



Republic of Bulgaria
ECONOMIC
AND SOCIAL COUNCIL

OPINION

on

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND
SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS
AN INITIATIVE TO SUPPORT WORK-LIFE BALANCE FOR
WORKING PARENTS AND CARERS COM/2017/0252 final**

(own-initiative resolution)

Sofia, 2019

The Economic and Social Council (ESC) included in its Action Plan the elaboration of an opinion on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Initiative to support work-life balance for working parents and carers, COM/2017/252 final.

The opinion was distributed to the Standing Commission on Labour, Income, Living Standards and Industrial Relations and the Social Policy Commission.

For rapporteurs on the opinion were appointed Ekaterina Ribarova - member of ESC Group 2 - Trade unions and Romyana Georgieva - member of ESC Group 1 - Employers.

At its plenary session held on 5 March 2019, ESC discussed and adopted this opinion.

1. FINDINGS AND CONCLUSIONS

1.1. The Economic and Social Council (ESC) believes that work-life balance policies are essential for the economy, including the fight against the effects of an ageing population and labour shortages. They should not be restricted to women's rights alone, but the protection of the rights of men and of gender equality as a whole is also necessary.

1.2. ESC endorses the Opinion of the European Economic and Social Committee (EESC) of 6 December 2017¹ to help reconcile work and private life with parents and carers and supports action to increase their labour market participation.

1.3. ESC supports the European Commission's (EC)² initiative to prepare a new Workplace Equality Directive³ to propose policies, legislative measures and practical actions to modernize the existing framework aiming to help achieve a better balance between professional and private life of men and women and improving equal treatment in the use of leave and flexible working schemes for the care of children and other members of their families.

1.4. ESC supports the inclusion of legislative initiatives laying down minimum requirements for Member States on leave and flexible care schemes in order to encourage women's participation in the labour market and to strengthen the role of the father as an equal parent in family.

1.5. ESC agrees that policy coordination with the issues of working time and work organization needs to be coordinated in the process of modernizing the European Union's (EU) regulatory framework. Flexible working conditions should be equally accessible to both genders, paying attention to the role of men as fathers and those who need to look after their dependent relatives.

1.6. ESC supports the package of measures proposed by the EC for achieving balance directed to three interrelated areas:

- 1) family-related leave arrangements: paternity leave and parental leave; flexible working conditions;
- 2) childcare and long-term care;
- 3) economic incentives to encourage the inclusion of parents and carers in employment.

1.7. ESC believes that EU's idea of eliminating the dissuasive economic factors, in particular the tax reliefs and mechanisms affecting the one affected by the pay gap in a pair of parents (which is usually the woman) - should be given careful consideration and should be subjected to public consultation in order to promote work-life balance. Tax mechanisms and incentives should be designed in such a way as to prevent the social protection system from regressing in the transition from parental leave to work.

1.8. ESC notes that the proposals in the new draft Directive are adequate and largely correspond to the parental leave arrangements in Bulgarian legislation. In order to encourage more active inclusion of parents with children and carers, especially women, in the labour market, they need to be complemented in order to achieve better gender equality. The adoption of a new legal instrument should not serve governments as a reason to limit the more favourable legal regulations that have been already achieved.

¹ www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/work-life-balance-working-parents-and-caregivers

² <http://ec.europa.eu/transparency/regdoc/rep/1/2017/BG/COM-2017-252-F1-BG-MAIN-PART-1.PDF>

³ Proposal for a Directive of the European Parliament and of the Council on a Directive on work-life balance for parents and carers and repealing Council Directive 2010/18 / EU [COM (2017) 253 final - 2017/0085 (COD)]

1.9. ESC considers that work-life balance continues to be a challenge for many parents and carers and this phenomenon affects negatively employment, especially among women. The lower participation of women and carers in the labour market has a negative impact on their social and pension rights, which in some cases leads to an increased risk of poverty and social exclusion.

1.10. ESC considers it important to have the option of paid paternity leave and have individual rights for parental leave and flexible forms of employment. Measures to support small and medium-sized enterprises (SMEs) should also be explored and proposed as these enterprises may experience organizational and financial difficulties due to increasing the scope of rights. Issues that may arise in connection with the application of these provisions should be resolved between the social partners in accordance with labour law, collective bargaining agreements (CBA) and/or established company practice.

1.11. ESC finds that implementing EC's proposals will lead to costs for businesses, but believes that long-term benefits will go beyond short-term cost increases, especially for SMEs. The positive economic impact of company policies can be estimated using the cost-benefit method⁴. ESC appreciates good practices that show the benefits to employers of introducing measures to meet the needs of care workers, especially when these practices lead to an increase in value added for companies.

1.12. ESC emphasizes the need to formulate corporate policies and measures to address the personal and family problems of employees, based on assessing their economic effects. Applying such an approach could help to balance the interests of the parties as well as to prove the real financial benefits.

1.13. ESC supports the continuation of the current and future work of the Ministry of Labour and Social Policy (MLSP) and the Employment Agency (EA), co-financed by the European Social Fund through the Human Resources Development Operational Program (HRD OP) 2014-2020, to help parents with children up to 5 years of age to better reconcile professional and private life.

1.14. ESC welcomes the EC's plans: to strengthen guidance and monitoring of the delivery of childcare services and disadvantaged adult care services in the Member States throughout the European Semester; to promote the exchange of best practices; to improve data collection at the EU level; to revise the existing education and training objective for 2020; to develop an individual approach with Member States to encourage the use of different sources of funds.

2. RECOMMENDATIONS AND SPECIFIC PROPOSALS

2.1. ESC will urge the EC to develop comprehensive and proactive European policies for the care sector, including lifelong learning, by prioritizing improving the quality and accessibility to early childhood education and care for dependent family members. The benchmarks and monitoring processes for childcare and long-term care should aim at strengthening coordination and increasing the convergence of national systems. The European Union must provide and channel financial resources to help Member States develop their universal childcare systems and long-term care based on solidarity.

⁴ "Cost-Benefit Study of the Implementation of Measures for Reconciliation of Family and Working Life", CITUB (2012) and ESC Opinion "Opportunities for reconciliation of work and family life".

2.2. ESC considers that the new Directive⁵ should apply not only to workers who work under employment contract or other employment relationships (incl. part-time workers, fixed-term workers, workers recruited by temporary employment agencies) but also for civil servants; for workers through other specific forms of employment such as domestic workers and others. The full application of the provisions of the Directive is necessary in all companies, irrespective of their size.

2.3. ESC recommends new amendments to the current provisions in the Bulgarian legislation and adding new ones as follows:

2.3.1. ESC proposes to carefully discuss with the social partners the agreement reached between the European Parliament and the Council to increase the age of the children for which one can obtain parental leave to at least eight years of age, taking into account the findings of an EC study⁶, that differences in working time between the sexes are largely related to childcare responsibilities up to a certain age.

2.3.2. ESC proposes that Bulgarian legislation should maintain the duration of parental leave of 6 months for each of the parents, while the part of parental leave that can be transferred between the parents should be no more than 2 months. This will limit the possibility for mothers to be burdened with the obligation to raise the child.

2.3.3. ESC believes that the transposition of the new Directive after its possible adoption in the proposed form, which also requires compensation for part of the parental leave, will necessitate changes in the Bulgarian legislation that comply with EU minimum standards. ESC proposes to consider the possibility of paying the compensation for a period of 4 months.

2.3.4. With regard to leave with the purpose of caring for ill or dependent family members, ESC proposes to maintain the current legislation norm of leave of at least 10 working days with entitlement to compensation within 1 year, while discussing and proposing a legislative definition of the eligible family/household members, the care of which entitles them to additional paid leave, flexible working hours, etc.

2.3.5. ESC recommends that a new provision should be created to complement the current regime with variable working hours. This provision should create the possibility of introducing variable working hours at the request of a worker or employee when this is necessary for personal or family reasons, taking into account the workload of the other workers and the particularities of the technology and the organization of production⁷. The mechanism for implementing this practice should be governed by the Collective Bargaining Agreement (CBA) and internal rules for the organization of working time and leave.

2.3.6. ESC believes that it is a good practice that the internal rules on the organization of working time and leave and the CBA should give to workers with specific family responsibilities the option to choose to work mainly on a given shift and/or to temporarily change it in order to be able to respond emerging urgent family needs.

2.3.7. ESC considers that workers exercising their right to leave for personal/family reasons and/or flexible working arrangements should be protected against any form of discrimination or less favourable treatment on grounds of this behaviour. At the same time, mechanisms

⁵ Proposal for a Directive of the European Parliament and of the Council on a Directive on work-life balance for parents and carers and repealing Council Directive 2010/18 / EU [COM (2017) 253 final - 2017/0085 (COD)].

⁶ European Working Conditions Survey 2015 - Work-life balance and flexible working arrangements in the European Union (EWCS) <https://www.eurofound.europa.eu/publications/customised-report/2017/work-life-balance-and-flexible-working-arrangements-in-the-european-union>.

⁷ Opinion of ESC "Opportunities for reconciliation of work and family life".

should be sought to ensure that the right to leave or flexible working arrangements will not harm the interests of other workers and employers.

2.4. ESC believes it is important to increase employers' motivation to implement reconciliation policies by improving the promotion of the idea of family support as an aspect of corporate social responsibility and as a mechanism for encouraging work motivation and labour productivity.

2.5. ESC supports the promotion of actions for the establishment and deployment of in-house information systems to monitor the real needs of employees with children and carers for dependent family/household members⁸ to provide reliable information when making decisions by the managing authorities of the enterprises and the social partners in the framework of the negotiation process of the CBA and beyond.

2.6. ESC recommends that employers should be encouraged not to obstruct the ability of employees with family responsibilities to receive urgent calls or messages from family/households members during working hours to be able to contact their relatives in urgent situations of personal/family nature.

2.7. ESC recommends encouraging employers to organize transport for their employees, including stops with nearby childcare facilities - nurseries, kindergartens, long-term care facilities.

2.8. ESC recommends introducing tax incentives for employers who make targeted social investments⁹ aimed at building social infrastructures in enterprises and settlements as well as employers who provide social packages of measures to fund specific social services.

2.9. ESC encourages the introduction of certification by industry employers' organizations or those working in the field of corporate social responsibility and/or human resources¹⁰. This could improve the authority of employers' organizations, and companies can improve their employer and corporate brand, which in the long run allows for better profits.

2.10. ESC supports the idea of employing, where possible, an employee on a new position as "Consultant for the reconciliation of private and professional life", according to the conditions in the particular enterprises.

2.11. ESC supports the idea of developing and signing between the social partners voluntary documents such as: charters for minimum standards for work-life balance; on-going audit schemes to assess companies' progress in achieving a balance between private and professional life and outlining possible improvements; rules for awarding annually best performers with special awards, etc.

2.12. ESC considers that the future Directive should explicitly guarantee the right of the autonomous social partners to negotiate and conclude collective agreements on work-life balance in accordance with national law and practice. Collective bargaining can be one of the best instruments to ensure a balanced transposition of the directive at the national level.

2.13. ESC proposes that the government, local authorities and social partners initiate the establishment of an adequately organised long-term care system and structures. Important issues to consider include the efficiency and equity, the risks associated with long-term care in social protection systems, as well as the monitoring instruments within the European Semester.

⁸ Ibid.

⁹ Opinion of ESC "Opportunities for reconciliation of work and family life".

¹⁰ Friendly family enterprise, English FFE.

2.14. ESC proposes to the government to organize a public debate on the level of needs and opportunities for introducing insurance risk for long-term care. Depending on prevailing attitudes, different options for financing this risk may be offered.

2.15. ESC recommends that local authorities discuss with the social partners and take measures to optimize the work of social infrastructure¹¹ by synchronizing the organization of working time and introducing flexible working hours for the different enterprises and institutions. Opportunities must also be created to accelerate the construction of new and additional social infrastructure.

2.16. ESC proposes that the social partners and other civil society organizations, together with the government and local authorities, should discuss the possibility and offer benchmarks and monitoring processes for childcare and long-term care for those who need them to be used to enhance coordination and to increase the convergence of national systems.

2.17. ESC considers that the social partners should be able to seek and propose additional practical measures and solutions to optimize the work-life balance that are tailored to the specific needs of businesses and sectors. Social partners should be more active in their actions to improve gender equality and equal treatment in the labour market through education, adult education, awareness-raising and information campaigns.

3. INTRODUCTION

3.1. Over the last decades, in the traditions of the European social model and the EU's social policies, the problems of personal/family and work life balance have attracted the interest of various institutions and social communities. Policies and mechanisms for their implementation are seen as real opportunities for the functioning of a inclusive labour market. The objectives of these policies also include: minimizing poverty and social exclusion; raising the quality and standard of living; maintaining the professional qualification in conditions of dynamic technological modernization; assisting the full realization of the people in their two main social roles - family and work activity.

3.1.1. In the context of European concepts and policies, tackling this problem is also based on other pan-European goals such as: equal participation of women and men in work and private life; mobilizing the full potential of the workforce to achieve the EU target of 75% employment of the working population between 20 and 65; tackling the shortage of skilled workers in some Member States¹²; reducing the impact of the demographic crisis and improving the demographic structure of the population in the EU Member States.

3.2. The reconciliation of professional, private and family life is recognized in European policies as a basic right of citizens. A number of initiatives have been undertaken, both at the European and the national level, but further progress must be achieved. It is important to include a lifecycle approach in policies on this issue to ensure that everyone receives support at different times in their lives and can actively participate in the labour market and society.

3.3. It is necessary to modernize the framework ensuring and balancing work-life balance at EU level for several main reasons: demographic change, which implies growing care needs; the emergence of new ways and forms of work; the still high level of youth unemployment; the impact of maternity on the employment of women; insufficiently developed system of

¹¹ Opinion of ESC "Opportunities for reconciliation of work and family life".

¹² According to a study by the Employment and Social Affairs Committee of the European Parliament, "Labour Market Deficits in the EU", qualitative discrepancies between supply and demand for workers and professionals are registered in Belgium, Greece, Cyprus, Ireland, Spain, Italy, Lithuania, France and the Netherlands.

adequate substitute care for children up to 3 years of age as well as between 3 and 7 years of age in some Member States.

3.4. Significant progress has been made in the EU in promoting gender equality through a series of directives, policy programmes and funding instruments¹³. The EU legal framework on family leave and flexible working patterns was established in the 1990s and is constantly updated, with the latest Parental Leave Directive adopted in 2010¹⁴. Also important are the recommendations issued in the context of the European Semester¹⁵, EU funding and policy guidance¹⁶.

3.5. In many EU countries women are still under-represented in the labour market. Economic losses due to the employment gap between the sexes amount to 370 billion euros per year¹⁷. In Europe women with higher education are more than men and have a higher qualification, but many leave the labour market because of their responsibilities as a parent or carer¹⁸. The workforce in the EU is decreasing and the demographic curve shows continuing challenges. The effect of women's lower participation in the labour market is also the continuing gender pay gap of 16.3% on average for the EU (in some Member States it is even up to 28% and the increasing gender gap in the amount of pensions 40% on average for the EU. This often leads to social exclusion and increased risk of poverty.

3.6. On 17 November 2017 the European Parliament, the Council and the European Commission formally endorsed the European Pillar of Social Rights Pillar (EPSR), which also includes an initiative to help parents and carers. The aim of the initiative is to address the under-representation of women in the labour market and to outline a number of new or improved minimum standards for parental leave, paternity and leave for carers.

3.7. A follow-up to this is also the Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 20 November 2017, which contains an Initiative to Promote the Work-Life Balance of Parents and Carers. The Communication also contains a proposal for a new Directive on work-life balance for parents and carers. The European Commission presents a package of legislative and practical measures to modernize the existing EU legal framework and policies in order to help achieve a better work-life balance and a more equal use of leave and flexible working arrangements. The new policies lead to strengthening the social dimension of the EU as one of the main results of the European Pillar of Social Rights¹⁹. The initiative is also part of the implementation of the EC's Gender Equality Strategy for the period 2016-2019 and of UN Objective 5 for Sustainable Development in the Field of Gender Equality. Opinions and experiences on policy for gender equality were exchanged during the discussion.

3.8. ESC has repeatedly stated its positions, views and proposals in seeking solutions and developing nationally responsible policies to achieve a better work-life balance. Since 2008 in its analyses, opinions and resolutions ESC has initiated concrete proposals for reconciling

¹³ Directives 2006/54/EC, 2014/124/EC, 79/7/EEC, 2004/113/EC; 92/85/EEC; 2010/18/EU.

¹⁴ Directive 2010/18/EU (OJ L 68, 18.3.2010); Directive 2006/54/EC (OJ L 204, 26.7.2006), Directive 92/85/EEC (OJ L 348, 28.11.1992), Directive 97/81/EC (OJ L 14, 20.1.1998). The Maternity Leave Directive (Directive 92/85/EEC) was adopted in 1992 and has not changed since then. Adopted for the first time in 1996 The Parental Leave Directive has been revised and improved in 2010.

¹⁵ For more information cf. https://ec.europa.eu/info/strategy/european-semester_bg.

¹⁶ Already in 1992 The Council issued a Recommendation on childcare (92/241/EEC, OJ L 123, 8.5.1992).

¹⁷ Eurofound (2016), "The Gender Employment Gap: Challenges and Solutions".

¹⁸ In 2014 42.3% of women (aged 30-34) had higher education or higher than 33.6% of men.

¹⁹ https://ec.europa.eu/commission/sites/beta-political/files/gender-equality-work-life-balance_en.pdf

professional and family commitments²⁰. In 2012 the focus is again on this, taking into account the benefits and costs of introducing measures to better combine work and family life²¹. ESC believes that the issue is becoming increasingly important as work-life balance issues are already generating economic losses from the lower performance of women in the labour market. These issues affect not only public social funds but also corporate security and stability.

3.9. ESC recognizes that Bulgarian legislation has a serious impact on the European norms for the promotion of equality between women and men. Over the past years, significant progress has been made in Bulgaria, with a number of legislative changes and funding instruments being adopted to promote gender equality. All initiatives are in the context of the common drive to modernize the European social model and achieve the objectives of the Europe 2020 Strategy. Achievements are visible but serious challenges still remain.

3.10. In recent years, women's employment in Bulgaria has been steadily increasing, but women are still less represented in the labour market than men. Women are more likely to be on leave, more likely to receive less paid work, part-time work, or to leave work due to under-utilized mechanisms for reconciliation of work and private/family life. All this is a serious barrier to the realization of women in employment.

3.11. The unequal participation of women in the labour market is closely linked to the unequal distribution of responsibilities for childcare and dependent family members. This is due to the lack of adequate, accessible and good quality childcare services, older family members and people with disabilities. This indicates the need for further action to ensure equality between women and men in all areas of life, and for ensuring balance between work and private life.

4. THE CURRENT SITUATION OF THE LABOUR MARKET IN BULGARIA AND THE NEW CHALLENGES: ECONOMIC, SOCIAL AND TECHNOLOGICAL

4.1. THE CURRENT SITUATION OF THE LABOUR MARKET IN BULGARIA

4.1.1. ESC observes the upward trend of the employment rate in Bulgaria in both men and women²². The employment gap between men and women on average for EU Member States is 11.5%, while for Bulgaria it shrinks to 8% in 2017, after in 2008 it was 10.7%. The average employment rates of the 20-64 age group for the EU-28 are: 72.2% overall, for men 78.0% and for women 66.5%. In Bulgaria, the employment rate in 2017 reaches 71.3% overall, for men 75.3% and for women 67.3%.

4.1.2. Despite the growing participation of women in the labour market, their professional realisation is still a challenge for the economy. The main reason for this is the unequal distribution of responsibilities for care between women and men in the family. This difference increases significantly when families have children²³. In 2017 in Bulgaria, the employment rate of women with one child under the age of 6 reaches 59.6% and is 9.2% lower than that of women who do not have small children. Conversely, parenting has a positive effect on male

²⁰ "National Report on Strategies for Social Protection and Social Inclusion 2008 - 2010"; "Corporate Social Responsibility - Some Approaches and Good Practices" - Analysis; "Implementation of the ILO conventions and recommendations in Bulgaria" - Analysis; "Family, Good Parenting and Gender Equality" - Opinion; "Social Security and Social Protection" - Opinion.

²¹ Opinion of ESC "Opportunities for reconciliation of work and family life".

²² https://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=t2020_10&plugin=1

²³ Employment rate of adults by sex, age groups, educational attainment level, number of children and age of youngest child (%) [lfst_heredch], Eurostat.

employment, which is 14% higher than that of men who have no children, with an EU average of 16.7%.

4.1.3. ESC highlights the problem of the growing share of women in Bulgaria who are willing to work but remain outside the labour market and are not looking for work due to personal and family reasons. In 2017 for these reasons 10,300 women have remained unemployed, accounting for 11.5% of the total number of women who are willing to work but remain outside the labour market (89,800), while in 2016 they amount to 9%²⁴. The economic loss due to women's lack of employment for family and personal reasons amounts to about € 151 million (GDP per employee of € 14,800)²⁵. Adding about 218 thousand women who are not willing to work for personal and family reasons, the economic loss for the country has increased considerably.

4.1.4. ESC acknowledges the policies and actions of state and municipal institutions trying to coordinate the work of social institutions to meet the needs of working parents. The coverage of children in nurseries (up to 3 years) has steadily increased over the years and in 2017 it was 16.6% (of all children - in 2010 it was 13.1%)²⁶. The coverage of children aged 3 to 6 in kindergartens is also increasing - in 2017/2018 it was 78.4%. (in 2000/2001 it was 66.8%)²⁷.

4.1.5. ESC believes that, despite the upward trend, progress is not enough to achieve the Lisbon Strategy targets of 90% children aged above 3 years of age in educational institutions and 33% for children under the age of 3 in nurseries. The use of private organizations and individuals for such services is most often impossible to afford for a large part of Bulgarians, as prices are usually very high, incl. the prices offered by the self-employed in the informal economy. This forces some parents to undertake the day care of their children themselves.

4.1.6. ESC recognizes the alarming situation with the dissatisfaction of the institutions for the care of the elderly. The capacity of this kind of social institutions is too limited to meet the needs of the recipients of their services and the accommodation procedure is slow and cumbersome. Private institutions are also expensive and too few, with self-employed often also working in the informal economy. Survey data in 2010²⁸ show that 59.8% of the persons caring for an adult are employed, 8.5% are unemployed, and 31.7% are persons outside the workforce. Of those outside the work force 25.3% would work if there were appropriate care services for the sick and the elderly. The main obstacle to starting work for 41.7% of the unemployed for such reasons is the high price of the services offered, for 22.6% it is the lack of establishments or other services, for 9.6% it is the unsatisfactory quality of the services offered, while 26% indicate a different reason.

4.1.7. In 2017 women who enjoy short-term benefits for the care of a sick or dependent family member are significantly more than men. Of the total number of people who use paid leave for the reason of "Caring for an ill family member" 90.4% are women. Compared to 2013 there is an increase of this type of leave by 8.4%. This is a consequence of the fact that women traditionally care for ill children and dependent family members.

4.1.8. With the introduction of paternity leave, working men are allowed to spend some time around the birth of their children and to assist the mother. In 2017 21 390 fathers used this kind of paid leave (under Art. 50 para. 6 of Social Security Code). Compared to 2013 there is an

²⁴ NSI, Labour Market.

²⁵ According to NSI data and own calculations.

²⁶ According to NSI - <http://www.nsi.bg>

²⁷ Ibid.

²⁸ NSI. Labour Force Survey from an additional module on "Working together with family life", 2010. <http://www.nsi.bg>

increase of this type of leave by 37%²⁹. At the same time, men using short-term childcare allowance make up an almost negligible share - only 1.3%³⁰. The latter is due both to the traditional stereotypes about the role of the father and to the fact that the difference between the average wage of men and the amount of childcare compensation is greater than the difference between the average wage of women and the amount of childcare compensation for children between 1 and 2 years of age.

4.1.9. ESC is still aware of the insufficient commitment of part of the business community to implement flexible employment in the context of its social role. In Bulgaria, flexible forms of employment that are socially oriented are less widespread than the EU average. In Bulgaria, the percentage of part-time workers in both sexes is the lowest. Women in part-time work in Bulgaria account for about 2.2% of all employed women³¹, while the EU average is 31.9%³². This difference compared to the EU average is also due to the significant differences in payment and income levels. In a large part of the EU and EFTA countries, women living in a marriage or civil partnership with their partner can afford to work part time (especially if the spouse or partner is working full time). In Bulgaria, long-term part-time employment of women under the same conditions does not provide sufficient income for the family.

4.1.10. The flexible forms of employment, work organization and working time used as effective organizational solutions do not currently have a beneficial effect on balancing family and professional life³³. Flexible employment is mainly based on employer's interest and production needs. The cases and examples of effective implementation of flexible employment and solving personal and family problems are single and this is more often a matter of informal employer attitude and behaviour than of an established company policy.

4.1.11. ESC notes that the fear of applying marital-status discrimination in recruitment, during employment as well as in redundancy procedures has not yet been overcome among employees. Part of the women³⁴ in fertile age (30-39 years of age) hide or refrain from sharing in the workplace and especially when applying for work their intentions to have a child - 14.7%. This is most pronounced in women with lower education - average and lower - they are 72% of all women who have declared that they will hide their intentions. The remaining 28% in this group are women with higher education, incl. with master and scientific degrees.

4.1.12. ESC shares the findings that the effects of labour market inequalities lead to differences in rates of payment between the sexes and later in the pensions. When austerity policies are imposed, women generally bear the heaviest burden through unpaid care for relatives and through the disproportionate impact on their income and opportunities. With current trends, the gender pay gap of 23% worldwide will not be reduced by 2069³⁵. One of the main challenges for women in the workplace is the unequal pay³⁶. In all regions, countries and sectors, women are paid less than men. In the G20 and OECD countries, average monthly earnings for women are on average 17% lower than men, and in other countries the situation is not better.

²⁹ According to NSSI, <http://www.noi.bg>

³⁰ Ibid.

³¹ www.nsi.bg/The_life_of_women_and_men_in_Europe_2017/bloc-2b.html?lang=en

³² Eurostat data.

³³ "Cost-Benefit Study of the Implementation of Measures for Reconciliation of Family and Working Life, CITUB (2012).

³⁴ Final Report from the Study on Equality and Discrimination, Assoc. Prof. Dr. Rumyana Stoilova, Institute for the Study of Societies and Knowledge, MLSP, CPD, cf. data from the National Representative Study "Progress towards Equality: National, Effective and Innovative Practices for Prevention and Combating Discrimination".

³⁵ Report of the International Trade Union Confederation (ITUC): The Future of Labour, 2018.

³⁶ "Towards a Better Future for Women and Labour: the Voices of Women and Men", ILO-Gallupl 2017.

4.1.13. In Bulgaria the gender pay gap is 14.4% (comparatively lower than the EU-28 average of 16.2%). This difference is mainly due to the strong presence of women in lower paid sectors, as well as to their lesser participation in management positions - 37.4% of managers are women. At the beginning of the working career³⁷, up to the age of 35, the gender pay gap is relatively small - 12%, but at a later stage in the 36-50 age group the gap becomes 21%. Women's professional development and income growth are more often hampered by family commitments and care for dependent family members.

4.1.14. ESC takes into account the results achieved in reducing the gender gaps in employment and rate of payment, largely due to an increase in the level of total employment in recent years, to the shortage of workers due to the decline in the working age population in Bulgaria, and a certain increase in wages in low-paid sectors, where women predominate.

4.2. THE NEW CHALLENGES TO THE LABOUR MARKET

4.2.1. ESC expresses its concern that in the coming decades the share of the active population is expected to decline significantly in most European countries. Demographic ageing could lead to significant redistribution of labour and other resources in the sectors and professions. Securing the labour market with adequate human resources in such conditions requires additional reserves³⁸.

4.2.2. ESC shares the view that, with the advancement of digitisation of labour, measures should be taken to involve women in forms of enhancing education and training, as well as measures against discrimination and reconciliation of work and private/family life. There is a clear gap between the sexes in the IT sector in the EU, with women accounting for only about a quarter of jobs. This difference worsens when "old" jobs are replaced by new ones that have higher technological content. Among those looking for a new job, women's chances of finding such a job are only 20% compared to those of men³⁹.

4.2.3. ESC notes that digital demand and higher skills are growing in a wide range of sectors⁴⁰, but only about 17% of nearly 8 million ICT professionals are women. The number of women completing ICT courses has declined over the last decade⁴¹.

4.2.4. Women's entry into the ICT sector is an opportunity to overcome gender stereotypes, according to which the ICT sector has until recently been rated as a "reserved area" for men. There is a consistency in the programme of the Estonian, Bulgarian and Austrian Presidencies, whose priorities take into account the impact of digitization and the development of information and communication technologies on gender equality and the labour market. The impact of digitization is also included in the priorities of the Romanian presidency of the EU.

4.2.5. ESC welcomes Bulgaria's progress in achieving the highest levels of employment of women in ICT and the choice of the topic "Women in the Digital World", which was given priority during the Bulgarian Presidency of the Council of the EU. According to Eurostat, Bulgaria ranks first in the EU in the share of women employed in the ICT sector - 27.7%, with

³⁷ „ZeroGPG - Gender e-quality: Innovative tool and awareness raising on GPG”, co-financed by the European Commission – DG Justice – Grant agreement JUST/2013/PROG/AG/4862/GE and, 2015-2016.

³⁸ The Council - Conclusions of the International Conference on "The Future of Labour: a Life-Cycle Approach", 21 June 2018.

³⁹ ITUC: Building the Future of Labour.

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https://www.mlsp.government.bg/ckfinder/userfiles/files/politiki/ravni%20vyzmojnosti/publikacii/SUMMARY_EIGE_research%20note_ENG.pdf

⁴¹ EIGE, 2017c

an average rate for the EU of 16.1%, this trend has been observed since 2014 so far⁴². The growing participation of women in this predominantly "male" and well-paid sector is an opportunity for their better professional realization and career development.

4.2.6. Women in the ICT sector receive higher wages than female workers in other sectors. In Bulgaria in the period 2015-2017 wages in the ICT sector have increased by more than 30% and the average wage in the sector is 3 times higher than the average wage in other economic sectors. Employees in the sector also have better workplace flexibility, allowing them a better work-life balance.

4.2.7. A survey by the European Institute for Gender Equality⁴³ on the Family Profile of ICT Employees shows that 42% of women and 41% of men in ICT have children under the age of 18, which is a similar trend with other sectors⁴⁴. However, only 53% of female ICT professionals aged between 30 and 39 have children compared to 68% of women in healthcare and 66% of women in other sectors. In the age group 18-35 years 17% of women ICT professionals have no children. Only 9% of women ICT professionals in all groups have children under 7 years of age.

4.2.8. ESC notes that part-time work may be an option for work-life balance at certain times. In the ICT sector 19% of women and 5% of men work part-time, compared with 31% of women and 8% of men in other sectors and professions. Child care and other family or personal reasons are among the most frequently cited reasons why women work part time in the ICT sector. Of all the women working part-time in ICT 64% do so because they have to care for children or adults with disabilities, 47% - because they have other family responsibilities, 17% - for other personal reasons.

4.2.9. ICT professionals have greater daily flexibility and autonomy in working hours than healthcare professionals or employees in other sectors. Much more ICT professionals (39% of women and 38% of men) compared to other professions are able to organize themselves to spend one or two hours at work on personal or family matters. Only a third of ICT professionals have standard working hours.

4.2.10. The workplace and the flexibility options are also important. In the EU 9% of women and 12% of men in the ICT industries work daily at home or at a distance, 4% of women and 10% of men work at home several times a week and 14% of women and 19% of men - less often. About 19% of women ICT professionals constantly or regularly deal with work problems even when they are not working. The latter is a testimony to the fact that flexible schedules alone are not enough to improve reconciliation of work and private life. Both greater autonomy and better distribution of work tasks, appropriate working and recreation regimes, stress prevention at work, etc. are needed.

4.2.11. ESC welcomes initiatives and opportunities for work-life balance in the ICT sector that help employers to retain and hire workers by improving their motivation and productivity, reducing job absenteeism and avoiding talent wastage.

⁴² „Women and men in ICT: A chance for better work-life balance“, EIGE, 2017.

⁴³ EIGE ("European Institute for Gender Equality").

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https://www.mlsp.government.bg/ckfinder/userfiles/files/politiki/ravni%20vyzmojnosti/publikacii/SUMMARY_EIGE

5. POLICIES, LEGISLATION AND PRACTICES IN EU MEMBER STATES - COMPARISONS

5.1. THE EXPERIENCE OF BULGARIA

5.1.1. ESC recognizes that Bulgarian legislation has a widely developed system of norms for achieving better working conditions and opportunities for work-life balance⁴⁵. Political decisions have been adopted and a number of steps have been taken to harmonize Bulgarian legislation with EU requirements, some of which aim to promote the principle of gender equality.

5.1.2. The Constitution of the Republic of Bulgaria lays down a special status and protection of the mother, family and motherhood⁴⁶, as well as equal treatment of men and women in terms of employment, qualifications and working conditions. The set of norms that guarantees the observance of these rights is contained in the Protection against Discrimination Act, the Labour Code, the Employment Promotion Act, the Gender Equality Act, the National Strategy for Promoting Gender Equality (2009-2015), etc.

5.1.3. ESC observes that Bulgaria is one of the countries with a high level of leave due to pregnancy and childbirth, as well as for raising a child up to the age of 2, which can also be used by the father or one of their parents if they work under full-time employment contract. If this leave is interrupted and is not used by any of the parents⁴⁷, there is also the possibility of additional compensation, which motivates the mother to return to work faster. ESC also takes note of Bulgaria's progress in paternity leave for childbirth - 15 days from the date of discharging the child from the medical establishment⁴⁸.

5.1.4. In line with the current Parental Leave Directive 2010 the legislation provides for the possibility of unpaid parental leave up to the age of 8, whereby each parent, if working under a full-time employment contract, can use unpaid leave for a period of 6 months. Each parent can use up to 5 months of the other parent's leave with his consent⁴⁹.

5.1.5. According to the provisions of the Social Security Code, there also the possibility for paid leave for caring for an ill member of the family up to 10 days per calendar year.

5.1.6. In Bulgaria, legislation provides for flexible forms of employment as well as flexible forms of working time: working at home and working from a distance, part-time, variable-time working hours, where the employer's organization of work permits this.

5.1.7. ESC notes the fact that some of the policies implemented on the labour market through the National Employment Action Plan and a number of programmes, measures and schemes under the Operational Programme Development of Human Resources, 2014-2020, are aimed at improving synergies between work and private/family life. As a result of these policies, for the period 2006-2016 there is a decrease in the number of persons who have left work for personal and family reasons by 18%⁵⁰. However, this trend is not sustainable, because the latest data of the National Statistical Institute show an increase of 8.3% compared to the previous

⁴⁵ See Appendix 1.

⁴⁶ See Ibid.

⁴⁷ Ibid.

⁴⁸ In this respect, Bulgaria is one of the 14 Member States that already offer paternity leave of 10 or more working days paid at least at the level of benefit for sick leave. See Appendix 3.

⁴⁹ Appendix 1.

⁵⁰ The "Estimation of the Effects of Active Labour Market Policy Effect, funded by the State Budget - 2017" [https://www.mlsp.government.bg/ckfinder/userfiles/files/politiki/zaetost/strategii %20isledslediq%20otchet / Final_Report.pdf /](https://www.mlsp.government.bg/ckfinder/userfiles/files/politiki/zaetost/strategii%20isledslediq%20otchet/Final_Report.pdf/)

year for those who left work for personal and family reasons. Most of them are unemployed and about 60% are women⁵¹.

5.1.8. The social partners also develop their own initiatives to promote gender equality and the reconciliation of work and private life. The "Development of a National Competence Assessment System - MyCompetence"⁵² under Operational Programme "Human Resources Development" is a good example of how carers for children or dependent family members can get back faster and more adequately on the labour market, acquiring new or additional knowledge, skills and competencies⁵³.

5.1.9. ESC takes into account the security provided by the legislation of the employees with children and family commitments and the policies and measures implemented by the Employment Agency. However, there are still many unresolved problems in achieving a rational balance between work and family/private life. Improvement and further development of policies and measures to achieve greater satisfaction on both sides are needed.

5.2. THE EXPERIENCE OF OTHER MEMBER STATES AND COMPARISONS WITH BULGARIA

5.2.1. Over the last decades, in the European social model and social policies of the EU, reconciliation of personal/family and work commitments has already become a priority not only for state institutions but also for businesses and social communities. Policies and good practices are being used in a number of countries to balance professional and personal/family life and to encourage women's participation in the labour market.

5.2.2. Data from the 2015 European Working Conditions Survey show that in all Member States⁵⁴ women still have the primary responsibility for taking care of children and dependent family members⁵⁵. The participation of men in care is different in individual countries, incl. EFTA countries⁵⁶. The best work-life balance has been achieved in Denmark, where responsibilities for the family are taken up equally by men and women. The rank countries such as Liechtenstein, Luxembourg, Slovenia, Finland, Sweden, where the difference in the engagement in couples caring for children or other family members at least several times a week differs between 1 and 4%, with women being more busy. The most unfavourable situation is in Greece, Cyprus, Malta, Poland and Romania, where the above difference ranges between 21 and 34%. In Bulgaria this indicator is 19% and our country occupies the 15th place in the EU.

5.2.3. Legislative provisions on leave, the arrangements and schemes for the use of leave vary widely between Member States. The differences relate to the length of parental leave, but also to whether or not the leave is paid and to what extent⁵⁷. Twenty-one EU Member States have legally defined paternity leave⁵⁸. In some, paternity leave is paid in full or in part⁵⁹. In 14

⁵¹ <http://www.nsi.bg/bg/content/>

⁵² <https://mycompetence.bg/>

⁵³ Project activities include competence assessment tools, e-learning modules on portable and specific competencies; using information to guide workers and jobseekers towards training for new skills and career development; see Appendix 2.

⁵⁴ EWCS Work-life balance and flexible working arrangements in European Union (EWCS) <https://www.eurofound.europa.eu/publications/customised-report/2017/work-life-balance-and-flexible-working-arrangements-in-the-european-union>

⁵⁵ Eurofound, 2016 c.

⁵⁶ European Free Trade Association (EFTA).

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

Member States, workers are entitled to at least 5 days per year paid at the salary level for dependent or sick family members over the age of 18, in others unpaid or partially paid leave is used, there is shorter leave or do not afford such benefit altogether⁶⁰.

5.2.4. In a number of Member States⁶¹, parents can request flexible working hours from their employers. Most Member States⁶² allow parents or all employees to reduce their working hours due to family responsibilities.

5.2.5. The right to flexibility in the workplace is a new opportunity to promote work-life balance. In Bulgaria mothers of children under six have the right to request work from home (at home or at a distance). According to the European Working Conditions Survey of 2015⁶³, in the EU-28 on average about 17% of the employees are engaged in a job that allows working outside of the workplace. For comparison, however, this indicator in Bulgaria is lower than the average - 13%.

6. EU GENERAL POLICIES AND APPROACHES

6.1. In recent years, the EU has taken a number of measures to tackle gender issues in the labour market and to promote work-life balance through legal provisions, the European Semester for policy co-ordination and financing.

6.2. The European Parliament has drafted a Report on the creation of labour market conditions conducive to the reconciliation of work and private life (2016)⁶⁴. This Report is a response to the Roadmap and Public Consultation published in 2015 under the title "New start to address the challenges of work-life balance faced by working families"⁶⁵. The aim of this EC initiative is to increase women's participation in the labour market by modernizing and adapting the current EU legal and policy framework in view of the current situation on the labour market. It is also expected to improve the ability of parents with children and/or relatives in need of care to better reconcile their personal/family and professional lives and to improve the sharing of care responsibilities between the two sexes.

6.3. The Commission has launched a two-stage consultation⁶⁶ with the European social partners to explore their views on the initiative, but the differences in opinions have been identified. European employers' organizations consider the current EU legal framework to be sufficient in terms of citizens and workers' rights, but European trade unions insist on a better legislative framework. The Commission has also launched a public consultation to find that 60% of respondents want a new EU work-life balance legislative framework.

6.4. On 26 April 2017 the European Commission published an "Initiative to help parents and carers"⁶⁷, which also includes a comment on the proposal for a new directive to support the

⁶⁰ Ibid.

⁶¹ See Appendix 3.

⁶² The exceptions are Cyprus, Estonia and Poland.

⁶³ Work-life balance and flexible working arrangements in the European Union (EWCS)

<https://www.eurofound.europa.eu/publications/customised-report/2017/work-life-balance-and-flexible-working-arrangements-in-the-european-union>

⁶⁴ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A8-2016-0253+0+DOC+XML+V0//BG>

⁶⁵ http://ec.europa.eu/smart-regulation/roadmaps/docs/2015_just_012_new_initiative_replacing_maternity_leave_directive_en.pdf

⁶⁶ See Ares (2015) 5003207 - from 11/11/2015 from Michel Servoz to the European social partners.

⁶⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: "Initiative to promote the work-life balance of parents and carers" COM (2017) 252 final.

work-life balance of parents and carers, and a number of proposals for policies and practical measures⁶⁸.

6.5. The aim of the new initiative is also to update the existing legal framework by using the draft Directive on work-life balance⁶⁹ to preserve existing rights and supplement them with improved and new rights for both women and men. The proposal does not prevent Member States from providing for higher standards where this is desirable. New measures are also proposed to improve the implementation of the Maternity Leave Directive, leaving aside the rights conferred by its provisions.

6.6. The EC proposed policies and practical measures to overcome the lack of adequate or appropriate care services or the elimination of economic factors that act as a deterrent to the resumption of work by second working family members or partnerships. It aims to assist Member States in conducting their national reforms and to promote a change of attitude at the organizational and the social level.

6.7. It is expected that the policies envisaged in the draft new Directive will also help to ensure a higher quality of life and security for other dependents, in particular the elderly and dependents with disabilities or long-term illnesses.

6.8. According to the Commission, the social dialogue, together with the involvement of national governments, regions, local authorities, social partners, individual businesses and employees, will be a key factor for the successful realisation and implementation of the future directive.

6.9. With the proposal for a new directive, the EC recognizes that the current legal framework at EU and Member State level contains limited provisions in relation to male participation in care responsibilities, on an equal basis with that of women. The absence in some Member States of legislation providing for paternity leave and/or leave to look after a sick relative or a relative in need of care. It also emphasizes the fact that in many Member States there are no paid leave schemes for fathers compared to the opportunities offered to mothers. This leads to a continuing disproportion in work-life balance provisions, which could enhance gender-specific work and gender-related differences in giving care.

6.10. The proposal states that the general objective of this Directive is to ensure the application of the principle of equality between men and women in terms of opportunities on the labour market and treatment in the workplace. The Directive is based on existing rights and reinforces them in certain cases or introduces new rights. It maintains the level of protection already provided for in the *acquis*. Specific objectives of the draft Directive are:

- improving access to work-life balance schemes such as holidays and flexible work patterns;
- increasing the use of leave for family reasons and flexible work patterns by men.

6.11. The proposal for a Directive is in line with the current EU provisions in this policy area, in particular EU directives and recommendations concerning the principles of equal treatment of self-employed men and women; equal treatment in employment and occupations; measures for the safety and health of pregnant women and mothers; part-time work, parental leave, childcare, etc⁷⁰.

⁶⁸ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2017-0010+0+DOC+XML+V0//BG>

⁶⁹ Proposal for a Directive of the European Parliament and of the Council on a Directive on work-life balance for parents and carers and repealing Council Directive 2010/18/EC, COM (2017) 253 final.

⁷⁰ Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and

6.12. At the same time, the existing 2010 Parental Leave Directive (adopted on the basis of an agreement of the European social partners) is proposed to be repealed and replaced by the provisions contained in the new Directive while preserving existing rights and obligations. The EC also indicated that it would propose legislative changes on its own initiative as the social partners could not reach agreement on the renegotiation of the existing framework agreement in order to introduce the necessary improvements to the parental leave scheme used so far.

6.13. The proposal also indicates the consistency of the initiatives proposed with other EU policies such as: policies to improve gender equality; to eliminate gender imbalances in employment; to improve employment and growth.

6.14. Proposals for measures that are preferred include:

- Maternity leave: policies and measures for more effective enforcement of existing legislation on protection against dismissal; raising awareness of the dismissal of pregnant women; guidelines to facilitate the successful transition between maternity leave and employment (including nursing and resting facilities).

- Paternity leave: introduction of an individual leave entitlement of 10 working days, payment of which must be at least equal to sick leave.

- Parental leave: Revision of the existing law in order to supplement and ensure: partial use of leave, interruption, etc.; 4-month leave that cannot be transferred between parents; 4-month compensation, which must be at least equal to sick leave; parental leave that can be used by children up to 12 years of age;

- Leave for carers: introduction of an individual right to leave of no less than 5 days per year, the payment of which is at least equal to sick leave.

- Right of absence due to force-majeure circumstances.

- Reserving the rights acquired prior to the use of the leave provided for in this Directive; prohibiting discrimination on the grounds mentioned (parents or carers); protection against dismissal.

- Measures for the reintegration of workers who are retired from long-term family-related leave.

- Flexible work schemes: the right for parents of children up to 12 years of age and caregivers to demand flexibility for working time or work for a certain period (part-time work, etc.) without the employer's obligation to provide the requested change.

repealing Council Directive 86/613/EEC (OJ L 180, 15.7.2010, p. 1); Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (OJ L 204, 26.7.2006, p. 23.); Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (10th individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (OJ L 348, . 11.1992, p. 1). Council Directive 97/81 / EC of 15 December 1997 on a framework agreement on part-time work concluded by the Union of Industrial and Employers' Confederations of Europe (UNICE), the CEEP and the ETUC (OJ L 14, 20.1. 1998, p. 9); Council Directive 2010/18 / EU of 8 March 2010 on the implementation of the revised framework agreement on parental leave concluded by BUSINESSSEUROPE, the European Association of Craft and Small and Medium-sized Enterprises (UEAPME), the European Centre for Enterprises with State (CEEP) and the European Trade Union Confederation (ETUC) and repealing Directive 96/34 / EC (OJ L 68, 18.3.2010, p. 13); Council Recommendation 92/241 / EEC of 31 March 1992 on childcare (OJ L 123, 8.5.1992, p. 16). Commission Recommendation 2013/112 / EU of 20 February 2013 "Investing in Children - Exiting the Vicious Circle of Disadvantage" (OJ L 59, 2.3.2013, p. 5-16).

6.15. The proposed Directive should apply to all workers who work under an employment contract or other employment relationship. As currently provided in clause 2 (3) of the Annex to Directive 2010/18/EU, this should include employment contracts or employment relationships relating to part-time workers, fixed-term workers or workers contract or an employment relationship with a temporary employment agency.

6.16. On 6 December 2017 The EESC adopted an opinion on the work-life balance of parents and carers⁷¹ in relation to the Initiative on Promoting Work-Life Balance for Parents and Carers and the Proposal for a Directive. It welcomes and supports the EC Initiative, stressing that the proposals should be further analysed in the context of the specific conditions in individual Member States and the specificity of the enterprises, incl. small and medium-sized enterprises. The EESC accepts that the implementation of the proposals will result in costs for Member States and businesses. However, the Committee's members are convinced that long-term benefits will outweigh the short-term increase in costs. In addition, considering the right direction of the proposed initiative, the EESC believes that its application should in future be subject to an impact assessment.

6.17. On 21 June 2018 The EU Council of Ministers agreed on its negotiating position (a common approach) on the Proposal for a Directive. On the basis of this mandate, the Presidency of the Council agrees to start negotiations with the European Parliament (EP) as soon as it adopts its position⁷². The main amendments proposed by the Council to the draft text of the Directive are as follows:

- Paternity leave: The right to use it only should concern the period around the birth of a child, it should focus on care and be clearly associated with this event.

- Parental leave: Adequate compensation should be determined for at least one month and a half of the minimum period non-transferable between the parents.

6.18. On 11 July 2018 the members of the EP's Employment and Social Affairs Committee support in principle⁷³ the draft resolution on the Proposal for a Directive. The EP report of 23 August 2018⁷⁴ and the proposal for a European Parliament legislative resolution on the proposal for a directive of the European Parliament and of the Council on the work-life balance of parents and carers and repealing Council Directive 2010/18 / EU (COM (2017) 0253 - C8-0137 / 2017 - 2017/0085 (COD)) (drafted by the Committee on Employment and Social Affairs and the Committee on Women's Rights and Gender Equality) supports and proposes amendments to some of the texts of the draft directive:

- Support is given to the introduction of a right to paternity leave of at least ten working days in the period around the birth of a child. The EP extends the right to paternity leave to the case of adopting a child.

- An individual right to parental leave is supported, creating the right conditions for a more balanced allocation of responsibilities - 4 months non-transferable leave to use before the child reaches 10 years of age.

⁷¹ "Balancing the working and private lives of working parents and carers". EESC opinion on the Proposal for a Directive of the European Parliament and of the Council on the balancing of professional and private life between parents and carers and repealing Directive 2010/18/EC, COM (2017) 253 final - 2017/0085 (COD)].

⁷² <http://www.consilium.europa.eu/bg/press/press-releases/2018/06/21/leave-and-flexible-work-for-parents-and-carers-council-agrees-general-approach-on-the-draft-directive-on-work-life-balance/>

⁷³ <http://www.europarl.europa.eu/news/en/press-room/20180710IPR07611/meps-back-measures-to-reconcile-career-and-private-life>

⁷⁴ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A8-2018-0270+0+DOC+XML+V0//BG>

- Supports paid leave for working carers - providing personal care to a person in serious medical condition or age-related disability.
- Right to compensation - it is proposed to be at least equal to 78% of the worker's gross remuneration in the case of parental leave and leave for care and up to 80% in the case of paternity leave.
- Adaptable work - in order for the rules to be implemented smoothly, ensuring that workers in micro-enterprises and small businesses can also fully benefit from these rights, it is proposed to introduce a reasonable period of notice indicating the planned start and end of the period of parental leave, in line with the restrictions on working conditions and planning faced by small businesses.
- It is proposed that workers whose child is over 10 years of age should be able to adapt their working models, including where possible through remote working or flexible schedules.
- Any postponement of parental leave by the employer should be set out in writing and, in the event of a justified postponement where possible, offer adaptable forms of parental leave.

6.19. On 24 January 2019 through the conciliation procedure between the European Parliament and the Council of the EU, the following aspects of the draft directive were agreed:

- Paternity leave (for fathers or adoptive parents): 10 working days in the period around or after birth of a child, with compensation equivalent to the current standards adopted for maternity leave in the EU (Article 11 of Council Directive 92/85/EEC). The right to leave is unconditional, but the payment of compensation for it should require previous work experience of at least 6 months. Member States with more favorable conditions for such leave may maintain their current national regulations.
- Parental leave: Minimum duration of 4 months, of which at least 2 months are non-transferable between the parents and are paid. The level of payment/compensation is specifically accepted by each Member State.
- A new EU concept - leave to care for relatives who need care and/or support for serious health reasons, amounting to at least 5 working days per year. Member States may use a different number of working days on a case-by-case basis and may offer additional conditions for the use of this right.
- Expanding the right to use flexible work schemes for carers, in addition to the rights of everyone who is a parent.

Professor Lalko Dulevski, Ph.D

PRESIDENT OF THE ECONOMIC AND SOCIAL COUNCIL

1. Rights of parents with children and carers in Bulgarian legislation

1.1. Bulgaria has ratified a number of international instruments on the subject: the European Social Charter (revised), according to which the family as the "main cell of society" is subject to special protection. ILO Convention No 3 concerning the Employment of Women before and after Childbirth, ratified 1919, and ILO Maternity Protection Convention of 2000 introduced international standards for the protection of working mothers before and after birth, including a ban on dismissal during maternity leave before and after childbirth. ILO Convention 156 on Workers with Family Responsibilities of 1981 was also ratified.

1.2. The Bulgarian Labour Code contains clauses protecting the labour rights of mothers:

- Prohibition of night work for mothers with children under the age of 6 or mothers who take care of children with disabilities, regardless of their age, except with their written consent (in force since 2004).
- Ineligibility for extra work for mothers with children under the age of 6 or mothers who take care of children with disabilities, regardless of their age, except with their written consent (in force since 2004).
- Prohibition of posting on business trips mothers with a child up to the age of 3 - the employer may only send such a mother on a business trip with her written consent.

1.3. Maternity leave:

- Leave of 410 days is provided for each child. After the child has reached the age of 6 months, the father may take leave for the remainder for 410 days instead of the mother. This allows the mother not to leave for a long period her professional activity in times of exceptional dynamics of professional knowledge, skills and competencies.
- In Bulgaria, there is a possibility for parental leave until the child reaches the age of 2. This type of paid leave can be used after taking leave due to pregnancy and childbirth. With the consent of the mother this leave too can be transferred to the father or to one of their parents working under full-time employment contract. This transferability of the leave entitlement also has a positive impact on mothers who desire quick return to their workplace.
- In the case of interruption of leave due to pregnancy and childbirth or parental leave up to the age of 2, if the mother works under an employment contract, she receives a specific amount from the Social Security Fund until the statutory period of the respective leave expires.

1.4. Other types of leave:

- Paternity leave is governed by a statutory provision - according to Art. 163, para. 7 of the Labour Code and Art. 40, para. 3 and Art. 48a-62 of the Social Security Code (SSC), which entitles the father to stay at home for the first 15 days from the date of the child being discharged from the hospital. The father is entitled to social security compensation during this leave. This type of leave is individual and cannot be transferred.
- If the Collective Bargaining Agreement provides for this, mothers with 2 surviving children up to 18 years of age are entitled to 2 working days of paid leave, and if there are three or more surviving children - 4 days of paid leave. This type of leave can be used at whatever time the worker desires.
- Mothers with children under 7 years of age may take leave at a time of their choice - the same leave is allowed in the summer and, at the request of the mother, at another time of the year. This arrangement also assists the mother in combining her working and personal lives.

- Article 167a of the Labour Code, which at the moment entitles each parent, at his or her request, to use unpaid leave of 6 months for bringing up a child up to 8 years of age. Moreover, each parent may use up to 5 months of leave from the entitlement of the other parent, subject to the latter's consent.

1.5. Leave for care for ill/dependent family members:

The Social Security Code gives the right to pecuniary benefit to be paid to each insured person who cares for an ill member of the family over the age of 18 up to 10 calendar days per calendar year (pursuant to Art. 45, para. 1, item 1).

Flexible forms of employment:

- There is also an opportunity for working from home, i.e. a woman can work from home if she has previously been recruited to a basic employment contract with her employer and has a child under the age of 6. This can happen with the consent of the employer, who should be willing to provide the necessary funds for the employee to work from home.

Appendix 2

2. Labour market measures implemented by the government and the social partners

2.1. The effect of programmes, measures and schemes under Operational Programme Human Resources Development 2014-2020 (OP HRD) is improving. For a period of 6 months (January-June 2018), the total number of persons involved increased by 13% compared to the same period of the previous year. Within the OP HRD, the average monthly number of persons who worked under the National Programme "Assistants for People with Disabilities" increased in January-June 2018 by an impressive 33% compared to the same period last year, which means the release of unemployed people who care for dependents and the opportunity to start work on a particular profession or specialty. The new "Parents in Employment" scheme allows 856 people to be included in employment. There was a positive effect on the subsequent realization on the labour market of the persons who participated in the programs and measures of the National Employment Action Plan (NEAP) for 2015 (59.3%), which is higher than the previous assessment for the programmes and measures included in the NEAP 2011 (47.4%)⁷⁵. The assessed net effect of the programmes and measures under the NEAP 2015 amounts to 14.5%⁷⁶. The net effect on the Programs and Measures of NEAP 2011 is 13.2%, i.e. the surveyed programmes and measures included in the NEAP 2015 have a higher net effect compared to those of NEAP 2011 by 1.3%.

2.2. Project "Development of National Competence Assessment System - MyCompetence", under OP HRD⁷⁷, which is mainly implemented by Bulgarian Industrial Association. In 2018 continued the process of developing sectoral competency models and expanding the scope of the MyCompetence Competence Assessment Information System. By the end of 2019 the capacity and scope of MyCompetence will be expanded by developing sectoral competency models for 20 key positions in the new 5 sectors of the Bulgarian economy and updating the existing competency models in the first 20 sectors covered by the system. Within the framework of the project will be developed and implemented e-tools and an environment for analysing and auditing positions and workplaces, tools for competence assessment as well as e-trainings on transferable and specific competencies. An electronic module will be created and implemented to analyse and assess the training needs of the workforce. Information on the skills and competences required to practice a profession and occupy a specific position can be used to better target employees to training for new skills and career development as well as to make informed decisions about training and career management by unemployed persons actively looking for work.

⁷⁵ The "Estimation of the Effects of Active Policy Effect on the Labour Market" funded by the state budget – 2017.

⁷⁶ The "Estimation of the Effects of Active Policy Effect on the Labour Market" funded by the state budget – 2017.

⁷⁷ <https://mycompetence.bg/>

Appendix 3

3. Experience of EU Member States, as well as other members of EEA and other European countries

3.1. Parental leave is part of labour law in Bulgaria and the rights of both parents can be transferred between them. In 8 countries this leave is regulated in a similar way, i.e. leave can be transferred within the spouses according to their choice⁷⁸. In 17 countries, parental leave is a wholly individual right⁷⁹, and in Romania, both models apply. In Malta, this right can be shared between parents for public sector workers and is an entirely individual right for workers in the private sector. In most cases, individual rights are non-transferable, but in the case of Denmark and Sweden some of the unused rights can be transferred to the other parent.

3.2. In seven Member States (Greece, Italy, Latvia, Malta, Romania, Hungary and the Netherlands), fathers are entitled to a short-term leave on the occasion of childbirth which is paid at a level exceeding the level of sick leave. Six Member States do not offer paternity leave. These countries are Austria, Cyprus, Germany, Slovakia, Croatia and the Czech Republic.

3.3. Paternity leave is fully paid (100% of previous earnings) in 13 countries, with a flat rate in 2 countries (UK and Ireland) and with a compensatory rate in six countries⁸⁰. In Austria as of 1 March 2017 fathers are entitled to paternity leave from 28 to 31 days with the employer's approval which is paid at a rate of EUR 22.60 per day (up to EUR 700 per leave). Two Member States (Cyprus and Latvia) give workers 5 days' leave, but it is either unpaid or paid at a lower level than sick leave. In five other countries leave is shorter but it is paid at the level of the regular salary⁸¹.

3.4. Sweden is the only EU Member State that already provides for four months of parental leave paid at least at the level of the regular salary. This leave may not be transferred from one parent to another. It can be used before children turn 12 years of age and allows parents take leave in a flexible way. In thirteen EU Member States, parental leave is paid at least at the level of the regular salary⁸².

3.5. Parental leave is paid at 100% of previous earnings in Denmark, Estonia and Croatia. It is paid up to a flat-rate ceiling in three countries⁸³ and in the other Member States at an income-related ratio. In 8 Member States⁸⁴ parental leave is paid at a lower level than sick leave. There are no statutory benefits in only 8 countries⁸⁵.

3.6. In France⁸⁶ parents of two or more children may leave work or reduce their working hours after childbirth and receive a flat-rate childcare allowance for up to three years. From July 2014 one parent (usually the mother) can claim this payment for two and a half years while the other parent (usually the father) can take over the remaining 6 months. This reform was introduced to encourage fathers to take more parental leave and engage more actively in childcare. At the same time, this payment encourages young mothers with limited working hours and income to cease to work for a long period of time which, on the other hand, is likely to negatively affect

⁷⁸ Austria, Estonia, Finland, Hungary, Lithuania, Latvia, Poland and Slovenia.

⁷⁹ Belgium, Cyprus, Czech Republic, Germany, Denmark, Greece, Spain, France, Croatia, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Sweden, Slovenia and the United Kingdom.

⁸⁰ Belgium, Bulgaria, Finland, Latvia, Slovenia and Sweden.

⁸¹ Denmark, Spain, Ireland, Luxembourg and the United Kingdom.

⁸² Austria, Czech Republic, Denmark, Estonia, Finland, Croatia, Hungary, Lithuania, Luxembourg, Poland, Sweden, Romania and Slovenia.

⁸³ Belgium, France and Slovakia.

⁸⁴ Belgium, Germany, France, Italy, Lithuania, Latvia, Portugal and Slovakia.

⁸⁵ Cyprus, Bulgaria, Greece, Ireland, Malta, Spain, the Netherlands and the United Kingdom.

⁸⁶ <http://www.oecdbetterlifeindex.org/topics/work-life-balance/>

their future employment prospects or all employees to reduce working time due to family responsibilities.

3.7. The right to flexible working hours exists in a number of countries. In several of them⁸⁷ parents can request flexible working hours from their employers, who can refuse only if there are clear business reasons for such a refusal. The right to request remote work also applies in some countries⁸⁸. The rights to flexible working hours, remote work, etc. for parents, do not exist in three Member States - Cyprus, Spain and Romania. In the other Member States, working parents and carers have the right to request one or two forms of these flexible working arrangements.

3.8. The rights to reduced working hours, flexible working hours and distance work, accessible to all working parents of children up to 12 years of age, and to dependents are more widely used in two Member States (the Netherlands and the UK) in others they either do not exist or are applied in a more limited manner⁸⁹.

3.9. In Germany since 2015 with a view to promoting the work-life balance, a Recovery Memorandum⁹⁰ based on previous charters developed in the context of the Erfolgsfaktor Familie network (the family as a success factor) was introduced to identify instances of achieved progress in reconciling work and private life. It calls for gender equality and calls on employers to offer "flexible" arrangements and reduce full-time working hours for both fathers and mothers, known as "vollzeitnah", as well as more accessible and quality childcare. Parental leave reform in 2015 also made it easier for parents to combine part-time work and to leave work and provide financial incentives to encourage both family partners to work for 25-30 hours a week of paid work for at least four months.

3.10. In Italy the Ministry of Economy and Finance provides free care and entertainment service targeted at the children of their employees aged 4 to 12. The services are located at the headquarters of the ministry in Rome and the surrounding outdoor sports facilities in the summer. They are available on weekdays when there is no school. In the morning, before they start work, employees can leave their children and take them at noon. If their working hours include an afternoon, they can also leave them in the afternoon and take them in the evenings. Care activities are managed by qualified childcare staff.

3.11. In Switzerland, three municipalities in the canton of Lucerne participated in a survey that tested a voucher system for childcare services. Instead of subsidies paid to childcare institutions, families received vouchers that they could spend on childcare services in the area. The main advantages of this voucher system are: 1) families have equal opportunities in terms of public support for childcare and 2) parents can choose from a wider range of childcare services. The evaluation showed that the system is well accepted by parents and childcare institutions and that there are no major problems in their implementation. Most importantly, cost-benefit calculations show that vouchers are a good investment, assuming that families are able to generate additional income. These vouchers also lead to increased competition among care providers, as parents can choose their children's centre.

⁸⁷ Austria Belgium, Croatia, the Czech Republic, Ireland, Italy, the Netherlands and the United Kingdom.

⁸⁸ Malta - for the public sector, the Netherlands, Portugal, Slovenia, the United Kingdom.

⁸⁹ See Appendix 3.

⁹⁰ <http://www.oecdbetterlifeindex.org/topics/work-life-balance/>

4. Corporate experience

4.1. The company HALOMD.D. - Slovenia, has many years of experience in setting up and implementing a policy of reconciling work and family life such as: a nursery, a kindergarten located near business premises, providing child care for primary school children during holidays, providing a bonus to parents for their children's first day of schooling, granting unpaid leave to employees with family commitments up to 30 days for the year (instead of the statutorily provided 10 days). In order to optimize these corporate policy initiatives, opinion polls and quarterly meetings are conducted. In addition, the company is the holder of the FFE - "Familyfriendlyenterprise" certificate.

4.2. The company Robert Bosch - Germany is known for having a culture and a transparent and broad-based policy of reconciling work and private life. The company is the winner of "The Most Familyfriendlyenterprise" award. In 2011 it signed the German "Working Hours Chart", which serves as a starting point for moving to a family-oriented work culture. The company implemented the "MORE" pilot project that enabled all those who want to experience a 3-month work from home or part-time work. At the end of the project, 80% of the employees involved decided to continue working with flexible work schemes. Benefits for the employees include better job satisfaction and better quality of life, and for the employer - greater creativity and more employee-driven innovations.