



The right to strike in the public services

Bulgaria

The right to strike in the public services: Bulgaria

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This factsheet reflects the situation in January 2021. It was elaborated and updated 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 Law on Settlement of Collective Labour Disputes, No. 21 of 13 March 1990 (the 'LSCLD'). 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 LSCLD (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 Law on Settlement of Collective Labour Disputes (LSCLD), the decision to call a strike must be taken by a simple majority of the workers in the enterprise or division/unit 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 LSCLD 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 Law on Settlement of Collective Labour Disputes 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 the employees, for whom the law still doesn't allow to be involved in an '**active strike**'.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 aimed at **political goals** or goals contradicting the Constitution are illegal.¹⁸ Strikes aimed at solving **individual labour disputes** are also prohibited.¹⁹

Picketing is permitted if used as a form of peaceful persuasion.²⁰

There are no explicit restrictions or conditions provided by law on other types of collective action such as **sit-down**, **go-slow action**, **work-to-rule action**, or **wildcat** strikes.²¹

4. Who may participate in a strike?

According to the Law on the Settlement of Collective Labour Disputes (LSCLD), the right to strike is guaranteed for all sectors of the economy, with some exceptions. The exercise of the right to strike is restricted or subject to conditions in some sectors or for some categories of workers as follows:²²

- Strikes are not permitted in the **Ministry of Defence, the Ministry of the Interior, judicial, prosecutorial and investigative bodies²³, the State Intelligence Agency and the National Security Service.**²⁴
- Strikes during **natural disasters** or urgent **emergency rescue or reconstruction works** are prohibited.²⁵
- **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 Servants Act was amended in 2016, so that all **civil servants are now allowed to take strike action with the exception of the most senior civil servants**, like principal secretaries of ministries, secretaries of the municipal administration, director of a directorate or head of inspectorate.²⁶
- 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.’²⁷
- Under the **Act on Defence and Armed Forces** of the Republic of Bulgaria of 29 April 2009,²⁸ service men shall not have the right to strike and take trade union action (Article 184). Civil servants in the Ministry of Defence, the Bulgarian army and the structures subordinated to the Minister of Defence may establish and join trade unions but have no right to an effective strike (Article 285(2)).²⁹
- 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.**³⁰

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:³¹

- (a) the lives and health of citizens in emergency or in need of urgent medical attention or hospitalization;
- (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.³²

While no express definition of essential services exists in labour legislation³³, Article 14(1) of the LSCLD seems to provide a list of ‘essential services’ where a minimum level of service must be ensured.

It is of relevance that “**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.”³⁴

5. Procedural requirements

- When an agreement cannot be reached in a collective labour dispute, workers can strike only if mediation and/or voluntary arbitration have been sought or the employer does not fulfil obligations they have undertaken.³⁵ The right to strike should be exercised only as a last resort (*ultima ratio*).³⁶
- The **decision to call a strike** must be approved by a **simple majority** of the workers in the enterprise or division concerned.³⁷ ILO CEACR noted that 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.³⁸
- A written **strike notice** must be given to the employer at least seven days before the strike is due to begin.³⁹ Such notice must indicate the **duration** of the strike and the body that will oversee the strike.⁴⁰ ILO CEACR has recalled that workers and their organisations should be able to call a strike for an indefinite period if they wish so without having to announce its duration.⁴¹ 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.⁴² 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.⁴³
- Strikers must remain in the workplace during a strike.⁴⁴
- Strikes are not allowed where there is a collective agreement on the disputed issue or an arbitration award (**peace obligation**).⁴⁵

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.⁴⁶
- 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.⁴⁷ The period of a worker's participation in a legal strike is taken into account when calculating the length of service.⁴⁸
- 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.⁴⁹
- A worker shall not be disciplinary and financially liable for participation in a lawful strike.⁵⁰
- 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.⁵¹
- **Lockouts**, defined as an employer's reaction to strike action, are unlawful.⁵² After a strike is announced and for the duration of a legal strike, the employer cannot discontinue the activities of the enterprise or a part of it and dismiss workers with the aim of:
 - (i) preventing or stopping the strike;
 - (ii) making it impossible for the claims of the workers to be put into effect.⁵³
- During a lawful strike, **employers are not allowed to employ new workers**, including temporary agency workers, to substitute striking workers, **unless it is necessary for the performance of essential services**.⁵⁴ Essential services are listed as those activities whose interruption would endanger the lives and health of citizens or in need of urgent medical attention or hospitalization or cause irreparable damage to public or private property or the environment or the public order; the production and transmission of supply of gas, electricity, heating, adequate public utility and public transport, radio and television broadcasts, telephone services (see section 4 above).⁵⁵
- Section 47 of the Civil Servants Act provides that participation of civil servants in a legal strike is counted as **official length of service**, for the time during which they participate in a legal strike civil servants have a right to compensation, and it is explicitly prohibited to seek disciplinary action or liability for civil servants participating in a legal strike.⁵⁶

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.⁵⁷
- The LSCLD provides for disciplinary action to be taken for participation in an unlawful strike in accordance with the provisions of the Labour Code⁵⁸ and other applicable legislation.⁵⁹ The types of disciplinary sanction that may be imposed are a reprimand, a warning of dismissal and dismissal.⁶⁰
- 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).⁶¹

7. Case law of international/European bodies

International Labour Organisation

Committee of Freedom of Association (CFA)

There are no recent decisions of the Committee of Freedom of Association (CFA) relevant for the right to strike.⁶²

Committee of Experts on the Application of Conventions and Recommendations (CEACR)⁶³

*Observation (CEACR) adopted 2019, published 109th ILC session (2021)*⁶⁴

The Committee recalled that, for a number of years, it had been raising the need to amend Section 47 of the Civil Servants Act (CSA), which restricted the right to strike of public servants. The Committee took note with *satisfaction* that Section 47 of the CSA had been amended to recognize the right to strike of civil servants. The Committee noted that the Government indicated that:

- (i) the right is applicable to all civil servants with the exception of managing senior civil servants, that is those holding the positions of Secretary-General, Municipal Secretary, Director General of the Directorate-General, Director of a Directorate and Head of Inspectorate;
- (ii) Section 47 also provides that participation of civil servants in a legal strike is counted as official length of service, for the time during which they participate in a legal strike civil servants have a right to compensation, and it is explicitly prohibited to seek disciplinary action or liability for civil servants participating in a legal strike.

The Committee further recalled its comments concerning the need to amend section 11 (2) of the Law on the Settlement of Collective Labour Disputes (LSCLD), 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 section 11(3), which requires the strike duration to be declared in advance.

The Committee noted the Government's indication on the requirement of support by a majority of the workers that:

- (i) the requirement is justified as it creates certainty that the objectives pursued by the strike are common for most of the workers and employees, and not just for a small part of them;
- (ii) the LSCLD provides for the possibility that the simple majority is taken only by the workers and employees in a particular division of the enterprise;
- (iii) the LSCLD does not explicitly specify the manner in which the decision to strike should be taken, so that it is not necessary to bring all workers and employees together in one place at the same time; and

- (iv) workers and employees who have expressed their consent to strike are not bound by the obligation to participate in it and it is not uncommon in practice for the number of those effectively striking to be smaller than the number of workers and employees who have given their consent to the strike.

While noting these explanations from the Government, the Committee had to recall again that requiring a decision by over half of all 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 (see the 2012 General Survey on the fundamental Conventions, paragraph 147).

As to the requirement to indicate the duration of the strike, the Committee noted that the Government indicated that:

- (i) prior notice of the duration of the strike is aimed at determining the period during which the parties make efforts to settle the dispute definitively through direct negotiation, mediation or any other appropriate means, and that the requirement seeks to encourage the parties to make every effort possible to resolve the dispute; and
- (ii) the LSCLD does not restrict the right to strike, as it does not prohibit workers and employees from continuing their strike actions by making a decision to do so.

In this respect, the Committee had to recall once again that workers and their organizations should be able to call a strike for an indefinite period if they so wish without having to announce its duration.

The Committee requested the Government to provide information on any developments concerning sections 11(2) and 11(3) of the LSCLD, and to indicate what are the requirements for continuing a strike action beyond its initially determined duration, in particular whether a new vote and decision by the workers concerned must take place, or whether instead a decision by the trade union calling the strike is enough.

In its previous comments, the Committee had also been raising the need to amend section 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 per cent of the volume of transportation that was provided before the strike.

The Committee welcomed the Government's indication that:

- (i) the Ministry of Labour and Social Policy recalled to the Ministry of Transport, Information Technologies and Communications (MTITC) the need for amendment of the aforementioned section 51 of the RTA in order to be in compliance with the Convention;

- (ii) the MTITC expressed readiness to take the necessary steps to amend the aforesaid section; and
- (iii) currently consultations are being held and the Ministry of Labour and Social Policy will continue to report on the progress made.

The Committee recalled that the establishment of too broad a minimum service (like no less than 50 per cent) restricts one of the essential means of pressure available to workers to defend their economic and social interests, that workers' organizations should be able to participate in defining such a service, along with employers and the public authorities, and that in cases where agreement is not possible, the issue should be referred to an independent body. The Committee requested the Government to provide information on any progress in this regard.

Council of Europe

Decisions of the European Committee of Social Rights (ECSR) within the collective complaints procedure⁶⁵

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:⁶⁶

- (i) the general ban of the right to strike in the electricity, healthcare and communications sectors (Article 16(4) of the Law on the Settlement of Collective Labour Disputes) 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 right to strike of civil servants, as noted above (section 4), Article 47 of the Civil Servants Act was amended in 2016, so that all **civil servants are now allowed to take strike action with the exception of the most senior civil servants**, like principal

secretaries of ministries, secretaries of the municipal administration, director of a directorate or head of inspectorate.⁶⁷

Follow-up to the decision of the ECSR

By Resolution adopted on 10 October 2012 at the 1152nd meeting of the Ministers' Deputies,⁶⁸ 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 (LSCLD), which previously denied the right to strike of workers in production, distribution and supply of energy, communications and healthcare, **had been repealed**.⁶⁹

Within the reporting system, the ECSR took note in its Conclusions 2010⁷⁰ 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.

8. Bibliography

- Clauwaert, S. (2016) 'The right to collective action (including strike) from the perspective of the European Social Charter of the Council of Europe', *Transfer*, Vol. 22(3), pp. 405-411.
- Clauwaert, S. and Warneck, W. (2008) *Better defending and promoting trade union rights in the public sector. Part I: Summary of available tools and action points*, Report 105, Brussels: ETUI (<https://www.etui.org/publications/reports/better-defending-and-promoting-trade-union-rights-in-the-public-sector>).
- Clauwaert, S. and Warneck, W. (2009) *Better defending and promoting trade union rights in the public sector. Part II: Country reports*, Report 108, Brussels: ETUI (<http://library.fes.de/pdf-files/gurn/00358.pdf>).
- Novitz, T. (2017) The Restricted Right to Strike: "Far-Reaching" ILO Jurisprudence on the Public Sector and Essential Services, *Comparative Labour Law and Policy Journal*, 38(3/ p. 353-374.
- Warneck, W. (2007), Strike rules in the EU27 and beyond: A comparative overview, Report 103, Brussels ETUI-REHS (<https://www.etui.org/publications/reports/strike-rules-in-the-eu27-and-beyond>)
- ILO CEELEX (Central and Eastern European Labour Legislation database), Bulgaria, Country Profile 2019, available at : https://www.ilo.org/dyn/ceelex/en/?p=14100:1100:0::NO:1100:P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YEAR:BGR,,2019:NO
- ILO, Timo Knäbe and Carlos R. Carrión-Crespo, 'The Scope of Essential Services: Laws, Regulations and Practices', Working paper, 2019, available at: https://ilo.userservices.exlibrisgroup.com/discovery/delivery/41ILO_INST:41ILO_V2/1267249440002676?lang=en .
- Council of Europe, European Social Charter, Country Profile Bulgaria, available at: <https://www.coe.int/en/web/european-social-charter/bulgaria> .
- ETUI, Strikes in Bulgaria - background summary, May 2019, available at: <https://www.etui.org/covid-social-impact/bulgaria/strikes-in-bulgaria-background-summary>.
- ETUI, 'Collective bargaining in Europe: towards an endgame', Volume I, Chapter 4, 'Bulgaria: collective bargaining eroding, but still existing', Vassil Kirov, available at: <https://www.etui.org/sites/default/files/CB1-Chapitre%2B4.pdf> .
- EUROFOUND, 'Living and Working in Bulgaria', Industrial action and disputes, 14 October 2020, available at: <https://www.eurofound.europa.eu/country/bulgaria#industrial-action-and-disputes>.
- COVID-19 Watch, ETUC Briefing Notes, 'Trade Union Rights and COVID-19', 10 June 2020, available at: <https://www.etuc.org/sites/default/files/publication/file/2020-06/Covid%20Briefing%20Trade%20union%20rights%20and%20COVID-19%20updated%2010062020%20final.pdf> .
- COVID-19 Health System Response Monitor, Bulgaria, available at: <https://www.covid19healthsystem.org/countries/bulgaria/livinghit.aspx?Section=5.1%20Governance&Type=Section>
- Council of Europe, Venice Commission, 'Observatory on emergency situations', Bulgaria, available at: <https://www.venice.coe.int/files/EmergencyPowersObservatory/BUL-E.htm>

Notes

1 Status of ratification by Bulgaria of UN treaties:

<https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=en>.

2 Status of ratification by Bulgaria of ILO conventions:

https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102576 (accessed on 11 January 2021); see also Clauwaert, S. and Warneck, W. (2008), *Better defending and promoting trade union rights in the public sector. Part I: Summary of available tools and action points*, Report 105, Brussels: ETUI, p. 72.

3 Status of ratification of the Revised European Social Charter: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/163/signatures?p_auth=jPYjkVEL (accessed on 11 January 2021).

4 Bulgaria has accepted the Protocol by a declaration made in application of Article D paragraph 2 of Part IV of the Revised European Social Charter. See status of ratification of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/158/signatures?p_auth=F3KSQtYr (accessed 11 January 2021).

5 Status of ECHR ratifications: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=jPYjkVEL (accessed on 11 January 2021).

6 Warneck, W. (2007), *Strike rules in the EU27 and beyond: A comparative overview*, Report 103, Brussels: ETUI-REHS, p. 18; and the Constitution available on the website of the National Assembly of the Republic of Bulgaria, at: <http://parliament.bg/en/const> (accessed on 11 January 2021).

7 ETUI Report 103, p. 18; the LSCLD No. 21/13.03.1990 as subsequently amended, available (in Bulgarian) at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=9841&p_classification=02.

8 ETUI Report 103, p. 18.

9 ECSR, Conclusions 2006, Bulgaria, Article 6(4).

10 Observation (CEACR) – adopted 2019, published 109th ILC session (2021), Convention 87, available at: https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4021341,102576,Bulgaria,2019.

11 ETUI Report 103, p. 9, table: ‘Types of collective action’, and p. 18.

12 Article 11(1) of the LSCLD.

13 EUROFOUND, Working life in Bulgaria, Industrial action and disputes, 14 October 2020, available at: <https://www.eurofound.europa.eu/country/bulgaria#industrial-action-and-disputes>.

14 Article 10 of the LSCLD.

15 ETUI, Strikes in Bulgaria – background summary, available at: <https://www.etui.org/covid-social-impact/bulgaria/strikes-in-bulgaria-background-summary>; also EUROFOUND, Working life in Bulgaria, Industrial action and disputes, 14 October 2020, available at: <https://www.eurofound.europa.eu/country/bulgaria#industrial-action-and-disputes>.

16 Articles 11(4) and 11(3) of the LSCLD.

17 Article 11(5) of the LSCLD; see also ETUI Report 103, p. 18.

18 Articles 16(1) and (7) of the LSCLD; see also ETUI Report 103, p. 18.

19 Article 16(5) of the LSCLD; see also ILO CEELEX, Bulgaria, Country Profile 2019, 6.4.1 ‘Restriction of strikes based on their aims/goals’, available at :

https://www.ilo.org/dyn/ceelex/en/f?p=14100:1100:0::NO:1100:P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YEAR:BGR,,2019:NO.

20 ETUI Report 103, p. 9, table: ‘Types of collective action’, and p. 18.

21 ILO CEELEX, Bulgaria, Country Profile 2019, 6.4.3 ‘Restriction of certain types of strike’, available at : https://www.ilo.org/dyn/ceelex/en/f?p=14100:1100:0::NO:1100:P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YEAR:BGR,,2019:NO.

22 ETUI Report 103, pp. 18-19, and ETUI Report 108, pp. 24-27; see also ETUI, Strikes in Bulgaria – background summary, May 2019, <https://www.etui.org/covid-social-impact/bulgaria/strikes-in-bulgaria-background-summary>.

23 Article 16(6) of the LSCLD; see also ILO CEELEX, Bulgaria, Country Profile 2019, 6.4.10 ‘Categories of workers not allowed to strike’, available at : https://www.ilo.org/dyn/ceelex/en/f?p=14100:1100:0::NO:1100:P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YEAR:BGR,,2019:NO.

- 24 EUROFOUND, Working life in Bulgaria, Industrial action and disputes, 14 October 2020, available at: <https://www.eurofound.europa.eu/country/bulgaria#industrial-action-and-disputes>.
- 25 Article 16(3) of the LSCLD; see also ILO CEELEX, Bulgaria, Country Profile 2019, 6.4.4.1 'Acute national crisis', available at : https://www.ilo.org/dyn/ceelex/en/f?p=14100:1100:0::NO:1100:P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YEAR:BGR,,2019:NO
- 26 Article 47 of the Civil Service Act; see also Observation (CEACR) – adopted 2019, published 109th ILC session (2021), Convention 87, available at: https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4021341,102576,Bulgaria,2019 .
- 27 See Article 51 of the Rail Transport Act, available (in English) at: https://www.mtitc.government.bg/sites/default/files/uploads/zveno/railway_2018/rail_transport_act_2018.pdf; also ECSR, 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, paragraphs 29-38; and ESCR, Conclusions 2014, Bulgaria, Article 6(4), available at: <http://hudoc.esc.coe.int/eng/?i=2014/def/BGR/6/4/EN> .
- 28 Act on Defense and Armed Forces of 29 of April 2009, available at (in Bulgarian): https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100747 .
- 29 See Article 285(2) of the Act on Defence and Armed Forces of Bulgaria; and the 12th National Report submitted by Bulgaria on the implementation of the European Social Charter, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168048a5b1> .
- 30 Article 14(2) of the LSCLD; see also ETUI, Strikes in Bulgaria – background summary, May 2019, <https://www.etui.org/covid-social-impact/bulgaria/strikes-in-bulgaria-background-summary>.
- 31 Article 14(1) of the LSCLD as amended by the changes promulgated in State Gazette No. 87/2006; ETUI Report 103, p. 18; see also ILO CEELEX, Bulgaria, Country Profile 2019, 6.3.2.2 'Essential services', available at : https://www.ilo.org/dyn/ceelex/en/f?p=14100:1100:0::NO:1100:P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YEAR:BGR,,2019:NO .
- 32 Article 14(3) of the LSCLD; ETUI Report 103, p. 18.
- 33 ILO, Timo Knäbe and Carlos R. Carrión-Crespo, 'The Scope of Essential Services: Laws, Regulations and Practices', Working paper, Bulgaria, pp. 15 and 43, 2019, available at: https://ilo.userservices.exlibrisgroup.com/discovery/delivery/41ILO_INST:41ILO_V2/1267249440002676?lang=en .
- 34 Compilation of decisions of the Committee on Freedom of Association (ILO CFA), 6th edition, 2018, Chapter 10, paras. 836 - 841 – ILO CFA has defined and listed as “essential services in the strict sense of the term” where the right to strike may be subject to restrictions or even prohibitions, the following: the hospital sector, electricity services, water supply services, the telephone service, the police and armed forces, the fire-fighting services, public or private prison services, the provision of food to pupils of school age and the cleaning of schools, air traffic control. The ILO CFA has stressed that compensatory guarantees should be provided to workers in the event of prohibition of strikes in essential services, see paras. 853 - 863; See also Clauwaert, S. and Warneck, W. (2008) *Better defending and promoting trade union rights in the public sector. Part I: Summary of available tools and action points*, Report 105, Brussels: ETUI, pp. 79-81.
- 35 Articles 4, 5 and 11(1) of the LSCLD; ILO CEELEX, Bulgaria, Country Profile 2019, 6.3.3 'Exhaustion of conciliation/mediation and arbitration procedures prior to strike ', available at : https://www.ilo.org/dyn/ceelex/en/f?p=14100:1100:0::NO:1100:P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YEAR:BGR,,2019:NO .
- 36 ETUI Report 103, p. 18; Article 11(1) of the LSCLD.
- 37 Article 11(2) of the LSCLD.
- 38 Observation (CEACR) – adopted 2019, published 109th ILC session (2021), Convention 87, available at: https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4021341,102576,Bulgaria,2019 .
- 39 ETUI Report 103, p. 18.
- 40 Article 11(3) of the LSCLD.
- 41 See Observation (CEACR) – adopted 2019, published 109th ILC session (2021), Convention 87, available at: https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4021341,102576,Bulgaria,2019 .

- 42 ETUI Report 108, p. 24, and Article 13(1) of the LSCLD.
- 43 Article 13(2) of the LSCLD.
- 44 ETUI Report 103, p. 18, and Article 12(1) of the LSCLD.
- 45 Article 16(2) of the LSCLD ; see also ILO CEELEX, Bulgaria, Country Profile 2019, 6.4.5 'Strike restrictions during the lifetime of a collective agreement (social peace clause)', available at : https://www.ilo.org/dyn/ceelex/en/f?p=14100:1100:0::NO:1100:P1100_ISO_CODE3,P1100_SUBCODE_CODE,P1100_YEAR:BGR,,2019:NO
- 46 ETUI Report 103, p. 19.
- 47 ETUI Report 103, p. 19.
- 48 Article 18(4) of the LSCLD.
- 49 Articles 18(1) and (2) of the LSCLD.
- 50 Article 19(1) of the LSCLD; see also ECSR, Conclusions 2004, Bulgaria, Article 6(4).
- 51 Article 18(5) of the LSCLD.
- 52 ETUI Report 108, p. 24.
- 53 Article 20 of the LSCLD.
- 54 Article 21 and 14(1) of the LSCLD.
- 55 Activities listed under Article 14(1) of the LSCLD where a minimum level of service must be provided, as described in section 4 above.
- 56 Observation (CEACR) – adopted 2019, published 109th ILC session (2021), Convention 87, available at: https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4021341,102576,Bulgaria,2019 .
- 57 Article 17 of the LSCLD.
- 58 Articles 186-198 and Article 333 of the Labour Code must be observed in the case of disciplinary sanctions.
- 59 Article 19(2) of the LSCLD.
- 60 Article 188 of the Labour Code.
- 61 Article 18(3) of the LSCLD.
- 62 See ILO, 'Freedom of association cases' in respect of Bulgaria, last case was registered in February 2009, available at: [https://www.ilo.org/dyn/normlex/en/f?p=1000:20060::FIND:NO:::\(accessed on 8 January 2021\)](https://www.ilo.org/dyn/normlex/en/f?p=1000:20060::FIND:NO:::(accessed on 8 January 2021))
- 63 ILO, 'Supervising the application of International Labour Standards for Bulgaria' including the implementation of ILO Convention Nos. 87 and 98, available at: https://www.ilo.org/dyn/normlex/en/f?p=1000:11110:0::NO:11110:P11110_COUNTRY_ID,P11110_CONTEXT:102576,SC (accessed on 11 January 2021).
- 64 Observation (CEACR) – adopted 2019, published 109th ILC session (2021), Convention 87, available at: https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4021341,102576,Bulgaria,2019 .
- 65 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>.
- 66 *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, available at: [http://hudoc.esc.coe.int/eng#{"ESCDcLanguage":\["ENG"\],"ESCDcType":\["FOND"\],"ESCStateParty":\["BGR"\],"ESCDcIdentifier":\["cc-32-2005-dmerits-en"\]}](http://hudoc.esc.coe.int/eng#{).
- 67 Article 47 of the Civil Service Act; see also Observation (CEACR) – adopted 2019, published 109th ILC session (2021), Convention 87, available at: https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:4021341,102576,Bulgaria,2019 .
- 68 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#{"ESCDcLanguage":\["ENG"\],"ESCDcType":\["FDEC"\],"ESCStateParty":\["BGR"\]}](http://hudoc.esc.coe.int/eng#{).
- 69 See Appendix to Resolution CM/ResChS(2012)4, available at: <https://rm.coe.int/16805c0d5c>.
- 70 See ECSR, Conclusions 2010, Bulgaria, Article 6(4), available at : <http://hudoc.esc.coe.int/eng?i=2010/def/BGR/6/4/EN> .