusions I, Statement of Interpretation, pp. 38-39).

However, the Committee considered that there is no reasonable relationship of proportionality between prohibiting all civil servants from exercising the right to strike, irrespective of their duties and function, and the legitimate aims pursued. Such restriction can therefore not be considered as being necessary in a democratic society in the meaning of Article G. The Committee therefore held that the general ban of the right to strike of civil servants constitutes a violation of Article 6(4) of the Revised Charter.

Follow-up to the decision of the ECSR

By Resolution adopted on 10 October 2012 at the 1152nd meeting of the Ministers’ Deputies, the Committee of Ministers

(i) took note of the statement made by the respondent government and the information it had communicated on the follow-up to the decision of the ECSR and welcomed the measures already taken by the Bulgarian authorities and their commitment to bring the situation into conformity with the Charter; and

(ii) looked forward to Bulgaria reporting, at the time of the submission of the next report concerning the relevant provisions of the European Social Charter, that the situation had been brought into full conformity.

The Committee of Ministers in particular took note of the letter from the Ministry of Labour and Social Policy of Bulgaria stating that Article 16(4) of the Settlement of Collective Labour Disputes Act (SCLDA), which previously denied the right to strike of workers in production, distribution and supply of energy, communications and healthcare, had been repealed.

Within the reporting system, the ECSR took note in its Conclusions 2010 that the prohibition of strikes in the electricity, healthcare and communications sectors was repealed and therefore strikes are now permitted. However, there is an obligation to provide a minimum service. If the parties cannot agree on the minimum service to be provided, either of them may request the National Institute for Conciliation and Arbitration to appoint an arbitrator or an arbitration committee.
Conclusions on Article 6(4) of the European Committee of Social Rights (ECSR)\textsuperscript{65}

In its Conclusions 2014,\textsuperscript{66} the ESCR concluded that the situation in Bulgaria is not in conformity with Article 6(4) of the Charter on the grounds that:

(i) civilian personnel of the Ministry of Defence and any establishments responsible to the Ministry are denied the right to strike;

(ii) the restriction on the right to strike in the railway sector pursuant to Article 51 of the Railway Transport Act does not comply with the conditions established by Article G;

(iii) civil servants are only permitted to engage in symbolic action and are prohibited from strike (Article 47 of the Civil Service Act);

(iv) the requirement to notify the duration of strikes to the employer or his representatives prior to strike action does not comply with the conditions established by Article G of the Charter.

With regard to the final ground of non-conformity, the Committee recalled that the requirement to notify the duration of strikes concerning essential public services to the employer prior to strike action is contrary to Article 6(4) of the Charter (Conclusions 2006).\textsuperscript{67}
8. Recent developments

The Civil Service Act was amended in July 2016 providing all but the most senior civil servants the right to take strike action.
9. Bibliography


Notes

8 ETUI Report 103, p. 18.
9 ECSR, Conclusions 2006, Bulgaria, Article 6(4).
12 Article 11(1) of the SCLDA.
14 Article 10 of the SCLDA.
16 Articles 11(4) and 11(3) of the SCLDA.
17 Article 11(5) of the SCLDA; see also ETUI Report 103, p. 18.
18 Article 16(7) of the SCLDA, see also ETUI Report 103, p. 18.
22 Article 16(6) of the SCLDA.
26 Article 14(1) of the SCLDA as amended by the changes promulgated in State Gazette No. 87/2006; ETUI Report 103, p. 18.
27 Article 14(3) of the SCLDA; ETUI Report 103, p. 18.
28 Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO, fifth (revised) edition, 2006, Chapter 10, paragraphs 581-627. The Committee of Freedom of Association (CFA) lists the following as ‘essential services in the strict sense of the term’ where the right to strike may be subject to restrictions or even prohibitions: hospital and ambulance services, electricity services, water supply services, telephone services, the police and armed forces, firefighting services, public or private prison services, the provision of food to pupils of school age and the cleaning of schools, and air traffic control. The Committee also states that restrictions on the right to strike in the above-mentioned services should be accompanied by compensatory guarantees. See also ETUI Report 105, pp. 79-81.
29 ETUI Report 103, p. 18; Article 11(1) of the SCLDA.
30 Article 11(2) of the SCLDA.
31 ETUI Report 103, p. 18.
33 ETUI Report 108, p. 24, and Article 13(1) of the SCLDA.
34 Article 13(2) of the SCLDA.
35 ETUI Report 103, p. 18, and Article 12(1) of the SCLDA.
36 ETUI Report 103, p. 10.
40 Article 18(4) of the SCLDA.
41 Articles 18(1) and (2) of the SCLDA.
42 Article 19(1) of the SCLDA; see also ECSR, Conclusions 2004, Bulgaria, Article 6(4).
43 Article 18(5) of the SCLDA.
44 Article 19(2) of the SCLDA.
45 Article 18(3) of the SCLDA.
46 Activities listed under Article 14(1) of the SCLDA where a minimum level of service must be provided, as described in section 4 above.
47 Article 21 of the SCLDA.
48 Article 17 of the SCLDA.
50 Article 19(2) of the SCLDA.
51 Article 188 of the Labour Code.
52 Article 18(5) of the SCLDA.
55 Idem.
58 The Collective Complaints procedure was introduced by the Additional Protocol Providing for a System of Collective Complaints adopted in 1995; more detailed information on this procedure is available at: https://www.coe.int/en/web/turin-european-social-charter/collective-complaints-procedure1.
60 Idem, paragraphs 34-38.
61 Idem, paragraphs 44-47.
62 See Resolution CM/ResChS(2012)4, available at: https://rm.coe.int/16805c0d5c; see also ESC Hudoc, available at: http://hudoc.esc.coe.int/eng/?ESCdLanguage="ENG","ESCdType":"FDEC","ESCStateParty":"BGR").
64 See ECSR, Conclusions 2010, Bulgaria, Article 6(4).
65 According to changes to the Charter’s monitoring system adopted by the Committee of Ministers in April 2014, States Parties having accepted the Collective Complaints procedure have to submit a simplified report every two years. Bulgaria had to submit a simplified report on the follow-up action taken in response to the decisions of the ECSR on collective complaints by 31 October 2017 which is to be examined by the ECSR during 2018; for more detailed information on the procedure, see: https://www.coe.int/en/web/turin-european-social-charter/reporting-system.
66 ECSR, Conclusions 2014, Bulgaria, Article 6(4).
67 In the same vein, the ILO CEACR stressed the need to amend Article 11(3) of the SCLDA and recalled that ‘workers and their organisations should be able to call a strike for an indefinite period if they so wish without having to announce its duration’; see Observation (CEACR) – adopted 2016, published 106th ILC session (2017), available at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEX:13100:0::NO:13100:P13100_COMMENT_ID:3301035.