International Labour Office (ILO)
World Health Organisation (WHO)
International Organisation of Employers (IOE)
European Trade Union Confederation (ETUC)

Project on Support and Stimulation of Social Dialogue for the Improvement of Occupational Safety and Health in the Countries of South East Europe

NATIONAL PROFILE

ON OCCUPATIONAL SAFETY AND HEALTH

OF THE REPUBLIC OF BULGARIA

February 2007
Summary

The National Profile on Occupational Safety and Health (OSH) in the Republic of Bulgaria has been developed within the frameworks of the Project on Support and Stimulation of Social Dialogue for the Improvement of Occupational Safety and Health in the Countries of South East Europe, implemented by the International Labour Office, the World Health Organisation, the International Organisation of Employers and the European Trade Union Confederation. The project aims to develop the governments’ and social partners’ capacity in setting up modern OSH policies, systems and services in the countries of the region, and provide a regional opportunity to exchange experience and good practice.

The National Profile aims to provide information about OSH regulation, the policy adoption and overview mechanisms in this field, about labour legislation organisational framework, infrastructure and application mechanisms, about social partners’ activities and available resources, about statistics of occupational accidents and diseases. This information can serve as a basis for further development of OSH national policy and programmes in the country.

The National Profile structure complies with the Terms of Reference (ToR) developed by the Regional Office of the International Labour Office, Budapest.

The draft report on the OSH National Profile has been discussed at a tripartite seminar with the participation of representatives of the concerned ministries and social partners’ organisations. The results of the discussion have been reflected in the final version of the report.

Keywords: occupational safety and health, OSH policy, tripartite collaboration, statistics of occupational accidents and diseases.
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Abbreviations

ABEO - Association of Bulgarian Employers’ Organisations
BCCI - Bulgarian Chamber of Commerce and Industry
BIA - Bulgarian Industrial Association
BICA - Bulgarian Industrial Capital Association
BILSC - Balkan Institute of Labour and Social Policy
BUPC - Vazrajdane - Bulgarian Union of Private Contractors - Vazrajdane
CBITU - Confederation of Bulgarian Independent Trade Unions
CEIB - Confederation of the Employers and Industrialists in Bulgarian
CLIEA - Chief Labour Inspection Executive Agency
CoM – Council of Ministers
CWC - Committee on Working Conditions
DCoM - Decree of the Council of Ministers
DNCS - Directorate for National Construction Supervision
EPA - Employment Promotion Act
ESC - Economic and Social Council
EU – European Union
GWC - Group on Working Conditions
ILO – International Labour Office
ILO - International Labour Organisation
LC - Labour Code
LC - Podkrepa - Labour Confederation - Podkrepa
MoH – Ministry of Health
MoI – Ministry of Interior
MLSP – Ministry of Labour and Social Policy
MRDPW – Ministry of Regional Development and Public Works
n/a – not available
NAAA - National Agency of Assessment and Accreditation at the CoM
NAS - National Accreditation Service
NCEA - National Classifier of Economic Activities
NEDC - National Expert Medical Commission
NFSPPS - National Fire Safety and Protection of Population Service
NCSHP - National Centre of Public Health Protection
NCWC - National Council on Working Conditions
NSSI - National Social Security Institute
OHS - Occupational Health Service
OSH – Occupational Safety and Health
OSHA – Occupational Safety and Health Act
PSS - Public Social Security
RLID - Regional Labour Inspection Directorate
RMEF - Registry of Medical Expert Files
SAMTS - State Agency for Metrology and Technical Surveillance
SCA – Civil Servants Act
SSC - Social Security Code
TEMCC - Territorial Expert Medical Commission
UBE - Union of Bulgarian Employers
UEI – Union for Economic Initiative
WCMCASD - Working Conditions, Management at Crises and Alternative Service Directorate
WHO - World Health Organisation
WHS - workplace health and safety
RISHPC - Regional Inspection of Public Health Protection and Control
References

This report is based on documentary study of official texts of the administrative provisions in the field of occupational safety and health and on interviews with representatives of state institutions and national representative organisations of employers and workers and employees. Being a resource of current information about the practice of the institutions in the field under study, as well as of basic statistic data, the official publications have been used, including in Internet, of the National Institute of Statistics, the National Social Security Institute, the Ministry of Labour and Social Policy, the Ministry of Health, the Executive Agency of Chief Labour Inspection etc.

For the needs of the comparative analysis to the international labour standards and to the legislation of EU in the field of OSH, when it has been required, the official texts of the Conventions, published by the International Labour Organisation, as well as the texts of the Directives, published in the Official Journal of EU, have been used.

References to particular resources used in the main text of the report have been made in the course of the text revealing. On request, additional information concerning the normative regulations in the sphere of OSH in Bulgaria and the practice related to their application can be found on the web pages of the following organisations:

5. Chief Labour Inspection Executive Agency http://www.git.mlsp.government.bg/
8. National Centre on Health Information http://www.nchi.government.bg/
12. Bulgarian Chamber of Commerce and Industry http://www.bcci.bg/
13. Union for Economic Initiative http://www.ssi-bg.org/
15. Labour Confederation - Podkrepa http://www.podkrepa.org/
Introduction

The National Profile on Occupational Safety and Health (OSH) of the Republic of Bulgaria has been developed in accordance with the Terms of Reference of the Regional Office of the International Labour Office, Budapest, in implementation of the Project on Support and Stimulation of Social Dialogue for the Improvement of Occupational Safety and Health in the Countries of South East Europe, accomplished jointly by the International Labour Office, the World Health Organisation, the International Employers’ Organisation and the European Confederation of Trade Unions. The project aims to develop the governments and social partners’ capacity in setting up modern OSH policies, systems and services in the countries of the region, and provide a regional opportunity to exchange experience and good practice.

The National Profile Project has been prepared by Dr. Toncho Tonchev on the grounds of the official texts of the effective administrative provisions in the field of OSH, of OSH information, published by the state administration and the social partners’ organisations, including on the Internet, as well as upon consultation with experts recommended by the partner international organizations participating in the project. The report on OSH National Profile was discussed at the tripartite seminar with the participation of representatives of the concerned ministries and organisations of employers, workers and employees in February, 2007. The notes and recommendations of the participants in the seminar were reflected in the final version of the document.

The participants in the seminar deem that the OSH National Profile provides good opportunities to all concerned organisations and persons to obtain systematized information about OSH conditions and characteristics in Bulgaria. The information, presented in the profile, could serve as a comparison to OSH conditions in other countries as well as a basis for further development of the policies and programmes of the participants in the tripartite dialogue in the field.
1. Legislative and political framework

1.1 OSH requirements in the Constitution of the Republic of Bulgaria

The Constitution of the Republic of Bulgaria (the State Gazette (SG)/issue 56/1991) guarantees, alongside with the citizens’ basic rights and freedoms, the workers and employees’ right to occupational safety and health, as well as their right to associate in trade unions for protection of their interests in the field of labour and social security. The right of the employers to associate for protection of their economic interests is also guaranteed. These principal provisions of the supreme law of the country underlie all adopted administrative provisions in the field of labour.

1.2 Basic acts regulating OSH


The Labour Code from 1986 regulates the labour relations between the worker and employer (the conditions of providing and hiring of manpower, working time and breaks, salaries, paid leave, protection of female and under age labour, overtime work etc.) as well as other issues related with labour relations (collective bargaining, labour disputes, occupational safety and health etc.)

Chapter XIII of the LC regulates the public relations in the sphere of OSH. The employer’s duty to provide occupational safety and health and the right of the Minister of Labour and Social Policy, alone or jointly with other ministers, to issue acts on providing OSH are decreed. The Minister of Labour and Social Policy and the Minister of Health, alone or jointly, should establish unified regulations for providing occupational safety and health, which are to be applied in any sector or activity.

The Code assigns to the General Labour Inspection Executive Agency at the Minister of Labour and Social Policy the overall control on compliance with labour legislation in all sectors and activities and also regulates the main rights and duties of the monitoring authorities as well as the mandatory administrative measures and the terms and conditions for seeking administrative-punitive responsibility at establishing violations of labour legislation.

*OSH Act (SG, issue 124/1997)*

The OSHA is fully harmonised with the EU Framework Directive on the Introduction of Measures to Encourage Improvements of Workplace Health and Safety (89/391/EEC). The Act determines the rights and duties of the state, the employers, the workers and the other organisations and legal entities to provide occupational safety and health. The Act is applied in all enterprises or places, where labour activity is performed, regardless of the organisational form or the type of ownership as well as with respect to the specific activities performed by the employees within the system of the Ministry of Defence, the employees of the Ministry of Interior and the State Agency of Civil Protection relating to defence and national security (unless special acts provide anything else).

The OSHA establishes basic requirements and regulations for OSH provision, by ruling the following measures to be taken:
- prevention of life and health risks;
- assessment of unavoidable risk;
- combating risk at its origination source;
- adapting the working conditions to the individual for the purpose of reducing and eliminating their harmful effect on his/her health;
- introducing technical progress in technological processes, machinery and equipment;
- substituting hazardous production, working equipment, instruments, substances, stuff and materials with harmless or less hazardous ones;
- applying unified general prevention policy covering technology, working places and work organisation, working conditions and social relations;
- using collective protection means rather than personal protection ones;
- providing the working persons with the required information related to providing occupational safety and health;
- designating existing hazards and sources of factors harmful to health and safety.

The Act assigns the obligation for OSH provision to legal entities and natural persons who hire on their own workers or employees on an employment contract; to legal entities and natural persons who use workers and employees, provided by an enterprise, ensuring temporary occupation, as well as to self-employed persons working alone or in partnership with others.

To ensure the implementation of the activities related to protection against occupational risks and their prevention, the employer, depending on the amount of activity, nature of work and character of occupational risk, appoints or nominates one or more officials with appropriate education and qualification or creates a specialized service.

On the strength of the OSHA, the employers provide treatment to their workers and employees through the Occupational Health Services (OHSs). The OHSs are units with mostly preventive functions. They consult and assist the employers in planning, organising and fulfilling their duties related to OSH provision and maintenance. The OHSs are created by the employers alone or in partnership with others or by other legal entities. The control of the OHSs’ activity is performed by the Minister of Health.

The employer is obliged to consult the workers and employees or their representatives and organisations by creating possibility for them to participate in the discussion and adoption of all steps concerning the workers and employees’ OSH. In enterprises with more than 50 workers and employees, committees on working conditions (CWC) are established and with staff from 5 to 50 persons, as well as in separate structural units, groups on working conditions (GWC) are set up. The CWCs and the GWCs include equal number of representatives of both the employer and the workers and employees. Chairman of the CWC is the employer or its representative and Deputy Chairman is a representative of the workers and employees.
The Council of Ministers establishes and carries out the OSH provision policy. The Minister of Labour and Social Policy develops, coordinates and carries out the state policy in this field. The OSH provision policy is established and carried out upon coordination within the framework of the tripartite collaboration at national, sectoral and regional level. The National Council on Working Conditions is the constant body responsible for the coordination, consultations and cooperation in the development of OSH provision policy at national level. Chairman of the NCWC is the Minister of Labour and Social Policy.

The Minister of Health directs and coordinates the activity related to protection and strengthening of workplace health by:

- analysing the situation of the working environment and working process and their influence on health, and developing mandatory measures to reduce occupational diseases;

- developing national programmes for protection and strengthening of the workers’ health and working capacity and assisting systematically their implementation;

- approving standards, rules, requirements and methods for workers’ health protection and health risk assessment;

- evaluating workers’ health condition;

- directing systematically the activity and setting up the terms, conditions and requirements for carrying out instruction, measurement and consultation in the field of occupational health and occupational safety;

- monitoring the activity of the Occupational Health Services through the state health control authorities.

The Act assigns to the Minister of Labour and Social Policy to perform, through the General Labour Inspection Executive Agency, integrated control on legislation observance and implementation of the duties related to OSH provision in all sectors and activities, regardless of the form of ownership.

**Social Security Code (SG, issue 110/1999)**

The Act of Hygiene and Occupational Safety (1917) was the first to introduce in Bulgarian national legislation regulations on workers’ mandatory insurance against occupational accidents at the employer’s expense.

The Social Security Code (in effect since 1.1.2000) regulates entirely the public relations related to public social security in case of general disease, occupational accident, occupational disease, maternity, unemployment, old age and death as well as additional social security.

The amount of social security contributions for occupational accidents and diseases for the basic economic activity groups is determined on an annual basis by the Public Social Security Budget Act. The contributions are borne entirely by the employer.
The Code defines the term “occupational accident” as any sudden health injury experienced during and in relation with or on account of the work’s implementation, as well as during any activity performed in the enterprise’s interest as a result of which disability or death has occurred. An occupational accident is also any commuting accident experienced by a worker or employee on his/her common way between his/her workplace and his/her main place of residence or to/from some other additional place of residence of permanent nature, or to/from the place where the worker usually feeds during the working day, or to/from the place where he/she obtains his/her remuneration.

“Occupational disease” is a disease which has occurred exclusively or mostly under the influence of the harmful factors of the working environment or the working process on the organism and which is included in the List of Occupational Diseases issued by the Council of Ministers. An occupational disease is also a disease which is not inscribed onto the List of Occupational Diseases when it has been established that it was caused mainly and directly by the routine working activity of the insured person and has resulted in his/her permanent disability or death. The complications and later consequences of the disease are also referred to as occupational disease.

The procedure of identification, investigation, recording, and reporting of occupational accidents and the procedure for notification, recording, confirmation, appealing and reporting of occupational diseases is established by a Decree of the Council of Ministers.

**Act on the Technical Requirements to Products (SG, issue 86/1999, last amended and supplemented (SG, issue 76/2006)**

The Act on the Technical Requirements to Products (part of which is the working equipment) regulates:

- the terms for establishing the essential requirements to the products to be released on the market and/or commissioned;

- the liabilities of the persons who release the product on the market and/or commission it;

- the terms for establishing the rights and duties of the manufacturers and the persons who perform activities related to assessment of the products’ compliance with the essential requirements;

- the monitoring of the products released on the market and/or commissioned, for which essential requirements have been specified;

- the technical monitoring of the observance of the technical requirements, rules, and standards about the structure and safe operation of enhanced risk equipment.

One of the purposes of the Act is to harmonise the essential requirements to the products with the essential requirements adopted in the EU New Approach Directives and to provide conditions for the mutual recognition of the results from the compliance assessment and for integration within the united market of the EU.
1.3 Administrative provisions covering directly essential aspects of OSH

The Labour Code authorizes the Minister of Labour and Social Policy, alone or jointly with other ministers, to issue administrative provisions on OSH provision. If required, the Minister of Labour and Social Policy specifies the authorities and organisations to participate in the development of these administrative provisions. Only the Minister of Labour and Social Policy and the Minister of Health have the right, alone or jointly, to establish unified rules on OSH provision which are applied in all sectors and activities.

In the process of preparation for Bulgaria’s accession to the EU and especially after the OSHA’s taking effect (1997), intensive updating of OSH legislation was initiated in the country aiming to harmonise the national legislation with the EU legislation and to achieve fuller compliance with the international labour standards. The development of the national administrative provisions created the necessary prerequisites to establish the principles of the unified European market for free movement of goods, the main requirement of which is safety provision. New regulations related to the application of some individual OSH and LC regulations were issued; some outdated regulations were amended and supplemented, others were cancelled.

Ordinance No. 7 on the Minimum OSH Requirements at the Working Places and at Using the Working Equipment (SG, issue 88/1999)

The Regulation was issued by the Minister of Labour and Social Policy and the Minister of Health; it is applied in all enterprises and places where work is carried out and to which OSHA applies. The Regulation establishes the minimum OSH requirements to be provided by the employer with regard to:

- enterprise territory;
- production buildings and premises;
- working environment factors (physical, chemical, biological, psycho-physiological);
- use of working equipment;
- work organisation;
- water-supply and sewage systems;
- fire protection and actions in case of accidents;
- sanitary and everyday service;
- provision of personal protection means and special working clothes.

During work organisation and implementation, the requirements of this Regulation, the OSH work regulations for the various types of production, activities, types of work and working equipment, as well as the regulations for fire safety are applied.
The minimum OSH requirements for construction and assembly works are determined by Ordinance No.2/2004, issued by the Minister of Labour and Social Policy and the Minister of Regional Development and Public Works (SG, issue 37 of 4.05.2004).

Ordinance No. 5 on the Terms, Manner and Periodicity of Performing Risk Assessment (SG, issue 47/1999)

Article 16 of the OSHA obliges the employer to make an assessment of the OSH risk covering the working processes and working equipment, the premises, the working places, the work organisation, the use of stuff and materials and other side factors, as well as to ensure suitable measures for risk prevention in accordance with the performed assessment, and where this is not possible, to ensure the workers and other persons’ protection.

The Ordinance was issued by the Minister of Labour and Social Policy and the Minister of Health. The risk assessment is made by the employer together with the participation of the Occupational Health Services, the OSH authorities, and other specialists from the enterprise. Where necessary, the employer can involve other external organizations or specialists.

The Ordinance determines the requirements with respect to the knowledge and skills of the persons performing risk assessment and the assessment procedure and documentation.

Ordinance No. 3 on the Functions and Tasks of the Officials and Specialized Services in the Enterprises in Organizing the Implementation of the Activities Related to Protection from and Prevention of Occupational Risks (SG, issue 91/1998)

The Ordinance was issued by the Minister of Labour and Social Policy. To organise the implementation of the activities related to protection from and prevention of occupational risks, Article 24 of the OSHA obliges the employer to appoint or nominate one or more officials with appropriate education and qualification or to create a specialised service, called “OSH at work authorities”. The Ordinance specifies the functions and tasks of these authorities.

The OSH at work authorities assist the employer in implementing its duties related to OSH provision. When the employer assigns to some official the functions of an OSH at work authority as an additional duty, it should provide him/her with the minimum required time to accomplish the tasks assigned to him/her.

The basic working lines of the OSH at work authorities are related with the establishment of integrated preventive company policy covering the organisation of work, technologies, working places, and equipment to unite all participants in the work activity to the organisation of an effective system for protection against and prevention of occupational risks.

Ordinance No. 14 on Occupational Health Services (SG, issue 75/1998)

The Ordinance was issued by the Minister of Health. The OSHA obliges the employers to provide Occupational Health Services for their workers and employees. The Ordinance specifies the terms and conditions for providing service through these Occupational Health Services, their functions and objectives, the manner of their establishment and providing for their activity as well as the requirements for the staff qualification, good practice, and operative quality of these services.
The OHSs advise and assist the employers and the committees and groups on working conditions in the planning, organisation, and implementation of their duties related to OSH provision and maintenance and strengthening of workers’ health and working capacity in relation with the work performed by them.

The basic functions of the OHSs are:

- assessment of OSH risk;
- development of measures to eliminate and reduce OSH risk;
- monitoring the workers and employees’ health condition and analysing it in relation with the work performed by them;
- instructing the workers and officials on OSH preservation rules.

The Ministry of Health keeps a current registry of the Occupational Health Services. In order to be registered, an OHS should have available personnel with specific qualification according to the requirements of the Ordinance and to be capable to perform all activities described therein.

The Ordinance specifies the minimum required time (in hours for one worker) for the service provided by the OHS specialists (a physician qualified in health services, an OSH specialist, a specialist with secondary specialised medical or non-medical education and other specialists depending on the risk specifics) for the different labour categories specified in the Labour Categorisation Rules at Retirement.

**Other OSH administrative provisions**

The state authorities controlling the application of OSH legislation monitor the observance of more than 130 specific administrative provisions of general application (acts and codes, ordinances, rules) in the field of construction, chemistry and environment, transport, agriculture, mines and explosives, electric safety and power engineering, fire safety and actions in case of accidents, vulnerable people, technical requirements to the products, professional education, training and qualification, occupational accidents and diseases.


Ordinance No.4 of 3.11.1998 issued by the Minister of Labour and Social Policy and the Minister of Health (SG, issue 113/1998) regulates the training of the workers’ representatives in the Committees and Groups on Working Conditions in the enterprises.

Ordinance No.15 of 31.5.1999 issued by the Minister of Health and the Minister of Labour and Social Policy (SG, issue 54/1999) regulates the conditions, terms, and requirements for development and introduction of workplace labour and rest physiological regimes.

Ordinance No. 16 of 31.5.1999 issued by the Minister of Health and the Minister of Labour and Social Policy (SG, 54/1999), specifies the physiological standards and rules for manual work with weights.
Ordinance No.4 of 2.8.1995 issued by the Minister of Labour and Social Policy and the Minister of Interior (SG, issue 77/1995) specifies the signs and signals of occupational and fire safety and the manner of their use.

Ordinance No.3 of 14.5.1996 issued by the Minister of Labour and Social Policy and the Minister of Health (SG, 44/1996) regulates the workers and employees’ instruction on occupational safety and fire protection.

Ordinance No.3 of 19.4.2001 on the minimum requirements for the workers’ safety and health protection in using personal protection means at the workplace is issued by the Minister of Labour and Social Policy and the Minister of Health (SG, issue 46/2001).


The Ordinance on the terms of notification, recording, confirmation, appealing, and reporting of occupational diseases adopted by Decree No.79 of the Council of Ministers of 29.03.2001 (SG, issue 33/2001) took effect on 5.07.2001.

Some of these administrative provisions will be presented in details in the following sections.

1.4 Regulations covering aspects of OSH issued under other ministries

The LC assigns to the ministers and other executive authorities to approve branch rules for OSH provision in the enterprises and activities of the relevant branch. The branch rules account for the branch specific and do not contradict the unified rules.

Administrative provisions, covering specific OSH aspects have been issued by the Minister of Environment and Waters, the Minister of Regional Development and Welfare, the Minister of Transport, the Minister of Agriculture and Forests, the Minister of Economics and Power Engineering, the Minister of Interior.

1.5 National OSH policy

The need to develop and observe consistent national OSH policy is regarded by the Government and the social partners as an effective measure to conduct the economic reforms in the country.

In 1996, based on a comprehensive analysis of the state and organization of the activity related to the workers and employees’ safety and health, by Decision No.110 of the Council of Ministers of 20.2.1996, Essential Guidelines on the State OSH Provision Policy were adopted. The directions for OSH reforms’ implementation were specified, thereby laying the foundations for introduction and application of the EU legislation as a priority task of the country’s social policy.

By Decision No.34 of the Council of Ministers of 29.08.2002, Guidelines for the Development of Workplace OSH Activities during the Period Until 2006 were adopted. By the adoption of this program document, OSH provision was designated as the basic objective of the new social
policy of the Government of the Republic of Bulgaria which harmonised with the accents in the EU strategy for workplace health and safety.

The state OSH policy is carried out through the specific objectives and results adopted by the Guidelines to be achieved during the period. Some of them are:

- to reach an economically grounded and socially acceptable level of occupational traumatism commensurable with that of the EU countries by: eliminating the practice of failure to notify the cases of occupational accidents and including quantitative parameters in the system allocating differentiated social security contributions for occupational accidents and diseases;

- to restrict the application of and to abandon on a stage-by-stage basis the ineffective compensation forms for working in harmful health conditions;

- to continue the efforts for introducing the EU New Approach Directives in the national legislation and for introducing on a stage-by-stage basis the European Directives on workplace health and safety (including their amendments and supplements);

- to establish a national OSH training and education system;

- to increase abruptly the scope of the workers and employees obtaining service by the OHSs;

- to develop and apply the “occupational risk assessment” system as a management and planning method in OSH provision activity;

- to update and revise occupational safety rules;

- to develop, strengthen administratively and increase the work efficiency of the General Labour Inspection Executive Agency.

The Guidelines project was elaborated in consultation with the trade unions and organisations of employers. Before their submission for approval by the Government, the Guidelines were discussed and adopted at a session of the National Council on Working Conditions. The Ministry of Labour and Social Policy submits on an annual basis a report on the Guidelines’ implementation to be discussed by the NCWC.

Implementing the Guidelines, the Ministry of Labour and Social Policy specified as one of the priorities of its Programme for the period 2005-2009 “the provision of appropriate working conditions in the enterprises by developing forms and models for application of occupational risks assessment and control systems”.

In 2006, the Government, the national representative organisations of workers and employees and the national representative organisations of employers signed a Pact for Economic and Social Development of the Country until 2009, where the improvement of the working conditions and the protection of workers’ occupational and social rights were declared to be among their policy spheres of particular importance.
1.6 Summary

Do regulations exist for the effective protection of workers against hazardous processes, machinery and equipment and hazardous chemicals, physical and biological agents, relating to:

<table>
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<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Applied?</th>
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<tr>
<td>- identification and determination of occupational hazards?</td>
<td>X</td>
<td></td>
<td>yes</td>
</tr>
<tr>
<td>- prohibition, limitation or other means of reducing exposure?</td>
<td>X</td>
<td></td>
<td>yes</td>
</tr>
<tr>
<td>- assessment of risks?</td>
<td>X</td>
<td></td>
<td>yes</td>
</tr>
<tr>
<td>- prohibition or limitation of the use of hazardous processes, machinery, substances, etc?</td>
<td>X</td>
<td></td>
<td>yes</td>
</tr>
<tr>
<td>- specification of occupational exposure limits?</td>
<td>X</td>
<td></td>
<td>yes</td>
</tr>
<tr>
<td>- surveillance and monitoring of the working environment?</td>
<td>X</td>
<td></td>
<td>yes</td>
</tr>
<tr>
<td>- notification of hazardous work, and related authorisation and licensing requirements?</td>
<td>X</td>
<td></td>
<td>yes</td>
</tr>
<tr>
<td>- classification and labelling of hazardous substances?</td>
<td>X</td>
<td></td>
<td>yes</td>
</tr>
<tr>
<td>- ensuring of data sheets?</td>
<td>X</td>
<td></td>
<td>yes</td>
</tr>
<tr>
<td>- ensuring of personal protective equipment?</td>
<td>X</td>
<td></td>
<td>yes</td>
</tr>
<tr>
<td>- safe methods for handling and disposal of hazardous waste?</td>
<td>X</td>
<td></td>
<td>yes</td>
</tr>
<tr>
<td>- working time arrangements?</td>
<td>X</td>
<td></td>
<td>yes</td>
</tr>
<tr>
<td>- adaptation of work installations, machinery, equipment and processes to the capacities of workers (ergonomic factors)?</td>
<td>X</td>
<td></td>
<td>yes</td>
</tr>
<tr>
<td>- design, construction, layout, maintenance of workplaces and installations?</td>
<td>X</td>
<td></td>
<td>yes</td>
</tr>
<tr>
<td>- ensuring of adequate welfare facilities?</td>
<td>X</td>
<td></td>
<td>yes</td>
</tr>
</tbody>
</table>

1.7 Situational analysis and recommendations

The harmonisation of Bulgarian legislation with the European Law, including the OSH regulations, was actually completed by the beginning of 2006. As of this date, 11 new (harmonised) ordinances and regulations on OSH provision for the different sectors and activities were elaborated and adopted. Nevertheless, the development of the administrative provisions continues, as approximately another 110 occupational safety regulations, which were elaborated and approved prior to the OSHA’s taking effect and which are still effective must be harmonised.

Based on the analysis of the existing OSH regulations, some strengths and weaknesses can be outlined and some recommendations can be formulated.

Strengths

1. The basic rights and freedoms of the workers, including the right to healthy and safe work, are ruled by the Bulgarian Constitution.

2. The development and adoption of OSH administrative provisions is implemented upon consultation with the representative organisations of employers and workers and the representative organisations of employees.
3. All sectors and types of activities are covered by labour legislation.

4. The national OSH policy is developed and adopted upon consultations with the organizations of the social partners. Mechanisms for OSH policy review are available.

5. Legal regulations for the workers’ effective protection against hazardous processes, machinery and equipment and hazardous chemicals, physical and biological agents exist.

Weaknesses

1. There is some delay in the development of OSH provision regulations in some sectors and activities.

2. The statute of the General Labour Inspection Executive Agency, as a competent state inspection authority in the field of employment relationships and OSH is not specified by an act.

Recommendations

1. The harmonisation of the OSH provision rules for the different sectors and activities with the requirements of effective Bulgarian and European Law in this field should be speeded up.

2. The discussion and adoption of the Labour Inspection Act should be speeded up.
2 Compliance with international standards

2.1 Incorporation of requirements of international standards into national law and practice

Bulgaria became member of the International Labour Organisation in 1920. During the 86 years that have elapsed meanwhile the country ratified a total of 95 ILO Conventions (of them 77 in effect), including conventions, relating to workers’ fundamental rights, such as: the Conventions on workers’ freedom of association (No.11, No.87, and No.98) and the Conventions on abolition of forced labour (No.29 and No.105). Bulgaria also ratified a great part of the Conventions on working time, breaks, leaves, salary and others concerning various aspects of employment and social security relations.

Bulgaria has ratified as well three major OSH conventions (Convention No.13 of 1921 on White Lead (Painting), Convention No.81 of 1947 on Labour Inspection in Industry and Commerce, and Convention No.127 of 1967 on Maximum Weight). The country was among the first to ratify Convention No.182 of 1999 on Worst Form of Child Labour. During the recent few years, eight Seafarers' Conventions were ratified. In 1998, Convention No144 of 1976 on Tripartite Consultation (International Labour Standards) was ratified.

Despite the intensive updating of OSH administrative provisions, carried out during the recent 10 years in relation with the preparation for the country’s accession to the EU, Bulgaria has not yet ratified some of the fundamental conventions in the field, adopted by the ILO after 1977 (cf. Table 2.2.1 below). Regardless of the delay in the ratification process, the provisions of the OSH conventions are completely incorporated in the national legislation in the field.

The requirements of the EU OSH Directives were completely transposed in national legislation in the preparatory process for the country’s accession to the EU during the period 1997–2006.

2.2 Summary

2.2.1 Degree of compliance with ILO OSH Conventions

<table>
<thead>
<tr>
<th>Convention No</th>
<th>Ratified</th>
<th>Provisions incorporated in national law</th>
<th>Provisions used as guidance</th>
<th>Intention to ratify in near future</th>
</tr>
</thead>
<tbody>
<tr>
<td>155 on occupational safety and health, 1981</td>
<td>no</td>
<td>yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>161 on occupational health services, 1985</td>
<td>no</td>
<td>yes</td>
<td></td>
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<tr>
<td>81 on labour inspection, 1947</td>
<td>yes</td>
<td>yes</td>
<td></td>
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<tr>
<td>129 on labour inspection (agriculture), 1969</td>
<td>no</td>
<td>yes</td>
<td></td>
<td></td>
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<tr>
<td>115 on radiation protection, 1960</td>
<td>no</td>
<td>yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>119 on guarding of machinery, 1963</td>
<td>no</td>
<td>yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>127 on maximum weight, 1967</td>
<td>yes</td>
<td>yes</td>
<td></td>
<td></td>
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<tr>
<td>136 on benzene, 1971</td>
<td>no</td>
<td>yes</td>
<td></td>
<td></td>
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<tr>
<td>139 on occupational cancer, 1974</td>
<td>no</td>
<td>yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>148 on working environment (air pollution, noise &amp; vibration), 1977</td>
<td>no</td>
<td>yes</td>
<td></td>
<td></td>
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<tr>
<td>162 on asbestos, 1986</td>
<td>no</td>
<td>yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EU Directives (and their individual amendments)</td>
<td>Requirements transposed entirely</td>
<td>Partially transposed</td>
<td>Requirements used as guidance</td>
<td>Intention to transpose in near future</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>---------------------------------</td>
<td>----------------------</td>
<td>--------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>89/391/EEC &quot;Framework Directive&quot; on OSH</td>
<td>yes</td>
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<tr>
<td>89/654/EEC on minimum safety and health requirements for the workplace</td>
<td>yes</td>
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<td></td>
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<tr>
<td>89/655/EEC on use of work equipment</td>
<td>yes</td>
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<td></td>
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<tr>
<td>89/656/EEC on use of personal protective equipment</td>
<td>yes</td>
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<tr>
<td>90/270/EEC on work with display screen equipment</td>
<td>yes</td>
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<td>90/269/EEC on manual handling</td>
<td>yes</td>
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<tr>
<td>90/394/EEC on carcinogens</td>
<td>yes</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2000/54/EEC on biological agents</td>
<td>yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>92/58/EEC on safety signs</td>
<td>yes</td>
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<td></td>
<td></td>
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<tr>
<td>92/85/EEC on pregnant workers</td>
<td>yes</td>
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<td></td>
<td></td>
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<tr>
<td>92/91/EEC on mineral-extracting industries (drilling)</td>
<td>yes</td>
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<td></td>
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<tr>
<td>92/104/EEC on mineral extracting industries</td>
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<td></td>
<td></td>
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<tr>
<td>93/103/EEC on fishing vessels</td>
<td>yes</td>
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<td></td>
<td></td>
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<tr>
<td>98/24/EC on chemical agents</td>
<td>yes</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>92/57/EEC on temporary or mobile construction sites</td>
<td>yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2002/44/EC on physical agents - vibration</td>
<td>yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2003/10/EC on physical agents - noise</td>
<td>yes</td>
<td></td>
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<tr>
<td>91/383/EEC on temporary workers</td>
<td>yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>94/33/EC on young people</td>
<td>yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>99/92/EC on explosive atmospheres</td>
<td>yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>83/477/EEC on asbestos</td>
<td>yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2000/39/EC on indicative occupational exposure limits</td>
<td>yes</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
2.3 Situational analysis and recommendations

In updating OSH legislation, Bulgaria adopts and applies the International Labour Standards. The ratification of more than 90 ILO Conventions since it joined this international organisation is indicative of the country’s attitude towards the protection of workers’ rights. As a result of the performed analysis, some strengths and weaknesses in the compliance of national legislation with International Labour Standards and EU legislation can be outlined.

**Strengths**

1. OSH regulations comply with the requirements of the International Labour Standards; they are harmonised with EU New Approach Directives and are being continuously improved.

2. A mechanism, revising the compliance of national legislation, including OSH legislation, with EU legislation is established and preparation of periodic reports with regard to this is envisaged.

**Weaknesses**

1. Bulgaria has not ratified yet some of the fundamental OSH Conventions, adopted by the ILO after 1977.

**Recommendations**

The Government, in consultations with the organisations of the social partners, should review and analyse the impact of the fundamental ILO OSH Conventions and take actions towards their ratification.
3. Organisational frameworks and labour legislation enforcement mechanisms

Public relations in the field of OSH are regulated mainly by the Labour Code and the Occupational Safety and Health Act. The state policy, relating to OSHA provision, is developed, coordinated and conducted by the Minister of Labour and Social Policy. The Minister of Health directs and coordinates the activities for protection and strengthening of health at work.

The Minister of Labour and Social Policy performs integrated control, through the General Labour Inspection Executive Agency, of the legislation’s observance and the implementation of the duties relating to OSH provision in all sectors and activities, regardless of ownership.

The Minister of Health directs systematically the activity and specifies the terms, conditions, and requirements for training, measurement and consultations relating to occupational health and occupational health service, and controls the activity of the Occupational Health Services through the state health inspection authorities.

The OSH provision policy at national level is specified and implemented upon coordination with the National Council on Working Conditions, which comprises representatives of the Council of Ministers, the National Social Security Institute, and the national representative organisations of employers and the national representative organisations of workers and employees. Chairman of the NCWC is the Minister of Labour and Social Policy. At regional and sectoral level, the dialogue relating to OSH is conducted at the regional and sectoral Councils on Working Conditions; their functions and tasks being specified by the Law.

3.1 Competent authority(ies) for OSH

The OSHA authorises the Minister of Labour and Social Policy, alone or jointly with other ministers, to issue administrative provisions, relating to OSH provision, as well as to organise and coordinate the development of administrative provisions in this field, when they lie within the competence of other ministers. The Minister of Labour and Social Policy approves OSH provision rules.

Following the adoption of OSHA in 1997, the Minister of Labour and Social Policy issued, jointly with the Minister of Health, a number of administrative provisions on the application of individual legislative regulations, introducing the requirements of the EU Directives in the national legislation, such as: Ordinance No.7 of 1999 on the minimal OSH requirements at the workplace and in using working equipment; Ordinance No.5 of 1999 on the conditions, terms, and periodicity of risk assessment; Ordinance No.4 of 1998 on training the representatives in the Committees and Groups on Working Conditions in the enterprises; Ordinance No.15 of 1999 on the conditions, terms, and requirements for development and introduction of workplace labour and rest physiological regimes; Ordinance No.3 of 2001 on the minimum requirements for the workers’ safety and health protection in using personal protection means at the workplace; Ordinance No.4 of 2002 on the workers’ protection in hazardous situations, relating to exposure to biological agents at work; Ordinance No.13 of 2003 on the workers’ protection from risks, relating to exposure to chemical agents at work etc.
Ordinance No.2 of 2004 issued by the Minister of Labour and Social Policy and the Minister of Regional Development and Public Works specifies the minimal OSH requirements during construction and assembly works.

The Minister of Health approves the standards, rules, requirements, and methods for workers’ health protection and health risk assessment. In 1998, the Minister of Health issued Ordinance No.14 on Occupational Health Services.

The Ministry of Interior Act delegates to the Ministry the task of exercising, through specialised services, control on the use of means presenting common threat, the road traffic, the fire safety and safety in case of emergency, including the cases, which are directly related to the performance of production activity.

In the cases, particularly stipulated by Law, the relations in the field of OSH are regulated by an Act of the Council of Ministers, e.g. the terms of notification, recording, confirmation, appealing and reporting of occupational diseases (Decree No.79 of the Council of Ministers of 2001); the terms and conditions of declaring, identification, investigation, recording and reporting of occupational accidents (Decree No.263 of the Council of Ministers of 1999) etc.

3.2 Labour inspection services

3.2.1 Description

The General Labour Inspection Executive Agency (GLIEA) at the Minister of Labour and Social Policy is a state authority which implements the overall control on the observance of labour legislation in all sectors and activities in the Republic of Bulgaria (in accordance with Art. 399 of the Labour Code) as well as the specialized control on the observance of the Employment Promotion Act.

The OSHA delegates to the Minister of Labour and Social Policy the task of exercising, through the GLIEA, integrated control on the observance of the legislation and implementing the duties relating to OSH provision, in all sectors and activities, regardless of ownership.

The General Labour Inspection Executive Agency performs its activity in compliance with the Structural Rules, adopted by Decree No.92 of the Council of Ministers of 2000 (last amended and supplemented in SG, issue 74/2006). These rules specify the members, structure, functions and working procedures of the Agency. The Inspection is funded by the state budget and by its own revenues. The sources of own revenues are:

- revenue from national and international programmes;
- revenue from publication and dissemination of materials, relating to the Inspection’s activities;
- revenue from information services and training;
- revenue from organised courses and seminars;
- revenue from fines and property sanctions;
- donations;
- others.

The GLIEA through its Regional Labour Inspection Directorates (28 “specialised administrative” units with specified territorial competence), implements its inspection functions by:

1. controlling the observance of the labour legislation relating to OSH provision and employment relationships’ implementation;

2. exercising specialised control on the observance of the Employment Promotion Act;

3. providing information and technical advice to the employers and employees regarding the most effective methods for observance of labour legislation and application of the Employment Promotion Act;

4. notifying the competent authorities of available gaps and defects in the effective labour legislation.

The Executive Director of the GLIEA is appointed and dismissed by the Minister of Labour and Social Policy. The annual plan of the Inspection and its territorial administrative units are approved by the Executive Director upon coordination with the Minister of Labour and Social Policy.

The Executive Director submits to the Minister of Labour and Social Policy and publishes an annual report on the activities of the inspection service, and notifies from time to time the Minister of Labour and Social Policy, the National Council on Working Conditions, and the National Council on Employment Promotion of the application of the administrative provisions, on which the GLIEA exercises specialised control.

Fig.1. Structure of the General Labour Inspection Executive Agency

1 Source: web-site of the GLIEA on the Internet - http://git.mlsp.gov.bg/
The general administration provides technical support to the activities of the Executive Director and the specialised administration and implements activities related to the administrative servicing of citizens and legal entities.

The specialised administration is organised in:

1. *Occupational Safety and Health* Directorate seated in Sofia;
2. *Legal Affairs* Directorate seated in Sofia;

The *Occupational Safety and Health* Directorate develops the strategy, organises and coordinates the control of the observance of the requirements and implementation of the duties, relating to OSH provision, and provides methodical assistance to the Regional Labour Inspection Directorates during the control exercised by them and during the implementation of national events and events of local importance, relating to OSH provision.

The *Legal Affairs* Directorate develops the strategy, organises and coordinates the control of the observance of labour legislation and the Employment Promotion Act and provides methodical assistance to the Regional Labour Inspection Directorates during the control exercised by them.

The *Regional Labour Inspection* Directorates are units of the General Labour Inspection with territorial competence, which exercise control as well as other activities, provided for in the administrative provisions. The Directorates assist the social partnership at regional and municipal level and in the enterprises.

The control of the observance of the labour legislation, relating to OSH provision, and the implementation of employment relationships is exercised by authorised inspectors. During and on account of the exercising of his/her office functions, the inspector is a controlling body with powers assigned to him/her by the Labour Code, the OSHA, and the Employment Promotion Act. The powers vested in the inspector are also vested in the heads of the administrative units of the specialised administration and the employees of the General Labour Inspection holding inspector’s office, who have been explicitly authorized by the Executive Director. Within the framework of his/her competence, the inspector has the right:

1. to visit at any time the ministries, other administrations, enterprises, and other working sites, as well as the premises used by the workers and employees;
2. to require of the employers explanation and submission of all necessary documents, papers, and data relating to the control’s exercising;
3. to be informed directly by the workers and employees on all issues relating to the control’s exercising;
4. to take samples, specimens, or other relevant materials for laboratory tests;
5. to investigate the causes and circumstances, relating to occupational accidents.
The annual activity plan of the General Labour Inspection specifies the national and regional objectives and priorities, the national and regional inspection campaigns, and the current and routine tasks.

As a rule, the effective working time of the labour inspectors from the Regional Labour Inspection Directorates is distributed in the following proportion:

- 60% - immediate inspection work (planned inspections);
- 40% - other activities (inspections relating to complaints, inspections on the instruction of the GLIEA management or the RLID’s Director, inspections on the request of other controlling authorities, investigation of occupational accidents, training, reception of citizens, consultations).

The total average annual number of scheduled inspections of each RLID labour inspector for 2006 was fixed to a minimum of 80 inspections.

In 2005, the GLIEA implemented its legal functions with the following personnel:

| Total number of permanently employed inspectors | 440 |
| including state inspectors                  | 34  |
| Total number of inspectors at the RLID Directorate | 397 |
| including:                                   |     |
| - head of departments having the rights of inspectors | 11   |
| - chief inspectors                           | 148 |
| - senior inspectors                          | 123 |
| - junior inspectors                          | 84  |
| - state inspectors                           | 31  |
| Directors having the rights of inspectors    | 30  |
| Heads of departments at the OSH Directorate having the rights of inspectors | 5 |
| State inspectors at the Legal Affairs Directorate | 3 |
| Inspectors at the OSH Directorate and the Legal Affairs Directorate | 35 |
| Number of inspectors engaged at the RLID Directorate as of 31.12.2006 | 377 |
| including women                              | 148 |

The total number of the General Labour Inspection’s staff as of 01.01.2007 is 558, of them 484 at the territorial Regional Labour Inspection Directorates. A total of 470 employees of the General Labour Inspection have the powers of inspectors.

All labour inspectors have higher education: engineers, jurists or economists, and feature the status of civil servants.

In 2005, a total of 35,111 inspections were carried out, including 919 inspections relating to the observance of the Civil Servants Act (CSA)2. Depending on their scope and nature, these inspections can be divided into:

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2 After 01.04.2006, with the amendments to the CSA, the GLIEA was deprived of its duty and power to control the observance of this act
- routine inspections – 13,090 (37.3 %);
- special thematic inspections – 15,217 (43.3 %);
- follow-up inspections – 6,804 (19.4 %).

A significant part of the inspections during the year were carried out during national or regional campaigns – 19.2 % of all inspections, whereas 3,229 inspections were carried out during national campaigns, and 3,514 inspections - during regional campaigns.

At least one inspector participated in 9,812 of the inspections, which is 28 % of the total number of inspections.

Trade union representatives attended 247 inspections, and members of the CWC/GWC participated in 2,738 inspections.

A total of 2,432 inspections, which makes 6.9 % of the inspections carried out during the year, were implemented with the participation of other controlling authorities (the Ministry of the Interior, the National Social Security Institute, the Directorate for National Construction Supervision, the Inspectorate for State Technical Surveillance, the National Employment Agency, the Directorate General of the National Civil Protection Service, the Agency for Technical Control at the Ministry of Agriculture and Forestry and more).

The training and vocational qualification enhancement system for the employees of the GLIEA is a key component of the human resource management steps aiming to increase its administrative capacity. In 2005, 80 new inspectors were employed through competition: of them 40 occupied the vacant positions of left inspectors, and 40 occupied newly opened positions. Upon completion of their initial theoretical and practical training, the new employees made their first successful steps towards fast attaining of practical skills and experience in carrying out inspections. The newly employed inspectors are involved in inspection work six months after the date of their employment (whereas those, holding the office of “junior inspector” are bound to act under the immediate guidance of a “senior” or “chief” inspector). The continuous professional training provides for the required competence during the implementation of their office duties.

In 2006, the GLIEA continued to carry out individual training of the labour inspectors, which included modular theoretical training and practical training. The modular training was organised in basic and specialized modules differentiated by sectors and activities, which were developed under the Training for Integrated Labour Inspection Project for technical cooperation with the International Labour Office. The basic modules, which the new inspectors were obliged to study and which were periodically taught to inspectors with longer experience willing to brush up their knowledge, were: Preventive Inspection Methods, Tripartite Cooperation and Social Dialogue, Investigation of Occupational Accidents, Social skills, Basics of Labour Legislation, Employment Control, Occupational Safety, Technical Safety. Hazardous Substances.

Another form of training is provided by the specialised courses and seminars organised on the occasion of national campaigns and on other specific topics.

In implementing their control activity, the inspectors apply various measures to comply with the requirements of the legislative framework: providing data and technical advice to employers and workers regarding the most effective methods of observing labour legislation, application of the
mandatory administrative measures provided by the Labour Code, or imposing of property sanctions or fines. The maximal amount of the property sanctions and fines are specified by the Labour Code. The responsibility for violation of the OSHA standard requirements and the responsibility for violation of the other labour legislation regulations are differentiated. The violations of labour legislation are established by acts, executed by the inspectors. The punitive ordinances are issued by the Directors of the Regional Labour Inspection Services. The Administrative Violations and Punishments Act envisages a procedure for appealing the issued punitive ordinances.

The OSHA does not provide for allocation of the money obtained from fines and property sanctions imposed for violation of labour legislation to an OSH Fund (Art.45, para.2). These funds are the General Labour Inspection’s own income and constitute part of its budget.

When the inspection authority establishes violations of law, containing data of a committed crime or other violations of law, it is obliged to notify the Prosecutor’s Office, which determines whether there are available circumstances to institute criminal proceedings.

The General Labour Inspection conducts active media policy to inform the public of the observance and control of labour legislation and the Employment Enhancement Act. One of the information channels is the inspection service’s web-site in the Internet, on which the complete texts of important administrative provisions, the inspection service’s annual plans and working reports, current information, and contact addresses of the central and territorial units are published. Important links to other similar sites, including the web-site of the National Focal Point for OSH, the Ministry of Labour and Social Policy, the Ministry of Health and other ministries and state institutions are provided.

The OSH magazine, which is published in collaboration with the General Labour Inspection, is of particular importance. The publications on specific issues contained in it provide consultations and practical advice to the employers on the observance of labour legislation. The General Labour Inspection EA collaborates actively with the Labour Bulletin and Labour and Law magazines, which feature Occupational Safety and Health columns.

The Inspection Service provides advice and consultations to the employers and to the workers and employees, both during the inspection visits as well as in the established permanent and provisional reception offices in Sofia and in the district centre cities. Of particular importance to raising the awareness of the need of workplace health prevention is the implementation of the commitment undertaken by the GLIEA under the Framework Agreement with the Agency for Social Assistance and the National Association of Municipalities, under which the Inspection Service provides to the municipalities consultations on OSH provision during the development of employment programmes for the redundant.

3.2.2. Case study: Description of Routine Inspection at Workplace

The control, performed by the inspectors of the General Labour Inspection EA (including also routine workplace inspections), are carried out in compliance with the Guide-Book for Planning, Performance and Reporting of the Activities of the GLIEA approved by the Executive Director of the Inspection Service.

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3 The case study is elaborated by the GLIEA and is included in this profile in its entirety, with insignificant stylistic corrections.
1. **The routine workplace inspection** aims to check-up the observance of the legal requirements by all legislation areas, on which the GLIEA is assigned by law to perform overall or specialised control.

The basic cases in which routine inspections are carried out are:
- in enterprises which are visited by an inspector for the first time;
- in enterprises, where more than one year has passed since the inspector’s last visit;
- when a serious change in production nature or labour organisation has occurred;
- in enterprises characterised by greater dynamics of staff number and production nature;
- in the most distant enterprises from the regional city centre, which cannot be inspected more frequently by the RLI Directorate;
- in seasonal activity enterprises;
- the inspection can be also performed on change of the sectoral inspector.

2. **Planning the visit**

The visit to a given enterprises (including the routine visit) is planned based on the annual/monthly plan of the respective labour inspector. The annual plan of the labour inspector is based on the analysis of the state of the monitored economic activities.

A routine inspection can be also performed during regional or national campaigns, in case of warning of violations of labour legislation, including self-approaching the mass media.

The site which should be inspected is selected based on the operative information available at the respective General Labour Inspection Directorate, as well as on the obtained information for labour legislation violations in the respective company.

The inspection visits (inspections) in the companies can be:
- notified;
- unexpected.

**Notified inspections** are performed when inspector determines that the notification will not compromise the purpose of the inspection. With notified inspections, the inspector agrees (announces) in advance the date and time of the inspection visit, which as a rule is confirmed one day before the visit.

**Unexpected inspections** are performed to prevent:
- concealment of violations in case of received warning or complaint;
- the possibility for the employer to discomfit the inspection;
- concealment of documents and materials;
- exertion of pressure on the workers and the respective officials aiming to make them conceal the actual situation.

The unexpected inspection visits at routine workplace inspection are advisable when the inspection aims to establish the facts, expressed by a complaint or a warning.

3. **Preparation of the inspection, required materials for the visit**

3.1. **Specification of the objectives**

The first step when preparing an inspection is to clarify its specific objectives, e.g. whether this is a first visit, aiming to obtain general impression bout the company’s activity, or information on specific issues (e.g. specialised equipment) should be collected, or the inspection is part of a campaign or a follow-up inspection.
Upon clarification of the inspection objectives, the scope of the inspection should be outlined: whether the whole company will be inspected or only parts of it, what are the specific objects of the inspection (e.g. working conditions, safety of the machinery, special hazardous devices, use of harmful substances, premises, ergonomics, working time, remuneration, occupational diseases, internal organisation of the OSH and internal self-control system).

3.2. Collecting information

After the objectives, scope and the type of inspection are identified, the inspector attempts to collect the following information:
- company’s head office, location of the working sites, and contact persons;
- total number of workers and possible ratios regarding gender, age, professional qualification and type of employment;
- characteristics of the production and technological processes, working equipment and available hazardous factors;
- characteristics of the used stuff and materials;
- available violations or defects, usually established during previous inspections;
- work accidents and occupational diseases over a certain period of time – for example 3 to 5 years;
- employer’s attitude towards inspection authorities – (hostile behaviour, aggression or cooperation);
- warnings or complaints obtained from workers and employees or their representatives;
- available trade unions at the enterprises and signing of collective employment agreements;
- available Committees or Groups on Working Conditions and information about the representatives to be contacted.

In the presence of information for negative attitude towards the inspected issues or aggressive behaviour of the employer towards the Labour Inspection Service, the inspection is assigned to a more experienced inspector (chief or senior inspector) or to a team of inspectors in cooperation with a police representative.

Note: The required actions, relating to clarification of the objectives and collection of information about the inspections, included in the annual plan of the RLI Directorate, are carried out yet during the plan’s elaboration. The information, relating to the inspection sites is updated with every performed inspection.

3.3. Preparation of the inspector to carry out an inspection

The inspector obtains and prepares the materials and documents relating to the inspection’s performance, which include, as a rule:
- laws, regulations, and administrative provisions, as last amended and supplemented;
- questionnaires and other methodological materials regarding the inspection site and the collection of information (including identification card);
- devices for control measurement, on the inspector’s discretion;
- plan of the production premises and other documentation relating to the equipment, if these are possible to provide in advance;
- set of explanatory materials, relating to the inspection themes, sector to be inspected and the size of the enterprise (when the inspection is part of a campaign, review etc);
- materials and documents for the inspection’s completion and for taking of administrative procedural actions where necessary (protocols, acts, ordinances).

3.4. Resources

The inspection preparation also presumes to reckon up the required resources. What time will it take, are there any additional expenses (e.g. for making copies, for informative materials). Depending on the scope of the inspection, it should be clarified whether a team of inspectors is needed, comprising more than one inspector.
Special attention is given to the transportation – the visit’s preparation includes provision of transportation, when the time of the visit is planned in advance.

4. **In which cases the inspection is carried out by more than one inspector?**

The need of participation of more than one inspector in carrying out an inspection is determined by the company size, the specifics of the problems, the number of the employed staff, the complexity and diversity of the production equipment, the distance of the enterprise from the seat of the RLI Directorate. For the purpose, the inspector responsible for the enterprise from the respective economic sector proposes to the Director of the RLI Directorate the number of required labour inspectors to carry out the routine workplace inspection and its duration. Upon consideration, the Director of the RLI Directorate decides on the number of inspectors to participate in the concrete inspection.

5. **Duration of the visit**

The duration of the inspection is determined by:
- the number of inspectors to carry it out;
- the extent to which the requirements of labour legislation are observed;
- the employer’s willingness to collaborate with the inspector(s) throughout the inspection.

6. **Access to the inspection site, identification of the inspector**

The access of the inspector to the inspection site is provided by producing an identification office card indicating the inspector’s powers. If the enterprise to be inspected refuses to provide such access to the labour inspector, collaboration from the authorities of the Ministry of Interior is sought.

Upon having been provided access to the inspection site, the inspector introduces himself/herself to the employer or its representative and informs them of the objectives, grounds and subject matter of the inspection, as well as of the persons with whom conversations will be held or the persons who should accompany the inspector during the inspection.

The inspector informs the employer of his/her intention to invite (involve) representatives on the workers and employees (CWC and/or GWC), to participate in the inspection, according to their rights and obligations, and also informs them of the procedures and actions he/she will carry out during the inspection.

**Note:** In the cases, when one of the main objectives of the inspection is to see if there is any illegal employment, the inspector is allowed to visit first the production premises so as to make a list of the workers and only then to introduce himself/herself to the employers or to the person authorised by it and to announce the objectives of the inspection.

7. **Performance of genuine inspection (inspection of archives and physical inspection of the site)**

Upon introducing himself/herself and settling the organisational issues, the inspector undertakes actions towards carrying out the “genuine” inspection.

The approach for carrying out the inspection is determined by the labour inspector in accordance with the inspection objectives and the nature of the enterprise’s production activity.

With **routine inspections** the labour inspector should also familiarize himself/herself with the state of the documentation and the state of the production activity – machinery, equipment, execution of the production operations, and behaviour of the performing or managerial staff.
During the inspection, on the inspector’s discretion, control measurement (of working environment factors, safety indicators of the working equipment) can be made. During the inspection, the inspector can provide instruction, consultation, or advice to the employer or the other officials to support their efforts in applying the administrative provisions.

Where a trade union is available at the enterprise, the inspector has a meeting with its representative. Another key moment is the inspector’s meeting with the workers’ representatives on the Committee/Group on Working Conditions (if possible, they are present during the inspection).

The inspector decides on the spot how to start the inspection - by revision of the documentation or visit to the workplaces.
  - the approach chosen by the inspector aims to eliminate the possibility for the employer to conceal or manipulate the documentation;
  - on the inspector’s discretion, the inspection can start by inspection of the workplaces.

Inspection means, used by the inspector in carrying out a routine workplace inspection:

1. **Review of the documentation**
   
   During the inspection, the inspector familiarizes himself/herself with the available documentation at the enterprise, such as:
   - construction and operation documentation;
   - test protocols and OSH establishment protocols;
   - OSH rules (instructions);
   - OSH risk assessment;
   - employer’s OSH provision strategies and programmes;
   - recommendations of the Occupational Health Services to the employer;
   - minutes of meetings of the CWC/GWC;
   - employer’s orders, decisions etc;
   - documents provided for use by the OSH administrative provisions and employment relations.

2. **Inspection of the working environment and equipment**
   
   During the inspection of the working environment and equipment, the inspector:
   - reviews on the spot the working equipment, attempting to follow the specifics of the production-technological process and paying attention to: the fool-proofness of the machinery and equipment and their compliance with the requirements specified by the administrative provisions; the condition of the buildings and installations, the internal transport, the harmful effect detection and warning systems and the fire-extinguishing systems; the availability and technical condition of the protective fences, the automatic protection devices, the control and protective fixtures; the signals and labelling etc.
   - inspects the condition of the available personal protective means and their use by the workers;
   - inspects the provision of the sanitary-hygienic requirements to the working environment and the collective and individual protection means etc.;
   - inspects the observance of the OSH regulatory requirements;
   - in certain cases should be capable to perform the required (in his/her discretion) control measurements;
   - when the violations of the OSH rules jeopardise the workers’ health and life, immediately undertakes actions towards application of the compulsory administrative measures provided by the Labour Code. If the relevant working equipment cannot be stopped, the inspector prescribes the introduction of a “specific” safe work regime.

3. **Inspection of the employment relationships**
During the inspection of the employment relationships, the inspector inspects:
- the establishment, change, and termination of the individual employment relationships;
- are the working remunerations paid in compliance with labour legislation;
- the observance of the working time, breaks, and leaves, provided by law for the specific work or activity;
- is overtime work carried out, how it is paid and does it go beyond the limitations, provided by law;
- the special protection;
- other issues on the inspector’s discretion.

During the inspection, the inspector works in close cooperation with the representatives of the workers and employees and the persons involved in work safety and hygiene. Thus, he/she can obtain direct information from the workers and the employees on the problems and defects in the enterprise, he can advise them and guide them towards conscientious applications and observance of safe working methods and approaches.

If, during the inspection, the inspector identifies a problem he/she does not have sufficient specialised knowledge to resolve, he/she has the right to request direct methodological assistance from the respective qualified inspector of the RLI. In case the problem cannot be resolved by the RLI Directorate, it is referred to OSH Directorate or to the Legal Affairs Directorate of the GLIEA.

In carrying out inspections on specific problems or economic activities, the approved methodological handbooks of the GLIEA are used.

Upon completion of the inspection (including routine inspection) of the workplace and the documents, the inspector has a final meeting with the employer (or its representative). During this meeting, the inspector informs the employer of the established omissions and violations. Representatives of the members of the CWC/GWC, representatives of the trade union (if there is such at the enterprise) are also present on the meeting. As a rule, during this meeting, the terms for elimination of the established omissions are also discussed.

8. Decisions on the omissions

In accordance with Art. 17, point 1 of ILO Convention No.81 on labour inspection, the inspectors are free to decide whether to give warnings or advice instead of undertaking or recommending undertaking of prosecution.

Upon completion of the inspection, the inspector formulates the established violations. Each violation is formulated by starting with description of the established factual circumstances and then specifying the administrative provisions comprised by each violation.

To eliminate the established omissions, the inspector formulates the appropriate improvement notice. A specific term is fixed for the implementation of each improvement notice.

If, during the inspection a failure to implement some improvement notice is established, the inspector executes an Act of Established Administrative Violation (AEAV). If improvement notice that has not been implemented is related to some machinery or equipment, the latter are discarded from operation. It should be noted that, in case of establishing a failure to implement some improvement notice, a new improvement notice is not issued.

The fixed term of the improvement notice can be changed only based on a grounded application to the Director of the RLI Directorate filed by the employer within the term of appealing. If the appeal is reasonable, the Director of the RLI Directorate can change the implementation term of the applied compulsory administrative measures.
On his discretion, the inspector can execute an AEAV for the established violations of labour legislation in view of the persons, who have made the omissions. A number of cases are specified in the Labour Code, where mandatory punitive responsibility is sought from the employer (or the respective official), such as: admitting a person to work without signing a written employment contract or without registering this person with the Territorial Directorate of the National Revenue Agency etc.).

When the established omissions lie within the competences of other controlling authorities (such as the General Directorate of the State Technical Surveillance Inspectorate) the latter are notified, so as to undertake actions in accordance with their competences.

9. Reporting procedures

The inspection results are documented in the following ways:
- by a protocol – after an approved form;
- by recording in the enterprise’s inspection book;
- by a report – this is the outcome of inspections during which the labour inspector has established any omissions or he/she has not been prevented to carry out the inspection. The report is submitted to the director of the RLI.

When the inspection has terminated by a “protocol”, the following documents are enclosed as an inseparable part of it (if available):
- act for disabling of companies, productions or sites, including their construction or reconstruction, as well as machinery, installations or working places, when the violations of the OSH rules jeopardise the persons’ life or health;
- act of an established administrative violation (fine act);
- ordinance for declaring the employment relationship in accordance with Art. 405a of the LC;
- act for removal from work of workers or employees, who are not aware of the OSH rules or do not have the required qualification (the removal is temporary – until the relevant omission is corrected);
- act for cancelling of illegal orders;
- protocols from performed control measurements (by the labour inspector).

The protocol is executed in three copies: one for the employer, one for the archive of the RLI Directorate and one for the labour inspector. Every protocol is filed and assigned a reference number with the enterprise (if it has its office) as well as with the RLI Directorate.

The inspection ends by a record in the enterprise’s inspection book. In such case, the record is formulated after the form of the approved protocol. The acts for established violations issued in accordance with Art. 416 of the LC, for removal from work, for cancellation of an illegal order, for disabling of machinery or equipment, the ordinances for declaring of employment relations, for suspension of work, revocation of irregular notice are also recorded in the revision book.

A copy of the record for the RLI Directorate is also prepared.

When representatives of other inspection authorities participate in the inspection, their names, positions and the authority they represent are recorded in the protocol, too. If these representatives establish some violations, they execute their own document (protocol, act or other document). The labour inspector takes a copy of the documents executed by them.

The inspection documents – reports, transcripts, a copy of the record in the inspection book, acts, ordinances etc. are kept in the enterprise’s revision file which is stored at the RLI Directorate in the form of a hard or electronic copy.

The file contains all documents executed by the RLI Directorate during the inspection (protocols, acts, ordinances etc.).
3.2.3. Summary of labour inspection services (as of 01.01.2006)\(^4\)

| Total number of staff at the labour inspection services (after 8.9.2006) | 558  |
| Number of inspectors\(^7\) | 377  |
| HQ versus total staff (%) | 13.3 |
| OSH versus employment inspections (e.g. 100:0, 50:50, 45:55...) | -\(^6\) |
| Percentage of economically active population covered by labour inspection services (%)\(^7\) | 66.1 |
| Inspectors/1,000 enterprises | 1.6  |
| Inspectors per 1,000 employees | 0.17 |
| Inspections/1,000 workers/year\(^8\) | 15.6 |
| Visits by one inspector per year | 8    |
| Inspectors per computer\(^9\) | 90.7 |
| Internet access? | yes  |
| Inspectors per office car\(^10\) | 4    |
| Own car used? | allowed\(^11\) |
| Own car use remunerated? | fuel price |
| Inspector salary versus minimum wage (number of time more than minimum wage)\(^12\) | >2.5 |
| Inspector salary versus private sector salary (worse, same, better?) | greater\(^13\) |
| Average age of inspectors\(^14\) | 53   |
| Annual report produced for public (yes/no) | yes  |

3.3 Occupational Health Services

3.3.1. Description

The Occupational Safety and Health Act (Art. 25, para. 1) obliges the employers to provide servicing to the workers by Occupational Health Services. The Occupational Health Services are units with predominantly preventive functions. They consult and assist the employers, the Committees and Groups on Working Conditions in the planning, organisation and implementation of their obligations related to OSH provision and maintenance.

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\(^4\) Source: Report of the GLIEA for 2005  
\(^5\) Out of the total number of inspectors, 34 state inspectors and 70 employees with the rights of inspectors are excluded  
\(^6\) During the inspections, the GLIEA exercises integrated control comprising OSH and general employment conditions  
\(^7\) Percentage of persons employed on employment or civil contracts of the economically active population. The GLIEA does not apply the category “economically active population”  
\(^8\) 919 inspections in accordance with the CSA which have been carried out by public inspectors are excluded  
\(^9\) Source: the GLIEA  
\(^10\) Source: the GLIEA – only the functioning cars are taken into consideration. Approximately 20% of the fleet of motor vehicles is immovable and is to be discarded  
\(^11\) Regulated by the Decree on Home Business Trips  
\(^12\) Source: NSI – average salary in the budget (public) organisation towards the minimal salary in the country  
\(^13\) Source: NSI – compared to the average for the private sector in the country  
\(^14\) Self-assessment
The Occupational Health Services are established by the employers alone or in partnership with others, or by other legal entities. When the employer is not capable to establish an Occupational Health Service alone or in partnership with others, it signs a contract with a registered Occupational Health Service. As a rule, great enterprises are capable to establish their own Occupational Health Services. The SMEs provide servicing to their workers by sub-contracting external Occupational Health Services.

The data of the General Labour Inspection reveal that the 74% of the inspected enterprises have provided servicing by Occupational Health Services. The comparison with the previous years reveals a clearly expressed trend of increasing the number of the employers which have provided servicing by Occupational Health Services to their workers. The scope of the economic activities, in which the employers have provided servicing by Occupational Health Services to their workers, is considerably expanded.\(^\text{15}\)

The functions and tasks of the Occupational Health Services, the requirements for the staff composition and qualification, for the activity’s organisation, for good practices and activity quality, the terms and conditions for recording and deletion of recording, are specified by Decree No.14 of 1998 on the Occupational Health Services, issued by the Minister of Health.

The basic functions of the Occupational Health Services are:

- assessment of OSH risk;
- development of measures to elimination and reduce OSH risk;
- monitoring the workers and employees’ health conditions and analysing it in relation with the implemented work;
- training of workers and officials on OSH preservation rules.

The Occupational Health Services are registered with the Ministry of Health. In order to be registered, an Occupational Health Service should have personnel holding certain qualification, according to the Decree’s requirements, and should be capable to perform all activities, specified therein. The Occupational Health Services are re-registered on a five-year basis.

As of 01.03.2006, a total of 754 OHSs are entered in the register of the MoH, of them - 53 with cancelled recording. The OHS register is published on the web-site of the MoH in the Internet and is continuously updated. The predominant part of OHSs are registered as legal entities with private capital which conduct their business in accordance with the Commercial Act.

The head of the Occupational Health Service should be a physician qualified in Occupational Health or Occupational Safety.

The Decree specifies as well the minimal time (in hours per one worker) of provided servicing by the specialists of the Occupational Health Services (a physician qualified in health services, an OSH specialist, a specialist with secondary specialised medical or non-medical education and other specialists depending on the risk specifics) for the different labour categories specified in the Labour Categorisation Rules at Retirement.

\(^{15}\text{Source: GLIEA Activity Report for 2005.}\)
The obligatory minimum of specialists and minimal time for the workers’ servicing includes:

1. Physician qualified in health services:
   - 2.0 hours for 1 worker or employee of first labour category;
   - 1.5 hours for 1 worker or employee of second labour category;
   - 1.0 hour for 1 worker or employee of third labour category.

2. OSH specialist:
   - 2.0 hours for 1 worker or employee of first labour category;
   - 1.5 hours for 1 worker or employee of second labour category;
   - 1.0 hour for 1 worker or employee of third labour category.

3. Specialist with secondary specialised medical or non-medical education:
   - 2.0 hours for 1 worker or employee of first labour category;
   - 1.5 hours for 1 worker or employee of second labour category;
   - 1.0 hour for 1 worker or employee of third labour category.

For the other specialists, excluding the required minimal number, the professional qualification and the minimal time of provided servicing to the personnel are as follows:

1. Toxicologist – for enterprises with predominant health risk resulting from exposure to chemical substances and preparations:
   - 1.0 hour for 1 worker or employee of second labour category;
   - 0.5 hour for 1 worker or employee of third labour category.

2. Chemist – for enterprises, working mainly with chemical substances and preparations:
   - 1.0 hour for 1 worker or employee of second labour category;
   - 0.5 hour for 1 worker or employee of third labour category.

3. Ergonomist, psychologist, engineer, specialist in social medicine, labour organizer etc. (the need of the respective specialist is determined depending on the type and extent of occupational risk, the amount of work and the specific characteristics of the serviced enterprises) – 0.5 hour for 1 worker or employee of any labour category.

4. Specialists with secondary specialised medical or non-medical education (the need of the respective specialist is determined depending on the type and extent of occupational risk, the
amount of work and the specific characteristics of the serviced enterprises) – 0.5 hour for 1 worker or employee of any labour category.

The prices of the OHSs’ services are fixed freely on a market basis. No uniform minimal rates are specified.

The specialised control on the activity of the OHSs’ is performed by the Minister of Health through the public health control authorities.

In the Republic of Bulgaria, one can major in *Occupational Health* in all academic or medical institutions accredited by the MoH to conduct post-graduation training in this subject. The National Centre on Public Health Protection, as well as the Medical Universities in Varna, Plovdiv, Stara Zagora and Pleven are accredited to conduct post-graduation training in the subject of *Occupational Health*.

The higher and secondary specialised education system in the country (with the exception of the University of Mining and Geology, which provides post-graduate qualification option) does not offer post-graduation training providing qualification in *OSH*. One can obtain Master’s Degree in OSH at the University of Mining and Geology and the Technical Universities in Veliko Turnovo and Gabrovo. The OSHA does not envisage any special qualification requirements for the officials, to whom the employer has assigned the organization of activities, relating to protection from occupational risks and prevention of such risks. Depending on the amount of activity, nature of work, and the characteristics of occupational risk, these persons should have appropriate education and qualification. The subject of *Production Safety* is included in the curricula of the higher and secondary educational institutions and its syllabus is suited to the profile of the educational institution.

### 3.3.2. Summary of key activities

(*Alternative terms are presented, highlight the most commonly used ones in bold)*:

<table>
<thead>
<tr>
<th>Activity (functions)</th>
<th>YES (obligatory)</th>
<th>YES (optional)</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workplace surveys, workplace visits, exposure assessment</td>
<td>yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Risk assessment and management</td>
<td>yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preventive health examinations (general surveillance)</td>
<td>yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Risk-based health surveillance</td>
<td>yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recording of health data, reporting of occupational diseases and injuries</td>
<td>yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Workplace health promotion, health education, counselling</td>
<td>yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rehabilitation</td>
<td>yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First aid, accident management</td>
<td>yes</td>
<td></td>
<td></td>
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<tr>
<td>Curative services</td>
<td>yes</td>
<td></td>
<td></td>
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<tr>
<td>Education, training, information campaigns</td>
<td>yes</td>
<td></td>
<td></td>
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<tr>
<td>Quality assurance of occupational health processes, audits</td>
<td>yes</td>
<td></td>
<td></td>
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<tr>
<td>Safety inspections</td>
<td>no</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initiatives and advice for management of workplace safety and health, safe workplace design</td>
<td>yes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


### 3.3.3. Summary of occupational health professionals

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of occupational health physicians (full-time equivalents)</td>
<td>appr. 200 (2004)</td>
</tr>
<tr>
<td>Number of occupational health physicians/1,000 employees</td>
<td>0.09</td>
</tr>
<tr>
<td>Number of occupational health nurses (full-time equivalents)</td>
<td>-</td>
</tr>
<tr>
<td>Number of occupational health nurses/1,000 employees</td>
<td>-</td>
</tr>
<tr>
<td>Number of private OSH services</td>
<td>700</td>
</tr>
<tr>
<td>Number of companies with own OSH service</td>
<td>80</td>
</tr>
<tr>
<td>Number of public OSH centres (for example at municipal level)</td>
<td>n/a</td>
</tr>
<tr>
<td>National Institute of Occupational Health?</td>
<td>yes</td>
</tr>
<tr>
<td>Percentage of economically active population covered by occupational health services?</td>
<td>46.3</td>
</tr>
</tbody>
</table>

### 3.4 Other enforcement agencies and institutions

The Labour Code also assigns (Art. 400) to other public authorities, different from the General Labour Inspection EA, to exercise general or specialised control on the observance of labour legislation in accordance by an act or a decree of the Council of Ministers (intra-administrative control). In this section, the functions and tasks of some of the specialised control authorities, whose activity is directly related to OSH, are described.

**National Fire Safety and Protection of the Population Service**

The National Fire Safety and Protection of the Population Service (NFSSPS) is a specialised service at the MoI, authorised to carry out state fire protection control, fire extinguishing and emergency rescue activity.

The fire extinguishing activity includes: determination of the modes, methods and means of fire extinguishing, development of plans for coping with emergencies, immediate dispatch of man force and equipment in case of fire, fire restriction and extinguishing, rescue of people and property, providing first aid to victims.

Apart from its fire-extinguishing activity, this service carries out emergency rescue operations, exercises state fire protection control, collects, processes, uses and provides information on fire and emergency safety, conducts research-application activity.

The service registers and reports the occurred fires, emergencies, and disasters it has coped with, analyses the collected information about these fires, emergencies, and disasters and schedules measures for their prevention, analyses the state of fire-fighting and emergency-rescue technique, equipment and extinguishing means. The service also elaborates fire and emergency

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16 Number of specialists with higher education majored in *Labour Hygiene*, who have the powers of specialists in *Occupational Health*
17 No specialisation in the subject of *Occupational Health* is provided for the staff with secondary medical education
18 Source: *OHS Register* at the MoH
19 National Centre of Public Health Protection
technical expert opinions, develops fire prevention methods and means, elaborates scientific-application products for the needs of the MoI, as well as documentation, relating to the scientific-information servicing in the field of fire and emergency safety.

**Directorate General of the State Technical Surveillance Inspectorate (DGSTSI)**

The DGSTSI is part of the specialised administration of the State Agency for Metrology and Technical Surveillance. In relation to the application of the Technical Requirements to Products Act, the Directorate:

1. certifies on the compliance with the technical requirements, rules, and standards:
   
   (a) the designers’ and constructors’ documentation for production of enhanced risk equipment, for which no regulations are provided in Law;
   
   (b) the technical documentation for the equipment’ repair works.

2. registers and issues certificates to persons who will maintain, repair and reconstruct enhanced risk equipment, deletes the persons from the register and cancels the issued certificates;

3. performs inspection to verify whether the required conditions are available for production and assembly of enhanced risk equipment, for which no regulations are provided in Law;

4. registers enhanced risk equipment and maintains a file for each of them;

5. issues operation permits for enhanced risk equipment, for which no regulations are provided in the Technical Requirements to Products Act;

6. performs initial, periodical and sudden technical reviews, inspections and tests of enhanced risk equipment, as well as inspections of the enterprises, buildings and other sites, in which the equipment are produced, assembled, maintained, repaired and operated, to verify their compliance with the administrative requirements;

7. coordinates the training curricula and syllabuses in the schools and courses providing qualification for servicing of enhanced risk equipment, approves the courses’ conductance and issues qualification certificates;

8. investigates and analyses the reasons and conditions for the occurrence of emergencies and accidents with enhanced risk equipment and undertakes the necessary measures to prevent emergencies;

9. in case of failure to comply with the administrative requirements, issues mandatory written improvement notices to owners, employers, officials or other persons and orders in writing disabling of the operation of enterprises and/or enhanced risk equipment;

10. arranges the issuing of licenses for persons, who apply to obtain a license for performing technical surveillance of enhanced risk equipment, evidencing of their compliance with the requirements and conditions for obtaining a license, performs inspections of the
licensed persons to verify the observance of these requirements and the implementation of the relevant duties under the terms of the Technical Requirements to Products Act;

11. keeps a register of the licensed persons for the purpose of performing technical surveillance of enhanced risk equipment and prepares information on them to be published in the official bulletin of the State Agency for Metrology and Technical Surveillance (SAMTS);

12. certifies the investment projects of the construction sites, in which enhanced risk equipment will operate, in the part concerning this equipment.

The rates of the fees, collected in the SAMTS system, including the implementation of technical surveillance of enhanced risk equipment, are approved by a Decree of the CoM.

**Directorate of National Construction Surveillance at the Ministry of Regional Development and Public Works (MRDPW)**

The Directorate of National Construction Surveillance is an administration at the MRDPW, which exercises control on the observance of the Territorial Organisation Act (TOA) and its administrative requirements, relating to design and construction works, including the use of high quality construction materials and products, in view of ensuring security, safety, accessibility and other administrative requirements to all construction sites on the territory of the Republic of Bulgaria.

The Directorate assists the MRDPW in keeping and maintenance of public registers for the issued and cancelled licenses of the persons acting as consultants; keeps the registers of the persons, authorised to perform independent construction surveillance and/or licensed to perform construction surveillance, as well as the register of the persons performing technical surveillance on the construction part of the investment projects.

**Agency for Technical Control at the Ministry of Agriculture and Forestry**


The ACT exercises control on:

- the technical condition and safety of agricultural and forest equipment (AFE) in use;
- the performance of technical inspections of AFE;
- the issuing and cancelling of qualification certificates for work with AFE;
- the activities relating to release on the market, operation and discarding of AFE.

The ATC keeps registers of:
- the educational institutions (vocational-technical schools, technical schools, universities, institutes and other schools), authorised to provide training for obtaining or withdrawing of the work qualification for AFE;

- the persons, who have obtained various work qualification categories for AFE;

- the person, who have been issued certificates for working with motor saws and shrub-cutting equipment.

**Role and functioning of the judiciary relating to OSH**

The public OSH relations are regulated by the legislation in the field and the issuing of decisions regarding the violations of legal regulations lies exclusively within the competences of court authorities.

The compulsory administrative measures, applied by the General Labour Inspection EA and the other control authorities under the LC to prevent and discontinue the violations of labour legislation, can be appealed under the terms of the Administrative Procedure Code, including before the court. The appeal does not suspend the implementation of the compulsory administrative measures.

The property sanctions and fines imposed for violation of labour legislation, including the OSH provision notices, issued by administrative acts of the state inspection authorities, can be also appealed before the court.

Accounting for the great public threat created by the violation of the established occupational safety protection rules, and in particular, by the employment of underaged persons without due permission from the competent authorities, in 2004 the legislator adopted amendments and supplements to the Criminal Code to criminalise these deeds providing imprisonment and fine for the guilty persons. Other deeds criminalised in Bulgarian legislation are the deeds where a guilty behaviour having caused an occupational accident has resulted in death or disabling, as well as the deeds where an action or failure to act has created risk for the workers’ life or health.

Moreover, the Labour Code (Art. 200) determines clearly the option to resort to court proceedings to seek property responsibility from the employer in case of death or health injury of its worker or employee.

**3.5 National Advisory Bodies on OSH**

**National Council on Working Conditions**

The State regulates the labour relations and the relations immediately linked to them, the social security relations, as well as the living standard problems, in cooperation and upon consultation with the representative organisations of workers and employers. The cooperation and consultations at national level in the field are implemented by the National Council for Tripartite Collaboration (LC, Art. 3a).

The National Council for Tripartite Collaboration discusses and gives opinionя on draft administrative provisions regulating the problems of:
1. employment relations and the relations immediately connected with them;
2. occupational safety and health at work;
3. employment, unemployment and professional qualification;
4. public and health social security;
5. incomes and life standard;
6. problems relating to budget policy;
7. social consequences of restructuring and privatisation.

The cooperation and consultation at sectoral, branch and municipal level are carried out by the sectoral, branch and municipal councils for tripartite collaboration (LC, Art. 3б).

The National Council on Working Conditions is a permanent authority dealing with coordination, consultations and cooperation for the development and implementation of OSH provision policy at national level (OSHA, Art. 39, para. 1).

The National Council on Working Conditions (NCWC) includes representatives of:

1. The Council of Ministers;
2. The National Social Security Institute;
3. The national representative organisations of employers;
4. The national representative organisations of workers and employees;

Chairman of the National Council on Working Conditions is the Minister of Labour and Social Policy. The representative organisations of workers and employees and of employers, participating in the National Council on Working Conditions, appoint two representatives of their membership to become Deputy Chairmen of the Council.

The Council of Ministers is represented on the NCWC by representatives of the Ministry of Labour and Social Policy, the Ministry of Health, the Ministry of Economy and Energy, the Ministry of Finance, the Ministry of Environment and Waters, the Ministry of Agriculture and Forestry, the Ministry of Transport and the Ministry of Regional Development and Public Works (at the level of Deputy Minister).

The organisation and administrative servicing of the activity of the National Council on Working Conditions is implemented by the Working Conditions, Crisis Management and Alternative Service Directorate which is a structural unit of the Ministry of Labour and Social Policy.

Subject to the OSHA, the National Council on Working Conditions:

- discusses the state of the working conditions and proposes measures for their improvement;
- discusses and expresses opinions on draft administrative provisions, relating to the problems of working conditions, and proposes amendments and supplements to them;
- decides on establishment of sectoral and branch structures for tripartite cooperation on working conditions;
- establishes auxiliary authorities to the council to decide on specific problems;
- coordinates the activities of the authorities, assigned to exercise control in the field of working conditions;
- studies and popularises national and international experience, organises national competitions, seminars, campaigns and other forms to stimulate the activity;
- accepts programmes for study and development of projects aiming to resolve the problems relating to OSH provision, funded by the *Working Conditions* Fund.

In accordance with Art. 41, para.1 of the OSHA, sectoral and branch councils of working conditions are established. The sectoral and branch council of working conditions include representatives of the national sectoral and branch federations, unions, and trade unions of the representative organisations of workers and employees, of the sectoral or branch structures of the representative organisations of employers and of equal number of representatives of the relevant ministry or administration. Twenty four branch councils on working conditions in all key sectors of economic activity are established.

The Act also provides for establishment of regional councils on working conditions, including representatives of the existing regional unions or organisations of the representative organisations of workers and employees and of employers and equal number of representatives the regional administration or the local self-governmental authorities. As of today, 28 district and more than 40 municipal councils on working conditions are established and operate.

The required criteria for the organisations of workers and employees and of employers to obtain the status of representative organisation at national level are specified in the Labour Code.

The national representative organisations of employers are: the Bulgarian Industrial Association (BIA), the Bulgarian Chamber of Commerce and Industry (BCCI), the Union for Economic Initiative (UEI), the Union of Private Contractors - *Vazrazhdane* (UPC), the Confederation of the Employers and Industrialists in Bulgaria (CEIB) and the Bulgarian Industrial Capital Association (BICA).

The national representative organisations of workers and employees are: the Confederation of Independent Trade Unions in Bulgaria (CITUB) and the Confederation of Labour - *Podkrepa* (CL).

*Economic and Social Council*

The Economic and Social Council (ESC) was established n 2001 by an act (promulgated in SG, issue 41 of 24.04.2001, last amended and supplemented in SG, issue 20 of 04.03.2003) as an advisory body to express the will of civil society on economic and social development. The
council aims to provide for participation of a great number of representatives of civil society in the public and economic life of the country and to serve as a permanent institutional form for social dialogue and consultations on the economic and social policy between the government and the civil society structures.

The ESC includes a Chairman and 36 members, divided in three groups:

- the first groups consists of 12 members, appointed by the management bodies of the national representative organisations of employers, approved by the CoM;

- the second groups consists of 12 members, appointed by the management bodies of the national representative organisations of workers and employees, approved by the CoM;

- the third groups consists of 12 members, including one representative of each of the following organizations explicitly specified in the Act: the organisations of agricultural producers, of production cooperation, of consumers, of pensioners, of women, of disabled people etc.

The Chairman and the members of the ESC have a four-year mandate. The Chairman is elected by the Parliament on a proposal of the CoM, agreed in advance with the groups, represented on the Council.

One of the key activities of the ECS, specified by the Act, is development and adoption of opinions on strategic problems of the economic and social policy.

Accounting for the strategic importance of the OSH for the development of the country’s economy, the Council took the initiative to assign elaboration of Statement on the Economic and Social Problems of the OSH, which is adopted at a plenary session on 25 January 2007. The Statement presents a comprehensive analysis of the national legislation and the legislative framework, relating to OSH and their compliance with the Directives of EU and the ILO Conventions. General assessment of the working conditions and the indicators of occupational traumatism and occupational diseases is given. Special attention is paid to the social dimensions of the OSH, relating to the problems faced by Bulgarian economy of today, such as: closing of enterprises, level of unemployment, remuneration rates, shortage of qualified specialists caused by the great fluctuation of manpower etc.

In November 2006, the ESC adopted a Statement on informal economic and measures to restrict it.

### 3.6 Occupational accident and disease insurance (workers' compensation) schemes

**Mandatory social security for occupational diseases and accidents**

In accordance with Art. 51 of the OSHA, it is mandatory to provide the workers with social security for occupational accidents and diseases, whereas the social security payments are borne by the employers. The terms and conditions for providing social security for occupational accidents and diseases are regulated by the Social Security Code. Public social security is
managed by the National Social Security Institute. The security funds for occupational accidents and diseases are allocated to a separate state public social security fund.

The amounts of the security contributions made by the employers to the *Occupational Accident and Disease* Fund are specified by the Public social security Budget Act for the relevant year, differentiated for the various groups of basic economic activities, varying from 0.4 to 1.1 per cent of the *Working Salary* Fund of the enterprise. The differentiation of the social security contributions to the *Occupational Accident and Disease* Fund for 2007 is shown on the following table:

<table>
<thead>
<tr>
<th>Economic activity</th>
<th>NCEA 2003 Code</th>
<th>Social security contribution (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forestry enterprises, wood industry and relating services</td>
<td>02</td>
<td>1.1</td>
</tr>
<tr>
<td>Production of Coal and peat</td>
<td>10</td>
<td>1.1</td>
</tr>
<tr>
<td>Production of uranium and thorium ores and concentrates</td>
<td>12</td>
<td>1.1</td>
</tr>
<tr>
<td>Production of metal ores</td>
<td>13</td>
<td>1.1</td>
</tr>
<tr>
<td>Production of non-metal materials and resources</td>
<td>14</td>
<td>1.1</td>
</tr>
<tr>
<td>Production of wood material and wood articles, excluding furniture</td>
<td>20</td>
<td>1.1</td>
</tr>
<tr>
<td>Production and casting of metals</td>
<td>27</td>
<td>1.1</td>
</tr>
<tr>
<td>Production of cars, trailers and semi-trailers</td>
<td>34</td>
<td>1.1</td>
</tr>
<tr>
<td>Production of vehicles, excluding cars</td>
<td>35</td>
<td>1.1</td>
</tr>
<tr>
<td>Waste recycling</td>
<td>37</td>
<td>1.1</td>
</tr>
<tr>
<td>Construction works</td>
<td>45</td>
<td>1.1</td>
</tr>
<tr>
<td>Water transport</td>
<td>61</td>
<td>1.1</td>
</tr>
<tr>
<td>Agriculture and hunting reserves and relating services</td>
<td>01</td>
<td>0.9</td>
</tr>
<tr>
<td>Production of wood pulp, paper, cardboard and paper and cardboard products</td>
<td>21</td>
<td>0.9</td>
</tr>
<tr>
<td>Production of rubber and plastic products</td>
<td>25</td>
<td>0.9</td>
</tr>
<tr>
<td>Production of products of other non-metal resources</td>
<td>26</td>
<td>0.9</td>
</tr>
<tr>
<td>Production of metal products, excluding machinery and equipment</td>
<td>28</td>
<td>0.9</td>
</tr>
<tr>
<td>Production of machinery, equipment and household appliances</td>
<td>29</td>
<td>0.9</td>
</tr>
<tr>
<td>Production of furniture; production not classified elsewhere</td>
<td>36</td>
<td>0.9</td>
</tr>
<tr>
<td>Production and distribution of electricity, gaseous fuels, and thermal energy</td>
<td>40</td>
<td>0.9</td>
</tr>
<tr>
<td>Land transport, including pipelines</td>
<td>60</td>
<td>0.9</td>
</tr>
<tr>
<td>Production of naphtha and natural gas; services excluding prospecting</td>
<td>11</td>
<td>0.7</td>
</tr>
<tr>
<td>Production of foods and beverages</td>
<td>15</td>
<td>0.7</td>
</tr>
<tr>
<td>Production of textile and textile products, excluding clothes</td>
<td>17</td>
<td>0.7</td>
</tr>
<tr>
<td>Production of coke, refined oil products, and nuclear fuel</td>
<td>23</td>
<td>0.7</td>
</tr>
<tr>
<td>Production of chemical products</td>
<td>24</td>
<td>0.7</td>
</tr>
<tr>
<td>Production of electric machinery and devices, not classified elsewhere</td>
<td>31</td>
<td>0.7</td>
</tr>
<tr>
<td>Production of medical, precise and optical devices and instruments; production of watches</td>
<td>33</td>
<td>0.7</td>
</tr>
<tr>
<td>Activity</td>
<td>Code</td>
<td>Weight</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>------</td>
<td>--------</td>
</tr>
<tr>
<td>Collection, treatment, and distribution of water</td>
<td>41</td>
<td>0.7</td>
</tr>
<tr>
<td>Air transport</td>
<td>62</td>
<td>0.7</td>
</tr>
<tr>
<td>Auxiliary activities in transport; tour-operator’s activities</td>
<td>63</td>
<td>0.7</td>
</tr>
<tr>
<td>Public governance; mandatory social security</td>
<td>75</td>
<td>0.7</td>
</tr>
<tr>
<td>Collecting and treatment of waste, cleaning and recycling</td>
<td>90</td>
<td>0.7</td>
</tr>
<tr>
<td>Production of tobacco products</td>
<td>16</td>
<td>0.5</td>
</tr>
<tr>
<td>Production of processed leather; production of travelling products, leather accessories, and shoes</td>
<td>19</td>
<td>0.5</td>
</tr>
<tr>
<td>Publishing and printing works; reproduction of records</td>
<td>22</td>
<td>0.5</td>
</tr>
<tr>
<td>Production of radio-, television and communication equipment</td>
<td>32</td>
<td>0.5</td>
</tr>
<tr>
<td>Wholesale trade and trade mediation, excluding trade in cars and motorcycles</td>
<td>51</td>
<td>0.5</td>
</tr>
<tr>
<td>Postal and communication services</td>
<td>64</td>
<td>0.5</td>
</tr>
<tr>
<td>Financial mediation, excluding insuring and social security through independent funds</td>
<td>65</td>
<td>0.5</td>
</tr>
<tr>
<td>Real estate transactions</td>
<td>70</td>
<td>0.5</td>
</tr>
<tr>
<td>Research and development</td>
<td>73</td>
<td>0.5</td>
</tr>
<tr>
<td>Other business services</td>
<td>74</td>
<td>0.5</td>
</tr>
<tr>
<td>Activities in the field of culture, sports, and entertainment</td>
<td>92</td>
<td>0.5</td>
</tr>
<tr>
<td>Other services for the population</td>
<td>93</td>
<td>0.5</td>
</tr>
<tr>
<td>Fishery and related services</td>
<td>05</td>
<td>0.4</td>
</tr>
<tr>
<td>Production of clothes, including leather; treatment of furs</td>
<td>18</td>
<td>0.4</td>
</tr>
<tr>
<td>Production of office and computer equipment</td>
<td>30</td>
<td>0.4</td>
</tr>
<tr>
<td>Trade, technical service, and repair works of cars and motorcycles (C&amp;M), spare parts and accessories for them; retail trade in fuel and lubrication products</td>
<td>50</td>
<td>0.4</td>
</tr>
<tr>
<td>Retail trade, excluding retail trade in C&amp;M; repair of personal belongings and household goods.</td>
<td>52</td>
<td>0.4</td>
</tr>
<tr>
<td>Hotels and restaurants</td>
<td>55</td>
<td>0.4</td>
</tr>
<tr>
<td>Insurance activity and independent social security funds activity, excluding mandatory social security</td>
<td>66</td>
<td>0.4</td>
</tr>
<tr>
<td>Auxiliary financial mediation activities</td>
<td>67</td>
<td>0.4</td>
</tr>
<tr>
<td>Rental of vehicles and machinery and other equipment, excluding household goods and personal belongings</td>
<td>71</td>
<td>0.4</td>
</tr>
<tr>
<td>IT activities</td>
<td>72</td>
<td>0.4</td>
</tr>
<tr>
<td>Education</td>
<td>80</td>
<td>0.4</td>
</tr>
<tr>
<td>Health and social activities</td>
<td>85</td>
<td>0.4</td>
</tr>
<tr>
<td>Professional, trade union, political, religious, and public organisations’ activities</td>
<td>91</td>
<td>0.4</td>
</tr>
<tr>
<td>Household activities relating to employment of home-servicing staff</td>
<td>95</td>
<td>0.4</td>
</tr>
<tr>
<td>Non-differentiated household activities relating to manufacture of goods for their own consumption</td>
<td>96</td>
<td>0.4</td>
</tr>
<tr>
<td>Non-differentiated household activities relating to manufacture of services for their own consumption</td>
<td>97</td>
<td>0.4</td>
</tr>
<tr>
<td>Exterritorial organisations and services</td>
<td>99</td>
<td>0.4</td>
</tr>
</tbody>
</table>
The community of the people insured for occupational accidents and diseases under the terms of the Social Security Code does not include the persons, registered as freelancers and/or craftsmen, as well as the sole traders, the owners or partners in business companies and the registered agricultural manufacturers and tobacco manufacturers (Art. 4, para. 3, points 1, 2 and 3).

The persons provided with socially security for occupational accidents and diseases have the right to:

1. financial compensations for temporary disability, caused by occupational accident or disease, sanatorial-resort treatment, urgent medical examination, test and/or treatment;
2. financial aid for prevention and rehabilitation;
3. pension for disability, caused by occupational accident or disease;
4. financial aid for assisting mechanical appliances, relating to the injury.

The daily financial compensation for temporary disability, caused by an occupational accident or disease amounts to 90% of the average daily gross working remuneration or the average daily social security income, on the basis of which the social security contributions for the six calendar months preceding the month of occurrence of the disability were paid.

In case of the insured person’s death, caused by an occupational accident or disease, their spouse, children and parents have the right to one-time aid amounting to two minimal monthly wages as well as to hereditary pension.

The public social security has financial participation in implementing the preventative measures for reducing occupational traumatism and occupational diseases. Except for payment of money compensations, pensions, and aids, the funds on the Occupational Accident and Disease Fund are spent on:

1. events for prevention of occupational accidents and diseases;
2. events for funding of occupational diseases’ diagnostic activities.

The funds for these events are allocated the Public Social Security Budget Act and are transferred specifically for the purpose to the Working Conditions Fund, which plans and funds the relevant activities.

The National Social Security Institute, in its capacity of a dispatcher of the public social security funds, collects the mandatory contributions specified by the Public Social Security Budget Act and manages the funds on the Occupational Accident and Disease Fund. The statistical data about occupational accidents are collected and analysed by the NSSI and are published on the web-site of the Institute in the Internet. The statistical data about occupational diseases are collected and published by the National Centre for Health Information at the Ministry of Health.

The notification, recording, confirmation, appealing, and reporting of the occupational diseases is performed under the terms of an Ordinance, adopted by Decree No.79/2001 of the Council of Ministers. According to the provisions of Art. 51 of the SSC, an occupational disease is a disease, which was caused exclusively or predominantly by the influence of the harmful factors
of the working environment or the working process on the human organism and is included in the List of Occupational Diseases, issued by the Council of Ministers on the proposal of the Minister of Health. A disease which is not included in the List of Occupational Diseases may be also qualified as an occupational disease, if it is established that it was caused mainly and directly by the common working activity of the socially secured person and if it has caused this person’s permanent disability or death. The complications and late consequences of the disease are also qualified as occupational disease. The Ministry of Health has prepared a new List of Occupational Diseases (which cancels the available list of 1958) which has been approved by Decree No.80 of 2001 of the Council of Ministers (SG, issue 33/2001).

The occupational diseases are confirmed or rejected by the Territorial Expert Medical Commissions (TEMCs), established by an order of the Minister of Health and by the National Expert Medical Commission (NEMC), which comprise a specialist in occupational diseases and a specialist in occupational health.

The TEMCs and the NEMC decide on the extent of the permanently or temporarily reduced working capacity in accordance with the terms, principles and criteria, regulated by the Ordinance on Expert Opinions Regarding Working Capacity, adopted by Decree No.99 of the Council of Ministers of 2005 (SG, issue 47/2005).

**Case study: Abilities of a worker, who has recently been diagnosed with “asbestosis”**

Asbestosis and its complications are included in the List of Occupational Diseases approved by the CoM. The occupational factor, causing the disease, is continuous work with asbestos-containing materials used during its manufacture and use.

**Initial situation:** The suspicion of an occupational disease might have appeared during the worker’s examination by his/her general practitioner or during preventive examinations organised by the Occupational Health Service, as well as during a medical examination performed on any other occasion.

**Notification of an occupational disease:** In case of suspected occupational disease, within 24 hours the physician sends a notification form to the territorial unit of the NSSI.

**Recording and investigation of the occupational disease:** Within 3 days upon receiving the fast notification of an occupational disease, the territorial unit of the NSSI opens a file, and the head of the territorial unit issues an order for conducting an investigation of a suspected occupational disease which is delivered to the worker and employer.

The investigation is conducted by a commission with the following members:

- a representative of the NSSI – Chairman;
- a specialist in occupational safety;
- employer’s representative;
- workers’ representative on OSH at the enterprise.

The sick person, his/her heirs or their representatives and a representative of the trade union of which the sick person is a member can participate in the investigation. The investigation establishes the factors of
the working environment and the working process, the enterprises where the sick person has worked as well as other data required to confirm or reject the occupational nature of the disease.

Within 30 days the employer is obliged to submit to the investigating commission all documents relating to the working conditions and the health condition of the sick person, including his/her occupational characteristics, his/her health file kept with the occupational health service, laboratory measurements, as well as other information required by the investigating commission. Within 10 days from the submission of these documents the commission draws a protocol about the performed occupational disease investigation. The injured person and the employer are given a copy of the record.

The territorial unit of the NSSI submits the protocol about the performed investigation and the documents provided by the employer to the File Office of Medical Expert Files (FOMEF) which creates a medical file and within 3 days sends it to the Territorial Expert Medical Commission (TEMC).

**Confirmation (rejection) of occupational disease (OD):** Within 40 days from receiving the medical file the TEMC decides to confirm or reject the OD based on the person’s clinical examination, the data from the medical file and the additionally collected evidence. The TEMC issues an expert decision of an available occupational disease and fills in a Recording Card for a Diagnosed Occupational Disease. The expert decision for diagnosed occupational disease is valid for no more than 3 years after which the person is examined again.

In the considered case, the percent of permanently reduced working ability of the injured person compared to a healthy person may be 10-20% if the established diagnosis is “asbestosis of the pleural form” or to 30-50% if the established diagnosis is “asbestosis with parenchyma changes and functional disorders”.

The expert decision for an available occupational disease is executed in six copies – one for the territorial unit of the NSSI, one for the FOEMF which is attached to the medical file of the injured person, one for the National Centre for Health Information, one for the National Centre of Public Health Protection (NCPHP), one for the insurer, and one for the insured person.

The Recording Card for a Diagnosed Occupational Disease is executed in four copies – one for the NSSI, one for the relevant Regional Inspectorate for Protection and Control of Public Disease (RIPCPCD), one for the NCPHP, and one for the relevant Regional Labour Inspection Directorate. On completion of the injured person’s diagnosing procedure the medical file is returned to be kept with the FOEMF.

**Appealing:** The insured person, the insurer and the territorial unit of the NSSI can appeal the expert decision of the TEMC before the National Expert Medical Commission (NEMC) within 14 days from its receiving. The NEMC issues its opinion on the appeals within 45 days from their submission after a clinical examination of the person and discussion of the available documents. The NEMC can confirm the decision of the TEMC, cancel it, or return it back for another examination of the person pointing out the mistakes that have been made, or cancel it and take a decision itself.

The expert decisions of the NEMC can be appealed before the court under the terms envisaged by law. The expert decisions of the expert commissions of occupational diseases that have taken effect are mandatory for all persons, authorities and organisations throughout the country.

**Personal registry and information system:** The National Centre of Public Health Protection creates and maintains personal registry of people suffering from occupational diseases and an information system for occupational diseases.

**Compulsory insurance against the risk of “occupational accident”**
Besides the mandatory insurance against occupational accidents and diseases under the SSC, the OSHA (Article 52, para 1) obliges the employers to insure at their expense the workers and employees performing work which presents a threat to their life and health against the risk of “occupational accident”. The terms and conditions of the mandatory insurance against the risk of “occupational accident” are specified by an Ordinance adopted by Decree No.24 of 6.02.2006 of the Council of Ministers (SG, issue 15/2006, amended and supplemented: SG, issue 68/2006).

According to the Regulation, the workers and employees who perform work related to the basic or auxiliary activity of enterprises exercising economic activity with occupational traumatism equal or higher than the average for the country are subject to mandatory insurance against the risk of “occupational accident”. The occupational traumatism coefficient for the country is defined as the arithmetic mean of the average frequency of occurrence and of the average gravity of occupational accidents in the country.

The workers and employees subject to mandatory insurance against the risk of “occupational accident”, are specified by a written order of the employer upon consultation with the Occupational Health Services and the Committee/Group on Working Conditions and in compliance with the risk assessment.

### 3.7 Information on OSH

The participants in the tripartite dialogue on OSH at various levels study and popularize the national and foreign experience and disseminate information in this field within the scope of their activities. The involved public institutions, the National Council on Working Conditions, the national and regional structures of the workers’ and employers’ organisations perform active information-publishing activity. The Working Conditions Fund provides significant financial support to the information and promotion activities of public institutions and social partners.

**National focal point on safety and health at work (SHW)**

The Bulgarian National Focal Point of the European Agency for Safety and Health at Work (NFShW) of the European Agency of Safety and Health at Work (Bilbao, Spain) is maintained by the Ministry of Labour and Social Policy – the Directorate of Working Conditions, Crises Management and Alternative Service. The European Agency is responsible for implementing the information exchange process in the field of safety and health at work between the Member States of the EU.

The Focal Point organises and coordinates the activity at national level through the National Information Network in which state and public institutions, the national representative organisations of employers and workers, research institutes and other organizations participate.

Members of the National Information Network are:

- The Ministry of Labour and Social Policy;
- The Ministry of Health;
- The Chief Labour Inspection Executive Agency.
National representative organisations of employers:

- Bulgarian Chamber of Economy;
- Bulgarian Chamber of Commerce and Industry;
- Union of Economic Initiative;
- Bulgarian Union of Private Contractors - Vazrajdane;
- Association of the Industrial Capital in Bulgaria;
- Confederation of Bulgarian Employers and Industrialists.

National representative organisations of workers:

- Confederation of Bulgarian Independent Trade Unions;
- Labour Confederation - Podkrepa.

Institutions, research institutes and other organisations:

- National Social Security Institute;
- National Centre of Public Health Protection.

The pages of the website are available in two languages (Bulgarian and English) providing information about the national OSH legislation (including full texts of basic administrative provisions), good practice, studies, statistics of traumatism and occupational diseases, a list of organisations providing OSH training, publications etc. The website provides a forum for discussion of current OSH issues and an interactive Q&A system. The information, published on the web-site is continuously supplemented and updated.

The information is intended for all authorities, organisations, business companies, enterprises, specialists and other persons who are interested in SHW problems.

Access to the focal points of all countries participating in the network of the European Agency of Safety and Health at Work is provided.

**National Centre of Public Health Protection**

The National Centre of Public Health Protection (NCPHP) at the Ministry of Health performs scientific research, expert consulting, methodical and educating activities in the field of public health protection; assessment of health risk with unfavourable influence of living environment factors, risk factors related to behaviour and life routine; health promotion and integrated disease prevention.

The NCPHP is part of the network of national and collaborating CIS Centres of the International Labour Organisation (ILO) under the ILO Programme on Safety and Health at Work and the Environment which has the statute of a National CIS Centre since 1963. The Centre for
International Information on Safety and Occupational Health within the NCPHP implements the following activities:

- participates in the maintenance of the ILO CISDOC bibliographic data base on safety and occupational health;

- prepares bibliographic references and information packages based on the CISDOC and the information resources of leading world institutes;

- popularises the activity of ILO, WHO, EU and the leading world research institutes in the field of SHW by issuing four-month information bulletin;

- provides information assistance to the harmonisation of the Bulgarian legislation in the field with international standards and EU legislation and practice implemented by the MoH, the MLSP, the NSSI etc.; to international projects; to scientific research in the field, to OHSS’s practical activity, to students, post-graduate students etc.;

- translates, edits and popularises throughout Bulgaria the topical methodic and reference issues of the ILO and EU in the field;

- informs of forthcoming international, scientific and training events through the bulletin and Internet web-site of the centre;

- fills in the library fund with reference and periodic issues through the world network of CIS centres;

- prepares information materials and publications for the Bulgarian media;

- maintains and updates the page of the CIS centre on the website of the NCPHP;

- provides information on the activity and changes in Bulgarian legislation in the field of SHW to the ILO and the Subregional Office for CEE, Budapest, and facilitates ILO’s contacts with experts and representatives of the MoH and its institutions;

- exchanges information and maintains contacts with the other CIS centres;

- develops the Bulgarian page in the Global Internet Gate of CIS centres.

The NCPHP is a collaborating centre under the Occupational Health Programme of the WHO since 1972. Within the frames of this Programme the Centre:

- participates in the network of WHO collaborating centres on Occupational Health, in the activities related to implementing the WHO’s Global Strategy on occupational health for everyone;

- performs the functions in accordance with the agreement between the Centre and the WHO Regional Office for Europe and the WHO Headquarter in Geneva;

- exchanges on a current basis information, materials and opinions in the field of labour medicine;
- participates in WHO’s training programme and in the preparation of documents;
- performs scientific-applied work in different spheres of occupational health;
- builds up capacity for occupational health service – training of medical and non-medical staff to provide occupational health service;
- operates as a centre for physicians’ specialisation in occupational health – about 30 people per year;
- provides scientific logistic support to activities relating to the development of national legislation and its harmonisation with the European legislation on risk assessment, preventive technologies and training needs;
- performs workplace risk assessment in with respect to physical, chemical, ergonomic and psycho-social factors;
- introduces health promotion programmes.

3.8 Specialised technical, medical and scientific institutions with linkages to various aspects of OSH

Universities and higher academic establishments

Basic qualification in Occupational Health can be obtained in each educational or medical establishment which has been accredited by the MoH to provide post-graduate training in these specialties. The medical universities in the country and the NCPHP are accredited to provide post-graduate education in the specialty of Occupational Health within its profile.

Education in pursuit of the academic degree of Doctor in the field of occupational health and occupational diseases and other OSH aspects can be provided by educational and medical establishments which have been accredited by the National Evaluation and Accreditation Agency at the Council of Ministers (NEAA).

Currently, one can obtain Master’s Degree in Safety and Health at Work (SHW) at the Technical Universities of Gabrovo and Veliko Turnovo and the University of Mining and Geology in Sofia. The subject of Technical Safety is included in the curriculum of higher and secondary technical education establishments depending on their profile.

National Centre of Public Health Protection

The functions and objectives of the NCPHP are described in Section 3.7, Information on OSH.

State Technical Supervision General Directorate at the State Agency for Metrology and Technical Surveillance

The functions and objectives of the STSGD are described in Section 3.4, Other Enforcement Agencies and Institutions.
Agency for Technical Control at the Ministry of Agriculture and Forestry

The functions and objectives of the ATC at the MAF are described in Section 3.4, Other Enforcement Agencies and Institutions.

Balkan Institute of Labour and Social Policy

The Balkan Institute of Labour and Social Policy is a non-governmental, voluntary, independent and non-political non-profit association established in September 2001.

The goals of the BILSP are:

- building up of capacity for human development and social integration;
- establishment of a Bulgarian social model on the basis of European labour and social values;
- adapting the countries of the Balkan region to EU standards and practices;
- popularising labour and social area experience and practices of the Balkan region countries;
- encouraging social dialogue and tripartite collaboration;
- development of national social models in the conditions of globalisation.

The BILSP accomplishes its objectives by:

- development of scientific analyses, programmes, projects, expert evaluations and forecasts;
- organising and carrying out of scientific, scientific-practical and scientific-applied national and international forums;
- dissemination of scientific and applied knowledge and experience through contributions, translations, publications, seminars, courses, schools and other forms on national and international scale;
- providing methodic and consulting assistance.

The institute collaborates with state, public and research organisations in the country and abroad within the frames of its subject matter.

The SHW is one of the priority lines of the institute’s activity.

In the recent years, the BILSP, in collaboration with leading multinational companies producing clothes and shoes, has worked on application of the standards of corporative social responsibility
Association of Strengthening Health and Safety at Work

The Association of Strengthening Health and Safety at Work is a non-profit organisation aiming to perform activity to the public’s benefit in which able natural persons and legal entities can participate who are interested in achievement of the association’s objectives and implementation of its tasks.

The Association was established as an organisation to assist in the successful implementation of the OSHA, the Luxemburg Declaration, the Cardiff Memorandum and other foundation documents of the European Network for Workplace Health Promotion. The Association is initiator of the establishment of a National Firms’ Network for Strengthening Health and Safety (NFNSHS).

The objectives of the Association and the NFNSHS are to foster business success and stability by integrating firm management with health, safety, and environment management through dissemination of information, communication, social marketing, training and network working. These approaches assist the introduction of good practice standards and models in EU member states, Bulgaria and other countries and international organisations.

To achieve its goals, the Association applies actively in its activity the “network working” method thus facilitating its professional contacts, mutual assistance, personal and group initiatives and creative efforts of its members and other concerned countries; it collects, translates and publishes non-periodic and periodic issues and disseminates information from the country and abroad relating to good practice in integrated business management, technical progress, health, safety and environment; it assists the application of national OSH legislation and the introduction of technical decisions reducing production hazards and occupational risk; it supports, providing funds, among others, the OSH-strengthening activities and initiatives of the NFNSHS as well as other initiatives supporting OSH promotion.

Association of Occupational Health Services in Bulgaria (AOHSB)

The Association of Occupational Health Services in Bulgaria was established to perform activity to the public’s benefit in the field of occupational health. Together with the other association’s activities, some of its basic objectives are to establish interaction with the employers on OSH provision, to provide for efficient operation of the OHSs, to enhance the specialists’ qualification and the interaction with the competent authorities providing adequate legal environment for the OHSs’ operation.

Association of Occupational Safety Engineers

The Association of Occupational Safety Engineers is a non-governmental voluntary organisation of the specialists appointed in the enterprises to provide for the implementation of the activities related to protection and prevention of occupational risks whose functions and tasks are specified by Decree No.3/1998 of the Minister of Labour and Social Policy. The association aims to assist the qualification enhancement of its members, to disseminate information and good practice examples, and in cooperation with the state authorities, to assist the improvement of quality of service provided to employers by the OSH authorities.
3.9 Coordination and collaboration

In parallel with the legislative mechanisms for coordination and collaboration in the field of OSH at the National Council on Working Conditions and the Branch and Regional Councils on Working Conditions, the concerned institutions apply various forms of collaboration aiming to improve the working conditions and the effective observance of labour legislation.

To improve the coordination, mutual informing and collaboration between authorities and enforcement administrations, a coordination and collaboration agreement was signed by the Ministry of Labour and Social Policy, the Directorate of the National Police Service, the National Social Security Institute, the National Employment Service, and the General Labour Inspection Executive Agency.

The GLIEA and the national representative trade unions, the CBITU and the LC - Podkrepa, have signed a Collaboration Declaration whereby they have agreed to collaborate in exercising control on the observance of labour legislation and OSH provision at national, regional and branch level. To implement this objective, the trade unions are expected to intensify the exercising of their warning functions assigned by the Labour Code, to provide more detailed information about violations of labour legislation and to boost the activity of the Regional and Municipal Councils on Working Conditions. The labour inspectors, on their side, undertake to invite trade unions representatives to the enterprises to attend workplaces inspections, including investigation of occupational accidents.

The Inspection has signed a Chart for Partnership on Labour Safety in Construction with the Bulgarian Chamber of Construction and the Federation of Construction, Industry and Water Supply - Podkrepa.

To increase the efficiency of labour safety control on enhanced risk equipment and agricultural and forestry equipment (AFE), the General Labour Inspection EA has signed coordination and collaboration agreements with General Directorate of the Inspectorate for State Technical Surveillance and the Agency for Technical Control at the Ministry of Agriculture and Forests.

The good coordination and collaboration at national level have positive effect on the work of the social dialogue partners’ regional structures and, in the final run, enhance the establishment of prevention culture and the change of society’s attitude towards OSH.

3.10 Situational analysis and recommendations

By coming into force of the OSHA, which assigns to the MLSP “to exercise, through the General Labour Inspection Executive Agency, integrated control on the legislation’s observance and the implementation of OSH-provision-related duties”, the “dualism” existing until 1998 in the control system was removed.

The OSHA is fully harmonised with EU Framework Directive 89/391/EEC. It provides for the establishment of all necessary organisational conditions to enhance prevention at work; to establish social dialogue at all levels; to assess risk; to provide for the workers and employees’
actual participation, through their representatives, in solving OSH-related problems; to provide service to the workers and employees through the Occupational Health Services etc.

Based on the analysis, some strengths and weaknesses of the activity may be pointed out and some recommendations may be formulated.

**Strengths**

1. The organisational framework and the labour legislation enforcement mechanisms are well regulated by the administrative provisions.

2. The coordination between the control authorities, created under the terms of the LC and other administrative provisions, relating to controlling various OSH aspects, is established on their initiative.

3. The concerned state institutions and social partners’ organisations carry out active media policy, including in collaboration with institutions and partners from EU countries, to increase public awareness on OSH issues.

**Weaknesses**

1. A factor affecting negatively the development of the processes towards SHW achievement is the lack of adequate tax policy stimulating investment in new technologies and improvement of working conditions.

2. During the recent years, some changes in the administrative requirements and occupational disease servicing system were introduced, which created some problems:
   a. closing of occupational pathology consulting rooms;
   b. ineffective preventive examinations on behalf of some Occupational Health Services;
   c. bad communication between the OHSs and occupational disease clinics;
   d. inadequate primary notification of occupational diseases due to the authorised physicians’ poor qualification;
   e. terminated monitoring of occupational pulmonary diseases and those endangered by a future dust disease;
   f. high concealed disease and morbidity rates;
   g. lack of funding strategy for occupational diseases diagnostics and treatment;
   h. lack of adequate scientific provision for OSHA-implementing activity.

3. The professional qualification and performance of the officials appointed to organise, coordinate and control OSH activities is not satisfactory.
4. The OSHA does not determine the specific qualification requirements for OSH specialists, as a result of which the prevailing number of higher academic establishments, with few exceptions, do not provide education for obtaining Master’s Degree and post-graduate qualification options on the subject. The quality of education at the vocational schools, technical schools and higher academic establishments on the OSH topic is not satisfactory.

5. There are no effective mechanisms of providing better quality services on behalf of thee Occupational Health Services. The OSHA’s administrative provisions for the OHSs’ accreditation are not applied, and the proposal for SHA amendment envisages again introducing administrative control on their activities.

6. The number of physicians qualified in Occupational Health in insufficient. The prevailing part of the OHSs is managed by physicians who have majored in Occupational Safety who avail of the rights of specialists in Occupational Health.

7. The medical colleges do not provide education in the subject of Occupational Health. At present, the country does not dispose of sufficient secondary-education medical staff with this specialty.

8. Coordination of OSH problems between the enforcement institutions and the social partners’ organisations is insufficient. The lack of a unified Scientific Research Centre on OSH problems is appreciable.

9. In the end of the 90s of the last century the Scientific Research Centre on occupational safety was liquidated.

10. The differentiated contributions to the Occupational Accident and Disease Fund for the different economic activity groups, applied currently, does not introduce completely the bonus-malus principle, which does not stimulate the employers to introduce preventive measures to improve traumatism and occupational disease indicators.

11. A very small part of the funds, collected in the Occupational Accident and Disease Fund is used efficiently to prevent and improve working conditions through the Working Conditions Fund. The NSSI, being a dispatcher of the public social security funds, does not develop programmes and measures aiming to prevent traumatism and occupational diseases.

12. There is no efficient mechanism limiting the cases of failure to notify occupational accidents.

13. There is no legal or institutional regulation of the relationships between the General Labour Inspection Executive Agency and the other specialised controlling authorities regarding the subordination and coordination of joint actions.

14. The Labour Inspection is excluded from the investigation procedure of occupational diseases.
15. The share of the enterprises where the management of SHW activity is integrated within the total firm management is low.

Recommendations

For the purpose of overcoming some of the mentioned weaknesses of OSH provision activity, measures should be taken to:

1. Introduce an efficient system ensuring the quality of OHSs activity, including verification of compliance with quality requirements by a third (independent) party.

2. Specifying in the OSHA and the regulatory administrative provisions more concrete qualification requirements for SHW specialists in order to stimulate seeking by the employers and offering by higher education system of such specialists.

3. Long-term development of measures to increase the number of specialists (with higher and secondary specialised education) in Occupational Health.

4. Gradual introduction of the *bonus-malus* system in determining the differentiated contributions of employers to the *Occupational Accident and Disease* Fund in order to enhance their motivation to improve working conditions.

5. Uniting the efforts of the state institutions and social partners aimed to popularise among the employers the advantages of introducing SHW management and self-control systems based on ILO – OSH2001 Methodical Requirements and the OHSAS 18001:1999 Specification.

6. Structural, staff, and financial strengthening of the Clinic of Occupational Diseases and all structural units working on these problems in the country.

7. Investigating the possibility of creating an Institute of Safety and Health at Work within the National Labour Institute, managed after the tripartite principle.

8. Increasing the share of co-funding of measures for improvement of working conditions by the Working Conditions Fund and significant increase of the Fund’s budget, accordingly.
4. The role of the social partners in OSH

The coordination, consultations and cooperation during elaboration and implementation of OSH policy at national, sectoral and regional level is accomplished under the terms of the OSHA.

The participation of the workers and employees and the employers, through their representative organisations, in the social dialogue and in the tripartite collaboration system, is regulated by the Labour Code.

To obtain the status of a national representative organisation of the workers and employees an organization should have:

1. at least 50,000 members;

2. at least 50 member organisations with no less than 5 members in more than half of the sectors, specified by the Council of Ministers in accordance with the National Classification of Economic Activities;

3. local bodies in more than a half of the municipalities throughout the country and a national management body;

4. the status of legal entity, obtained under the terms of Art. 49 of the LC.

To obtain the status of a national representative organisation of the employers an organization should have:

1. at least 500 members, with no less than 20 workers and employees each;

2. organisations with no less than 10 members in more than one fifth of the sectors, specified by the Council of Ministers in accordance with the National Classification of Economic Activities;

3. local bodies in more than one fifth of the municipalities throughout the country and a national management body;

4. the status of legal entity, obtained under the terms of Art. 49 of the LC.

The organisations of workers and employees and the organisations of employers are given the status of national representative organisations by the Council of Ministers on the organisations’ request.

Every three years the organisations of workers and employees and the organisations of employers provide proofs of compliance with the representation requirements under the terms provided in the LC. The Council of Ministers can, on its own initiative or on the suggestion of the National Council for Tripartite Collaboration, verify the representation requirements.
4.1 Social partners' programmes on OSH

4.1.1. Employers' organisations

As of 01.01.2007, the following employers’ organisations have obtained the status of national representative organisation of employers: the Bulgarian Industrial Association (BIA), the Bulgarian Chamber of Commerce and Industry (BCCI), the Union for Economic Initiative (UEI), the Bulgarian Union of Private Contractors (BUPC) - Vazrazhdane, the Bulgarian Industrial Capital Association (BICA), and the Confederation of the Employers and Industrialists in Bulgaria (CEIB). These organisations participate actively in the dialogue on OSH at national, regional, and sectoral level.

In 2006, the national representative organisation of the employers and national representative organisation of the workers and employees signed with the Government the Pact for Economic and Social Development of the Republic of Bulgaria until 2009, by which the parties agreed, within the framework of social dialogue, to undertake concrete actions in some public life areas of particularly great importance, including improvement of working conditions and protection of the workers’ employment and social rights.

Bulgarian Industrial Association

The Bulgarian Industrial Association is a non-profit association, in which Bulgarian and foreign legal persons and able natural persons performing economic activity can participate. Members of the Association can be also state institutions and private law legal entities which do not perform economic activity, but which can contribute to achieving its mission and fulfilling its tasks.

The membership of the Association involves 87 branch (sectoral) organisations, 26 regional organisations, 10 business municipal associations and 56 local bodies, the Bulgarian Academy of Sciences, universities and scientific and technical unions, the Central Cooperative Union, over 15,000 commercial companies, out of which 263 are among the largest 300 companies in Bulgaria. BIA is member of the Association of Bulgarian Employers’ Organisations (ABEO).

BIA is member of:

- UNICE - Union of the Industrial and Employers' Confederations in Europe;
- ICC - International Chamber of Commerce;
- IOE - International Organisation of Employers.

The structure of the BIA includes the Labour Quality Directorate, which implements tasks related to OSH problems in the framework of the Association’s subject matter.

Through its Centre of Vocational Training, the BIA conducts a wide range of national training and qualification programmes, including OSH ones.

The Centre of Vocational Training at the BIA is a nationally recognised, licensed training organisation performing vocational and subvocational qualification related activities. The Centre performs its activity by engaging highly qualified OSH specialists.
The ongoing training programme for obtaining of basic knowledge, motivation and skills to organise and conduct activities aiming to ensure the enterprises’ compliance with the requirements of the OSHA and the relevant legislative framework is intended for:

- employers (company owners and managers);
- line managers, team leaders of activities, related to OSH establishment or exercising control functions;
- employers’ representatives in the Committees on Working Conditions at the enterprises;
- private contractors and SME managers in the region (branch), especially in enterprises with high risk production;
- freelance advisors, evaluators and experts in the field of OSH.

The Centre has 18 training centres in Sofia and throughout the country organized within the BIA regional and branch member association.

The Bulgarian Industrial Association implements an OSH provision training programme for Bulgarian employers at regional and sectoral level. During the period from 1999 to the end of 2005, a total of 167 seminars, with 9,133 trained participants from 5,750 enterprises of six sectors and 15 regions, were organised. One of the programme’s objectives was to enhance the Bulgarian employers’ awareness of the need of workplace health prevention.

The BIA specialists, who participated in a special training course for trainers and coordinators, *Better Productivity and Better Place of Work*, carried out after the WISE (Work Improvements in Small Enterprises) methods of the International Labour Office, have been performing trainings for BIA members with the financial support of the *Working Conditions* Fund since 2005. The methods have proven their efficiency and as of 01.01.2007, more than 40 SME owners have been trained.

**Bulgarian Chamber of Commerce and Industry**

The Bulgarian Chamber of Commerce and Industry is an independent organisation aimed to support, promotes, represents and protect the economic interests of its members, and to assist the European and international integration of the Republic of Bulgaria.

Apart from the BCCI, the system of Bulgarian Chambers of Commerce and Industry also includes 28 Regional Chambers of Commerce and Industry.

Members of the BCCI are 90 branch organisations. As of 15.12.1996, the BCCI had 46,945 member companies, of them - 10,213 companies with international participation.

In accordance with the legislative provisions, the chamber participates as employers’ organisation in the tripartite collaboration at national, regional and sectoral level, as well as in other state-public or public authorities and organisations. The BCCI is member of the Association of Bulgarian Employers’ Organisations (ABEO).
The National Vocational Training Centre within the BCCI (NVTC) is certified by the National Agency for Vocational Education and Training at the Council of Ministers and has a countrywide network. The centre examines the employers’ needs and provides training in more than 40 vocations, including training on labour legislation and social security.

**Union for Economic Initiative**

The Union for Economic Initiative (UEI) was established in 1989 under the name of Union for Economic Initiative of the Citizens. The constitutors of the union were only private companies, united by the main objective to protect the interests and to support private business, with special focus of its members. In 1993, the Union was officially recognised by the Council of Ministers of Bulgaria and obtained the status of national representative organisation of the employers. The UEI participates in the tripartite dialogue at all levels, national, sectoral and municipal.

The Union is member of:

- The International Organisation of Employers (IOE) - since 1996.
- The European Council for Small Business and Entrepreneurship (ECSB) - since 1993.

The UEI is member of the Association of Bulgarian Employers’ Organisations (ABEO), uniting the efforts of the national representative organisations of the employers – the UEI, the BCCI, the BIA and the BUPC - Vazrazhdane. The UEI is associated member of the European Foundation for Quality Management (EFQM).

**4.1.2. Workers' organisations**

As of 01.01.2007, two workers’ organisations are recognised to have the status of national representative organisations: the Confederation of Independent Trade Unions in Bulgaria and the Confederation of Labour - Podkrepa. The trade unions in Bulgaria participate actively in the tripartite structures and the dialogue on OSH at national, regional and sectoral level.

**Confederation of Independent Trade Unions in Bulgaria**

The CITUB is an independent voluntary alliance of 34 federations, trade union, and unions, incorporating 7,500 primary trade unions and more than 350,000 workers. The CITUB and the federations, trade union, and unions represent and protect the rights and interests of its members through participation in the tripartite bodies and structures, collective bargaining, protection of working places and enhancement of employment, provision of expert assistance on labour legislation and OSH issues.

Within the CITUB, there are 28 regional coordination units and 233 municipal trade union councils operating throughout the country.
The Confederation of Independent Trade Unions in Bulgaria is a member of the European Trade Union Confederation (ETUC) and the International Confederation of Free Trade Unions (ICFTU).

The CITUB protects consistently the workers’ constitutional right to dignified labour, to associate, and to obtain trade union protection. In 1998, the CITUB published the *Black Book of Violations of Labour and Trade Union Rights*, describing and analysing the violations of labour and trade union rights in 133 enterprises and companies registered by the Confederation during the period from the middle of 1997 to the end of March 1998. Facts of violating the right to OSH in 78 enterprises were cited.

In January 2007, the CITUB published the book *The Dark Side of Industrial Relationships*, describing the violations of the workers’ labour, social and trade union rights registered in 2006 during the joint inspections with the General Labour Inspection Executive Agency. The book places special emphasis on the violation of OSH related rights.

The OSH problems are tackled by the *Safety and Health at Workplace and Ecology* Department of the CITUB. The CITUB participates through its structures in the OSH dialogue at local, regional and sectoral level.

The training of the trade union members is organised by the *Training, Vocational Education and Qualification* Department.

**Confederation of Labour - Podkrepa**

The Confederation of Labour - *Podkrepa* was established in 1989. It is a trade union organisation comprising 36 regional unions, 30 federal and national trade unions, and 4 associated organisations. The CL - *Podkrepa* has about 150,000 member workers and employees.

The CL - *Podkrepa* is a member of the European Trade Union Confederation (ETUC) and the International Confederation of Free Trade Unions (ICFTU).

The Confederation and its regional unions and professional organisations participate in all structures of the tripartite dialogue at national, regional and branch level.

The OSH-related issues are coordinated by the *Working Conditions, Labour Employment and Ecology* Confederative Department, headed by the Confederative secretary.

Within the structure of the CL - *Podkrepa* there is a special unit dealing with the trade union education, namely the *Trade Union Development* Confederative Department. The main task of the above mentioned department is to accomplish the Confederation’s education policy. The basic functions of the *Trade Union Development* Confederative Department are to organise and carry out the training of its members and the trade union leaders from all levels, to elaborate programmes, training materials and facilities, to coordinate and control the training process etc.

The Department consists of a Confederative Secretary, 2 experts and 20 instructors. Ten of the trainers carry out training throughout the country and the other ten are allocated to decentralised trade union education departments and carry out seminars only within certain departments.
The education provided by the CL – *Podkrepa* relating to OSH and labour and social security legislation, comprises of the following topics:

- labour code;
- collective bargaining;
- collective labour disputes settlement;
- occupational health and safety, ecology;
- international labour standards and workers’ rights;
- social security in Bulgaria.

### 4.2. Participation at national, sectoral and enterprise levels

#### 4.2.1. Participation in the National Council on Working Conditions

The legal framework for the functions, tasks and organisation of activities of the National Council on Working Conditions (NCWC) is described in Section 3.5, National Advisory Bodies on OSH of this document.

The national representative organisations of the employers and national representative organisations of the workers and employees participate efficiently in the work of the NCWC. The positions of the representatives of the social partners in this advisory body, specified by the OSHA, are all occupied. The NCWO performs its activity in strict compliance with the administrative provisions.

#### 4.2.2. Bipartite committees

Bulgarian legislation does not prescribe bipartite forms of association of the organisations of the workers and the organisations of the employers. Therefore, there are no mechanisms for participation of such bipartite organisations in national, regional and sectoral advisory bodies.

#### 4.2.3. Participation at enterprise level

In accordance with the OSHA regulations, the employers are obliged to consult the workers and employees or their representatives and organisations during the discussion and adoption of measures, relating to the workers and employees’ OSH. The consultations are carried out in the Committees on Working Conditions, including equal number of representatives of the employer and the workers and employees. The employer (or his/her representative) is Chairman of the CWC and a representative of the workers and employees is Deputy Chairman.

The workers’ OSH representatives are elected at a general meeting (meeting of the representatives) of the workers and employees under the terms of the LC. The management of
the trade union organisation in the enterprise (if there is such) has the right to summon on its own initiative a general meeting (meeting of the representatives).

Subject to the OSHA, the Committees and Groups on Working Conditions:

1. discuss on a quarterly basis the overall activity on OSH provision and propose measures for its improvement;

2. discuss the results of the occupational risk assessment and the analysis of the workers’ health condition, the reports of the Occupational Health Services and other OSH provision and preservation issues;

3. discuss the scheduled changes in technology, work organisation and workplaces and propose OSH providing solutions;

4. inspect the observance of OSH requirements;

5. monitor the state of work-related traumatism and occupational diseases;

6. participate in the development of programmes for the workers’ information and training on OSH problems.

The members of the CWC/GWC are given mandatory training under programmes, terms and requirements, specified by an Ordinance of the Minister of Labour and Social Policy and the Minister of Health. The cost of the training is borne by the employer.

The representatives of the workers and employees in the CWC/GWC have the right:

1. to have access to the available information on working conditions, the analyses of work-related traumatism and occupational diseases, and the conclusions and prescriptions of the control authorities;

2. to require of the employer to undertake the necessary measures and to make proposals for hazards’ elimination or temporary reduction of OSH risk;

3. to address the control authorities, I they determine that the measures undertaken by the employer are not sufficient to ensure the workers’ OSH;

4. to participate in the inspections, performed by the control authorities.

The employers provide the representatives of the workers and employees with the necessary conditions and means for implementing their rights and functions, as well as the relevant education and qualification, which is carried out during the working hours, this not affecting their working remuneration.

The representatives of the workers in the CWC/GWC cannot be placed in disadvantaged position as of result of their actions towards OSH provision.
4.3 OSH in collective bargaining

The collective bargaining agreement (CBA) regulates the issues of the workers’ labour and social security (including OSH) relations, which are not regulated by imperative legislative provisions.

The collective bargaining agreements are signed at enterprise, branch, sectoral or municipal level. Only one collective bargaining agreement can be signed at enterprise, branch or sectoral level.

The collective bargaining agreement at the enterprise is signed between the employer and the trade union organisation. The draft collective bargaining agreement is elaborated and presented by the trade union organisation. In the cases when there is more than one trade union organisation in the enterprise, they shall present a common draft agreement. In the cases when the trade union organisations are not able to present a common draft agreement, the employer signs a contract with the trade union organisation, whose draft agreement was adopted by the general meeting (meeting of the representatives) with a majority of more than half of its members.

The collective bargaining agreement at sectoral or branch level is signed between the relevant representative organisations of the workers and employees and organisations of the employers based on the agreement of their national organisations, in which the general conditions, regarding the scope and procedural framework of the sectoral and branch agreements, are specified. On agreement of the parties, the collective bargaining agreement at sectoral or branch level can include one or more activities of the nomenclature of the National Classification of Economic Activities. The representative organisations of the workers and employees elaborate and present to the organisations of the employers a common draft agreement. When the collective bargaining agreement at sectoral or branch level is signed by all the representative organisations of the workers and employees and the organisations of the employers from the relevant sector or branch, upon their joint request, the Minister of Labour and Social Policy can order for the agreement or some of its clauses be applied in all sectoral or branch enterprises.

The collective bargaining agreement is entered in a special register at the Regional Labour Inspection Directorate to which the head office of the employer pertains. The collective bargaining agreements of sectoral and national significance are entered at the General Labour Inspection Executive Agency.

In 2005, the RLI Directorates registered 1,377 CBAs and 329 annexes to them. In the same year, the GLIEA registered 21 national and sectoral CBAs and 17 annexes to them.
### 4.4 Summary

#### 4.4.1. Summary of individual employer responsibilities

<table>
<thead>
<tr>
<th>Does the employer have the responsibility to:</th>
<th>provided for in law? (yes/no)</th>
<th>generally taken up in practice? (yes/no/sometimes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- establish an OSH policy?</td>
<td>yes</td>
<td>sometimes</td>
</tr>
<tr>
<td>- implement preventive and protective measures?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- provide safe machinery and equipment?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- use non-hazardous substances?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- assess risks and monitor them?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- report work-related accidents and diseases to the competent authority?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- ensure health surveillance of workers?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- inform workers on hazards and the means of protection?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- consult with worker representatives on OSH?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- educate and train workers?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- establish joint OSH committees?</td>
<td>yes</td>
<td>yes</td>
</tr>
</tbody>
</table>

#### 4.4.2. Summary of workers' rights and duties

<table>
<thead>
<tr>
<th>Does the worker have the:</th>
<th>provided for in law? (yes/no)</th>
<th>generally taken up in practice? (yes/no/sometimes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- duty to work safely and not endanger others?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- right to compensation for hazardous work (e.g. hazard pay, reduced working time, earlier retirement, free foods and drink to combat the effects of exposure to hazards)?</td>
<td>yes²⁰</td>
<td>yes</td>
</tr>
<tr>
<td>- right to be kept informed about workplace hazards?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- right to be provided with personal protective equipment and clothing?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- right to incur no personal costs for OSH training, personal protective equipment, etc?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- duty to make proper use of personal protective equipment?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- right to select worker OSH representatives?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- right to remove themselves from danger in case of imminent and serious risk to health?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- duty to report to the supervisor any situation presenting a threat to safety?</td>
<td>yes</td>
<td>yes</td>
</tr>
</tbody>
</table>

---

²⁰ Free food and supplements to it are provided subject to Ordinance No.11 of 21.12 2005 only to workers and employees, who work in enterprise with specific characteristics and labour organisation — under the ground, under the water, at extreme temperature etc. As of 06.01.2006 Ordinance No.8 of 1987 on free preventive food for workers, engaged in productions with harmful health consequences, is cancelled
4.4.3. Summary of worker OSH representatives' rights and responsibilities

<table>
<thead>
<tr>
<th>Do worker OSH representatives have the right to:</th>
<th>provided for in law? (yes/no)</th>
<th>generally taken up in practice? (yes/no/sometimes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- inspect the workplace for potential hazards?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- investigate the causes of accidents?</td>
<td>yes</td>
<td>sometimes</td>
</tr>
<tr>
<td>- investigate complaints by workers relating to OSH or welfare?</td>
<td>yes</td>
<td>sometimes</td>
</tr>
<tr>
<td>- participate in risk assessments and access to information concerning risk assessments?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- call in the authorities responsible for OSH inspections?</td>
<td>yes</td>
<td>sometimes</td>
</tr>
<tr>
<td>- participate in/submit observations to inspectors during inspection visits to the work site?</td>
<td>yes</td>
<td>sometimes</td>
</tr>
<tr>
<td>- information given by inspection agencies responsible for OSH?</td>
<td>yes</td>
<td>sometimes</td>
</tr>
<tr>
<td>- access to the list of accidents and diseases and reports of these in the enterprise?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- access to records the employer is obliged to keep?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- receive information and consultation by the employer in advance concerning measures which can substantially affect OSH?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- consultation in advance concerning the designation of workers or hiring of external services or persons with special responsibility for OSH?</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>- submit proposals to the employer with a view to mitigating risks and/or removing sources of danger?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- appropriate training during working time?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- facilities and time off with no loss of pay to be able to carry out their duties as OSH representatives?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- attend meetings of the OSH committee?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- access to outside experts(^{21})?</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>- stop dangerous work on behalf of workers?</td>
<td>no</td>
<td>no</td>
</tr>
</tbody>
</table>

4.5 Situational analysis and recommendations

The principles of tripartite collaboration are laid down by the Labour Code. The coordination, consultations and cooperation during the development and implementation OSH policy at national, sectoral and regional level are carried out in accordance with the provisions of the OSHA.

The organisations of employers and the organisations of workers and employees participate in the dialogue on OSH at all levels (the trade unions are included in the dialogue at the enterprise level, where there are established trade union structures in the enterprise). Based on the analysis of the social partners’ activity, some conclusion on the strengths and weaknesses of their participation in the OSH dialogue can be made, as well as some recommendations.

\(^{21}\) Prevailing access to OHSs.
**Strengths**

1. The participation of the social partners in the dialogue on OSH problems is well regulated by the legislative framework in the field.

2. The good cooperation at national level in the National Council on Working Conditions is transposed on the regional structures of the partners in the dialogue.

3. During the implementation of projects of common interest, joint events are organised: trainings, seminars, conferences. Some of the projects are managed on a tripartite principle.

4. The *Working Conditions* Fund funds the social partners’ OSH-related activities of national significance within its possibilities.

**Weaknesses**

1. The trade unions face serious problems in training and qualifying their members. Sufficient capacity to provide competent assistance on the issues of labour and social security relations and OSH at the regional level is lacking.

**Recommendations**

1. To fund OSH training, additional funding should be searched, including through the channels of international trade union collaboration.
5. Regular and ongoing activities related to OSH

5.1 Promotional OSH programmes and activities

In the framework of the tripartite cooperation, the state and the social partners conduct an active OSH-related awareness-raising campaign among the public. The NCWC funds information campaigns on various occasions through the Working Conditions Fund. During the last four years, the country participated, through the National Focal Point on Safety and Health at Work, in the annual WSH initiatives of the European Agency on OSHW, based in Bilbao, Spain: Dangerous Substances. Handle with Care (2003), Building in Safety (2004), Stop That Noise (2005), Safe Start (2006). In relation to the EU Week on Safety, organized every year in October, the information materials disseminated by the Agency were translated in Bulgarian language and printed in wide circulation. The materials were also published on the web-site of the National Focal Point on Safety and Health at Work in the Internet.

The state institutions, trade unions and organisations of the employers celebrate annually in an appropriate manner the World Day for Safety and Health at Work, organised by the ILO. The information materials in relation with the topic announced by the ILO in advance are printed in wide circulation.

On 28th April every year, the trade unions organise national meetings and thematic conferences, relating to the International Commemoration Day for Dead and Injured Workers. During the last eight years the CITUB has been organising campaigns for protection of the fundamental rights at work.

The General Labour Inspection Executive Agency organises national and regional information and inspection campaigns on the occasion of the international initiatives. The improvement of the working conditions in the construction sector aiming to preserve the workers’ life and health is a priority task of the Agency and the social partners from the construction sector. In 2005, the General Labour Inspection Executive Agency, the Bulgarian Chamber of Construction, and the Federation of Building, Industry and Water Supply – Podkrepa signed the Charter for Partnership on Occupational Labour in the Construction Sector. In 2005, a national inspection campaign entitled Control on the Implementation of the New Effective European Requirements for OSH Provision During the Performance of Construction and Assembly Works was conducted, and in 2006 – the national campaign entitled Providing Labour Safety and Accomplishment of Employment Relationships During the Performance of Construction and Assembly Works. Prior to the beginning of the campaigns, a large awareness raising action among the companies in the sector with the financial support of the Working Conditions Fund was launched and a brochure on safe work with asbestos (2006) was printed and disseminated. The analysis of the campaign’s results was published on the web-site of the GLIEA in the Internet.

The Ministry of Labour and Social Policy and Ministry of Health undertake concrete steps to stimulate the employers to develop and apply occupational safety and health management systems at work (OSHMS). In 2003, with the participation of the National Centre for Public Health Protection, the Guidelines on Occupational Safety and Health Management Systems ILO-OSH 2001 were translated into Bulgarian language and disseminated. The full text of the Guidelines is published on the web-site of the NCPHP in the Internet.
Willing to improve the efficiency of the Management systems and competitiveness of the products offered on the market, the business is introducing OSHMS at an increasing rate. As of 01.01.2007, 62 companies have certified their OSHMS accordance to the requirements of the OHSAS 18001 specification. In the next couple of years, the number of certified integrated management systems, including quality management (after ISO 9001), environment management (after ISO 14001) and OSH management (OHSAS 18001) is expected to mark a rapid increase.

5.2 International capacity building, technical cooperation activities directly related to OSH

After 1996 and during the process of Bulgaria’s preparation to access the EU, the country received substantial financial support under the PHARE Programme for capacity building and institutional strengthening of the public institutions in the OSH field. The system of the labour inspection received special attention.

During the period 1996–1997, in the framework of Project BG 9312, Labour Market and Social Policy, the Occupational Health and Safety component was developed, which was directed towards the OSH legislation reform, the updating of labour inspection services in relation with the application of the EU New Approach Directives and the application of Information Technologies in the inspection’s service and the inspectors’ activities.

As a result of the implementation of the BG/IB/OT/01 Project, Twinning Project Occupational Safety and Health (1999–2001), a selection of EU Directives on occupational safety and health at workplace were introduced, training for the managerial team of the GLIEA in the context of the OSHMS in the European Union was carried out, the inspection capacity of the GLIEA with respect to production risk assessment and hazard management was improved, and assistance to the system for tripartite collaboration on OSH was provided. Laboratory equipment to measure the working environment factors and computer equipment for the labour inspection service were delivered under the project.

In 1999, a project for technical cooperation, Training for Integrated Labour Inspection Service, funded by the International Labour Organisation, Geneva, was initiated. The main objectives of the project were: (a) strengthening of the structure and capacity of the GLI, in view of effective applying of integrated control on the observance of labour legislation; (b) building up, in agreement with the social partners, of a system for GLI personnel training and development, as a result of the new strategy for integrated control and tripartite dialogue at national, regional and sectoral level; and (c) strengthening of the structures and capacity of the GLI training and qualification centre to make it capable of analysing the training needs, to elaborate training curricula and to conduct training on its own. The project is managed by a Tripartite Steering Committee, in which the organisations of the social partners are represented at the highest level. The principles of the methodology applied for training of the labour inspectors underlie the Internet-based Integrated Labour Inspection Training System, elaborated under the ILO Programme on Safety and Health at Work and the Environment.

In 2003, the Ministry of Foreign Affairs of Denmark funded the project Occupational Safety and Health in the Construction Sector, directed towards the institutional strengthening of the GLIEA. Expert and advisory assistance for development of an ordinance introducing Directive

22 Database of the Club 9000 Association.
92/57/EEC on Provisional and Mobile Construction Sites was provided for the purpose of specifying key measures, required for the ordinance’s application and development of a model for economic assessment of the employer’s expenses in relation with the ordinance’s application.

Currently, the General Labour Inspection Executive Agency implements a project for technical assistance: BG2003/004–937.05.01, Implementation of the Pre-Accession Commitments of the Republic of Bulgaria in the Field of OSH funded by the EU PHARE Programme. The project aims to strengthen the institutional capacity of the GLIEA and to build an effective monitoring system of OSH on a national scale. The developed monitoring model will operate based on incoming data for the working conditions in the enterprises. In the beginning, the model will be applied in the enterprises from the chemical sector. The project also includes a component entitled Grant Scheme for Free Funding of Enterprises, Operating in a Specific High-Risk Sector.

The organisations of employers perform their international activity in collaboration with related international organisations. Since 1993, an International Organisations and Programmes Centre is operating within the BIA, aimed to plan, develop, and implement international projects funded by various sources.

In partnerships with international organisations and institutions, the Centre organises various types of information forums, seminars and workshops, issues and disseminates information materials to inform Bulgarian business circles with the European requirements and practices in the field of contracting, development of SMEs, establishment of joint ventures, development of social dialogue, OSH provision etc. On the OSH-related issues, the BIA works in close collaboration with the Employer’s Section of the Subregional Office for Central and Eastern Europe of the International Labour Organisations, Budapest, and the International Training Centre of ILO, Turin.

In 2003, the BIA started a joint project for technical collaboration with the Subregional Office for Central and Eastern Europe International Labour Organisations, Budapest, entitled Developing an External OSH Service - Opportunities for Employers’ Organisations Concerning Occupational Safety and Health Issues. As a result of the implementation of the pilot project, in cooperation with PREVEMED, Belgium, an Occupational Health Service to the Industrial Association in Stara Zagora (BIA) was established. For the purpose of disseminating the BIA’s experience among the organisations of the employers in Bulgaria and abroad, the project results were published in both Bulgarian and English language. The publication included the presentations made during the numerous seminars under the project regarding European OSH legislation, identification of hazards and assessment of risk at work, the Belgium good practices in servicing the workers by external Occupational Health Services (based on PREVEMED’s activity), the BIA programme for training Bulgarian employers to provide OSH at regional and sectoral level, the experience of the Occupational Health Service established by the Industrial Association in Stara Zagora. During the project’s implementation, special attention was given to the establishment of OHSs by the organisations of the employers at sectoral level (in particular in the construction sector in Bulgaria).

The organisations of workers also carry out international activity within the framework of their subject matter. The project funded by Instituto Sindical de Cooperacion al Desarrollo (Trade

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Union Institute for Development Cooperation – ISCOD), Madrid, aims to strengthen the capacity of the Confederation of Independent Trade Unions in Bulgaria to support the inclusion of Bulgarian workers in the new accession processes of the European Union.

The CITUB participate in a series of projects funded under the Leonardo da Vinci Programme of the European Commission, PACE Projects, the Socrates/Grundtwig Programme etc.

5.3 **Situational analysis and recommendations**

In the years following the adoption of the OSHA and during the country’s preparation for accession to the EU, the capacity of the public institutions and the organisations of the social partners to transmit positive experience and good practices in their activities increased. This process affected positively the overall functioning of the tripartite cooperation among others. The analysis of the activity in this direction allows identify some strengths and weaknesses to make some recommendations.

**Strengths**

1. The public institutions and the social partners participate actively in the international campaigns relating to OSH issues and protection of workers’ rights.

2. After 1996, through the financial support under the PHARE Programme, the ILO and other European countries and institutions, technical assistance for updating of the OSH-related legislative framework and strengthening of the institutional capacity both of the executive power and the organisations of the social partners was provided.

3. The enterprises take an increasing initiative in introducing OSH management systems and certification of these systems.

**Weaknesses**

1. Lack of national register of the organisations auditing the development and introduction of OSH management systems, as well as of national register of the companies and organisations which have introduced such management systems in accordance with ILO-OHS 2001.

**Recommendations**

1. The involved public institutions and the organisations of the social partners should undertake joint measures to establish conditions for broader application of OSH management systems, including through development and adoption of National Framework on OSHMS, comprising the national policy and the national and specific guidelines.
6. **Occupational safety and health outcomes**

6.1 **Recording and notification of work-related accidents and diseases**

The terms and conditions for declaration, identification, investigation, recording and reporting of work-related accidents are regulated by an Ordinance, adopted by Decree No.263 of the Council of Ministers of 30.12.1999 (OG, issue 6/2000). In accordance with the Social Security Code, a work-related accident is every unexpected health injury that has occurred during and in relation with or on account of the performed work, as well as during every work performed in the enterprise’s interest, which has caused disablement or death. Commuting accidents, i.e. an accident experienced by the insured person on his/her common way to/from his/her workplace, are also qualified as work-related accidents.

The persons insured against work-related accidents and occupational diseases, are those persons, who are subject to mandatory social security for all insurance cases, specified by the SSC. The persons, excluded from the community of persons insured against occupational accidents and diseases in accordance with the SCC are those, registered as freelancers and/or practicing as craftsmen, the sole traders, the owners and partners in business companies and the registered agricultural producers and tobacco producers (Art. 4, para. 3, points 1, 2 and 4). The workers in the informal sector (as long as there is one) are also excluded from the community of persons insured against work-related accidents and occupational diseases.

In case of a work-related accident, the employer (insurer) is obliged to organise immediately investigation of the accident circumstances. Representatives of the workers and employees from the committees and groups on working conditions and the trade unions in the enterprises must be invited to be present during the investigation. When the accident circumstances provide grounds to suggest that the accident is a work-related one, the employer is obliged within 3 working days to file a declaration form with the territorial unit of the NSSI. The employer investigates and declares all work-related accidents that have occurred in the enterprise, regardless of the disability’s duration.

For each accident that has caused injury to more than 3 workers, as well as for each accident that caused disability or death or where there are grounds to expect that it will result in such injuries, the employers is obliged to inform immediately the territorial unit of the NSSI, the territorial administration of the General Labour Inspection Executive Agency and the other competent authorities. When the accident has caused disability or death, it is mandatory to inform the Prosecution Office.

Basing on the data from the declaration, an authorised NSSI officer decides whether a legal procedure for the accident’s investigation should be opened. The investigation of the accident is mandatory in all cases when there the data shows that the accident has caused injury to more than 3 workers, that the accident has caused disability or death, or where there are grounds to expect that the accident will have such outcome. In these cases, a legal procedure for the accident’s investigation is opened immediately, regardless of the fact whether a declaration has been filed or not, whereas the commission for the accident’s investigation includes: representatives of the General Labour Inspection Executive Agency, one representative of the employers, of the workers on the committee or group on working conditions, as well as of other competent authorities.
Based on the data from the investigation, an authorised NSSI officer issues a decision as to whether the accident qualifies for a work-related one or not. The National Social Security Institute establishes and maintains an information system on work-related accidents, including the data from the declarations for work-related accidents. The National Social Security Institute provides from time to time information on work-related accidents to the Ministry of Labour and Social Policy and the National Statistical Institute. The data on work-related traumatism is analysed to determine and target the OSH-related policy of the state and the social partners and the priorities of inspection activity. This data is public and is available on the Internet.

The procedure for notification, recording, confirmation, appealing and reporting of occupational diseases is described in detail in Section 3.6, Work-related Accidents and Occupational Disease Insurance (Workers' Compensation) Schemes of the present document.

The national register of occupational diseases at the NCPHP contains information about the occupational diseases and the insured workers suffering from occupational diseases throughout the country during the period from 1975 to 2005. The register and the information system were elaborated in accordance with Decree No.79/2001 of the Council of Ministers and Decree No.99/2005 of the Council of Ministers and operate based on a statistical system, harmonised with the EUROSTAT requirements. The classifications of the statistical system for occupational diseases are a starting-off point for the professionals working in the field of occupational and social health and occupational diseases.

Based on operative data, provided to the GLIEA by the National Register of Occupational Diseases, in 2005, a total of 937 persons suffering from occupational diseases were recorded in the country. Of them, 783 were re-examined and 154 were newly recorded. The greatest number of recorded persons suffering from occupational diseases were involved in the following economic activities: Metal Ore Extraction – 92 (9.8 %); Transport – 82 (8.8 %); Production of Clothes – 79 (8.4 %); Production of Textile and Textile Products, Excluding Clothes” – 72 (7.7 %); Production and Casting of Metals – 66 (7 %); Production of Non-Metal Materials and Stuff – 58 (6.2 %); Production of metal products, Excluding Machinery and Equipment” – 49 (5.2 % ), Production of Coal and Peat – 44 (4.7%); Construction Works – 43 (4.6 %).

The diagnostic structural distribution of the recorded occupational diseases for 2005 is the same. The leading groups of occupational diseases are: vegetative polyneuropatic and other diseases of the peripheral neural system, and diseases of the locomotory system, with 251 and 212 cases, accordingly, i.e. 49 % of all diseases recorded throughout the period; diseases of the respiratory system (including pneumoconiosis, complications) – 206 cases (22 %); vibration disease - 162 cases (17.3 %); neuritis of the acoustic nerve – 63 cases (6.7 %).

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24 Source: Annual report of the GLIEA, 2005
6.2 Statistics relating to work-related accidents and occupational diseases

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Value</th>
<th>Unit e.g.: per 100,000 employed or % or per million hours worked</th>
<th>Year</th>
<th>Trend (increasing/decreasing/stable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fatal accidents</td>
<td>87</td>
<td>number</td>
<td>2005</td>
<td>steady</td>
</tr>
<tr>
<td>Injury at work (resulting in more than 3 days absence)</td>
<td>3538</td>
<td>number</td>
<td>2005</td>
<td>decreasing</td>
</tr>
<tr>
<td>Compensated workplace accidents</td>
<td>3538</td>
<td>number</td>
<td>2005</td>
<td>decreasing</td>
</tr>
<tr>
<td>Commuting accidents</td>
<td>629</td>
<td>number</td>
<td>2005</td>
<td>steady</td>
</tr>
<tr>
<td>Serious work accidents causing disability of over 30 days</td>
<td>17</td>
<td>number</td>
<td>2005</td>
<td>decreasing</td>
</tr>
<tr>
<td>Notified occupational diseases (total)25</td>
<td>154</td>
<td>number</td>
<td>2005</td>
<td>increasing</td>
</tr>
<tr>
<td>Compensated occupational diseases26</td>
<td>937</td>
<td>number</td>
<td>2005</td>
<td>increasing</td>
</tr>
<tr>
<td>Repetitive strain injuries</td>
<td>n/a</td>
<td>number</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noise-induced hearing loss</td>
<td>63</td>
<td>number</td>
<td>2005</td>
<td>steady</td>
</tr>
<tr>
<td>Respiratory diseases</td>
<td>206</td>
<td>number</td>
<td>2005</td>
<td>steady</td>
</tr>
<tr>
<td>Skin diseases</td>
<td>n/a</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6.3 Indicators of working conditions

The participants in the tripartite seminar for discussion of the draft report on National OSH Profile (held on 16.02.2006) were invited to give an expert assessment of the OSH indicators shown on Table 6.3 below. The opinion was shared that such an assessment would be too subjective and inaccurate, therefore, it was recommended taking the data to be included in the National Profile from an European Foundation’s survey report on improvement of living and working conditions entitled Working Conditions in the Accessing and Candidate States, published in 2003 (ISBN 92-897-0224-9).

The survey was conducted during the period 2001–2002 in the 12 EU candidate states. About 600 Bulgarian enterprises were covered, the share of the respondents being 67%, which is sufficient for the results’ representativeness.

The results of the survey show that nearly half of the employed persons (47%) work in conditions of painful or tiring working positions. Other unfavourable physical factors relating to working conditions are: high noise level (with legal limit of 85dB) - 38% of the responding men and 30% of the responding women; lifting and carrying of heavy loads (41/33% accordingly), vibrations (30/18%), exposure to high temperatures (32/25%), breathing of dangerous vapours, fume, dust and etc. (31/21%), exposure to low temperatures (26/20%), handling and touching of dangerous substances or products (17/11%), exposure to radiation (7/5%). The general conclusion is that women are less exposed to unfavourable factors of the working environment.

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25 Recognised and recorded occupational diseases
26 Re-examined and newly recorded
In relation with work organisation, 57% of the respondents report that their activity presumes the need of working at high speed and to tight deadlines (57%). Approximately 15% report that they are working under stress.

The new survey carried out in 2005 after the Foundation’s methodology provides comparative analysis of the working conditions’ indicators to those in 2001. The results of the survey indicate that some of the working conditions’ indicators have improved (e.g. exposure to higher or lower temperatures). In spite of the increased exposure to some unfavourable factors of the working environment (e.g. lifting and carrying of heavy loads – up to 61%, multiple manual/humeral movements – up to 54%), “three fourths of the responding workers declare that they are satisfied with their work”.

Based on the data for the working conditions’ indicators, presented in the report, as well as on the conclusions made as a result of the inspection activity of the General Labour Inspection, the following priority areas for future regulatory activities of the competent authorities and awareness-raising information campaigns for the workers and the public, can be outlined: decrease of noise level and decrease of exposure to noise above legal limit; decrease of the activities, relating to manual lifting and transportation of heavy loads; decrease of the emission of production dust, fume, and etc.; decrease of exposure to vibrations; decrease of the activities, relating to exhausting and multiple humeral movements.

Based on the data published in the cited reports, an expert assessment for the distribution and gravity of workers’ exposure to dangerous factors of the working environment was made which is presented on the table below:

<table>
<thead>
<tr>
<th>Indicator</th>
<th>widespread serious problem</th>
<th>serious problem for some workers</th>
<th>moderate problem</th>
<th>minor problem</th>
<th>not a problem</th>
</tr>
</thead>
<tbody>
<tr>
<td>exposure to noise above legal limit <em>(please indicate legal limit)</em></td>
<td></td>
<td>yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>exposure to vibration</td>
<td></td>
<td>yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>exposure to radiation (ionising)</td>
<td></td>
<td></td>
<td>yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>exposure to high temperatures</td>
<td></td>
<td>yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>exposure to low temperatures</td>
<td></td>
<td>yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>breathing in dangerous vapours, fumes, dusts, infectious materials</td>
<td></td>
<td>yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>handling or touching dangerous substances or products</td>
<td></td>
<td>yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>exposure to asbestos</td>
<td></td>
<td>yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>exposure to pesticides</td>
<td></td>
<td>yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>inadequate lighting</td>
<td></td>
<td></td>
<td>yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>regular exposure to solar radiation (e.g. in construction work)</td>
<td></td>
<td></td>
<td></td>
<td>yes</td>
<td></td>
</tr>
<tr>
<td>painful or tiring positions</td>
<td></td>
<td>yes</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

27 Gladicheva Rumiana, Quality of Life and Working Conditions Survey, Bulgaria (Survey Report), 2005
28 Own assessment, which does not bind the public institutions and the organisations of the social partners
13 For activities relating to the breathing of dangerous vapours of infection materials, no data is available.
<table>
<thead>
<tr>
<th>Activity</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>lifting or carrying heavy loads</td>
<td></td>
</tr>
<tr>
<td>repetitive hand/arm movements</td>
<td>yes</td>
</tr>
<tr>
<td>non-adjustable workstations (e.g. work bench, desk, chairs, etc.)</td>
<td></td>
</tr>
<tr>
<td>working at high speed</td>
<td>yes</td>
</tr>
<tr>
<td>working to tight deadlines</td>
<td>yes</td>
</tr>
<tr>
<td>stressful work</td>
<td></td>
</tr>
<tr>
<td>changing work organisation</td>
<td></td>
</tr>
<tr>
<td>working time</td>
<td></td>
</tr>
</tbody>
</table>

6.4 Situational analysis and recommendations

The recording and observation of work-related accidents and occupational diseases, is a subject of serious amendments in the legislative framework after the adoption of the OSHA, aimed to create conditions for improving the organisation of the activity related to the cases’ identification and reporting and creating an information basis for analysis and assignment of priorities in the institutions’ preventive activity. Based on the contents of this section, some strengths and weaknesses may be formulated and some recommendations can be expressed.

Strengths

1. Legislative and organisational prerequisites for introduction of management principles in the activities relating to identification, recording and reporting of occupational diseases.

Weaknesses

1. There are still some cases of unannounced and unrecorded work-related accidents, which prevent investigation and elimination of the reasons that have caused them. In the experts’ opinion, a great part of the unannounced work-related accidents occur with workers, employed in the informal sector.

2. The coordination and exchange of information between the TEMC and the RLI Directorates is insufficient. The RLI Directorates do not receive updated information on occupational diseases and cannot aim their control towards eliminating the causes of the diagnosed occupational diseases.

3. The issues relating to the funding sources and the organisation of medical treatment for the persons, affected by work-related accidents, are not radically resolved.

Recommendations

1. A more effective exchange of information between MoH and GLIEA structures on the state of occupational diseases should be provided.

2. The option of including the GLIEA representatives in the commissions investigating occupational diseases should be discussed.
7. Basic information about the country

The Republic of Bulgaria is a country in South-East Europe. It is situated in the eastern part of the Balkan Peninsula and occupies 22% of its area. It borders the Black Sea to the east, Greece and Turkey to the south, Serbia and the Republic of Macedonia to the west, and Romania to the north, mostly along the Danube. In accordance with the Constitution of 1991, Bulgaria is a country with Parliamentary governance. The Republic of Bulgaria is member of the European Union as of 1 January 2007.

The territory of Bulgaria amounts to 111 thousands sq. km. The country’s population is 7,718,750 people (2005), out of which 5,416.6 thousand people (70.2%) live in the urban areas, and 2,302.2 thousand people (29.8%) live in the rural areas. The capital of the Republic of Bulgaria is the City of Sofia, with population of 1,246,800 people (2006).

The average age of the population of the country in 2005 was 41.2 years, 39.5 years in the urban areas and 45.2 years in the rural areas. The average life expectancy of the population for the period 2003-2005 was 72.55 years.

According to the census of 2001, 83.9% of the country’s population is of Bulgarian origin, the two largest ethnic groups being the Turks (9.4%) and the gypsies (6.7%). The remaining 2% comprise Armenians, Russians, Romanians, Ukrainians, Greeks and Jews. The official language in the Republic of Bulgaria is Bulgarian, which is spoken by 84.8% of the population. The main part of the Bulgarians profess the Eastern Orthodox faith (83.9%), while 12.1% profess the Islamic faith, 1.7% are Roman Catholics, and 0.8% profess Judaism; the rest 1.6% self-recognise themselves as Protestants or belonging to some other faith.

The administrative division of the country is organised in two stages - into municipalities and regions. The municipalities are the administrative units, where mainly the local self-governance takes place. Their number is 264.

Since 1999, the Republic of Bulgaria is divided into 28 regions, all of them being named after their capital regional city, whereas the Metropolis, Sofia, forms a separate region.

7.1 Demographic data

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Value</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total population (million)</td>
<td>7.761</td>
<td></td>
</tr>
<tr>
<td>• men (million)</td>
<td>3.768</td>
<td></td>
</tr>
<tr>
<td>• women (million)</td>
<td>3.993</td>
<td></td>
</tr>
<tr>
<td>Labour force (million)</td>
<td>3.322</td>
<td></td>
</tr>
<tr>
<td>Employed (million)</td>
<td>2.922</td>
<td></td>
</tr>
<tr>
<td>• men (million)</td>
<td>1.551</td>
<td></td>
</tr>
<tr>
<td>• women (million)</td>
<td>1.371</td>
<td></td>
</tr>
<tr>
<td>• young workers ≤ 18 years old (%)</td>
<td>5.902</td>
<td>2005</td>
</tr>
<tr>
<td>• in agriculture, forestry, fishing (%)</td>
<td>3.3</td>
<td></td>
</tr>
</tbody>
</table>

30 Including self-employed persons
31 Number of certificates issued by the GLIEA for 2005
32 Here are listed also the other groups of economic activities – employed on labour or civil contract
- in primary production (%) 1.4
- in manufacturing (%) 28.2
- in construction and energy (%) 7.9
- in services 30.5

Active in the informal economy (estimated %) 22.6
Unemployed (thousand) 399.8
Unemployment (%) 12

### 7.2 Economic data

For 2004

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Value</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross National Product (GNP) per capita (USD)</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Gross Domestic Product (GDP) per capita (purchasing power parity in USD)</td>
<td>3,131</td>
<td></td>
</tr>
<tr>
<td>GDP produced by agriculture (%)</td>
<td>10.8</td>
<td></td>
</tr>
<tr>
<td>GDP produced by industry and construction (%)</td>
<td>29.9</td>
<td></td>
</tr>
<tr>
<td>GDP produced by services (%)</td>
<td>59.3</td>
<td></td>
</tr>
<tr>
<td>Number of operating enterprises</td>
<td>234,900</td>
<td>2005</td>
</tr>
<tr>
<td>Number of SMEs (less than 50 employees)</td>
<td>4,403</td>
<td></td>
</tr>
</tbody>
</table>

### 7.3 Health statistics

For 2004

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Value</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Life expectancy (years) at birth</td>
<td>72.6</td>
<td>2003-2005</td>
</tr>
<tr>
<td>men</td>
<td>69</td>
<td>2003-2005</td>
</tr>
<tr>
<td>women</td>
<td>76.3</td>
<td>2003-2005</td>
</tr>
<tr>
<td>Infant mortality rate per 1,000 live births</td>
<td>11.6</td>
<td></td>
</tr>
<tr>
<td>Standardised death rate (SDR), cardiovascular diseases, 0-64 years/100,000</td>
<td>968.1</td>
<td>2005</td>
</tr>
<tr>
<td>SDR, respiratory diseases, 0-64 years/100,000</td>
<td>57.7</td>
<td>2005</td>
</tr>
<tr>
<td>SDR, cancer, 0-64 years/100,000</td>
<td>231.7</td>
<td>2005</td>
</tr>
<tr>
<td>SDR, external causes of injury and poisoning, 0-64 years/100,000</td>
<td>50.8</td>
<td>2005</td>
</tr>
<tr>
<td>Total health expenses (% of GDP)</td>
<td>4.2</td>
<td></td>
</tr>
<tr>
<td>Physicians per 1,000 population</td>
<td>3.53</td>
<td></td>
</tr>
<tr>
<td>Dentists per 1,000 population</td>
<td>0.84</td>
<td></td>
</tr>
<tr>
<td>Nurses per 1,000 population</td>
<td>3.83</td>
<td></td>
</tr>
</tbody>
</table>

33 *Opinion of the Economic and Social Council on Informal Economy and Measures to Combat it, Sofia, 30.11.2006*
34 This macroeconomic indicator is not included in the National Accounting System of the Republic of Bulgaria
35 Source: NSSI (average annual bank currency rate – BGN 1,575111 for USD 1)
36 Source – Annual report of the GLIEA for 2005
37 Source – Company Database of EAPSME (comprising Bulgarian SMEs in the production and service sector)
38 New formations
39 Salchev Petko, Deputy-Minister of Health, Report - *New Challenges in the Health Reform*