



Republic of Bulgaria
ECONOMIC
AND SOCIAL COUNCIL

OPINION

ON:

**"Ratification of Convention No. 190/2019 of the International Labour Organisation on
the Elimination of Violence and Harassment in the World of Work"**

(developed by own-initiative)

**Sofia,
June 2022**

The Economic and Social Council (ESC) included in its Activity Plan for the first half of 2022 the development of an opinion on the topic "Ratification of Convention No. 190/2019 of the International Labour Organization on the Elimination of Violence and Harassment in the World of Work."

The development of the opinion was assigned to the permanent Commission on Social Policy. Valentina Zartova from Group I, Chavdar Hristov from Group II, Tatyana Kmetova from Group III were appointed as rapporteurs for the opinion.

The Commission on Social Policy held two meetings on 3rd June 2022 and 17th June 2022, adopting the draft opinion.

At its plenary session held on 29.06.2022, the ESC approved this opinion.

1. Conclusions and Recommendations

- 1.1. The ESC expresses a position on the need for action to be taken by the Council of Ministers and the National Assembly to ratify Convention No. 190/2019 of the International Labour Organization - ILO (and Recommendation No. 206 of the ILO thereto) for the Elimination of Violence and Harassment in the World of Work, hereinafter referred to as "the Convention".
- 1.2. The ESC underlines that the Convention is the first international legal instrument that defines concrete, globally applicable **standards to combat harassment and violence related to work**, the circle of protected persons, as well as the measures to be implemented by the states that have ratified it.
- 1.3. The ESC joins the efforts made worldwide to introduce through the Convention **a new employment law** applicable to all spheres of employment, guaranteeing that every worker is protected against acts of violence and harassment, including violence and harassment, based on gender.
- 1.4. The ESC draws attention to the fact that acts of violence and harassment, against which protection is sought, can be both between a physical person exercising the authority of an employer and a worker or employee, as well as between workers and employees and between workers and third parties (customers, service users, visitors, etc.).
- 1.5. The ESC reports that in Bulgaria there are separate legal acts, which contain provisions guaranteeing the non-admission of harassment related to certain aspects of labour. At the same time, however, the ESC found that **the Bulgarian legislation in the field of labour lacks definitions of violence and harassment adequate to the Convention and legal norms that would guarantee the prevention** of these manifestations in the realisation of the right to work, including no special norms and mechanisms for the protection of women from specific forms of violence and harassment in the workplace.
- 1.6. The ESC notes with concern that in Bulgaria **there is no system for registering/collecting** data from the state authorities, reflecting specific acts of violence and harassment at the workplace, which makes it difficult to track the effectiveness of measures taken, as far as they exist, with the aim of preventing them.
- 1.7. The ESC takes the view that the ratification of the Convention is a basis for the adoption of a **specific regulation** based on an international standard for the prevention,

reporting/recording and protection of violence and harassment **in the workplace**, and this requires the designation of an authority to monitor the implementation of the regulations in relation to the Convention.

The need for such a regulation becomes even more urgent in view of the rapid development of new forms of work in the digital world, such as remote work, work through platforms, and other.

The ESC considers that the role of collective bargaining at all its levels is important in the implementation of the Convention.

- 1.8. The ESC draws attention to the fact that with the ratification of the Convention, Bulgaria will guarantee a better and adequate protection of the rights of its citizens, since the Convention further develops a number of international acts in the field of human rights, to which our country is a party and has commitments.

From the point of view of the membership of the Republic of Bulgaria in the European Union, the ESC shares the opinion of the European Commission (EC) that some substantive provisions of the Convention are included in EU law and that the ratification by the member states of those parts of the Convention that fall into areas of EU competence, is in the interest of the European Union.

- 1.9. The ESC proposes to the Council of Ministers, respectively the Ministry of Labour and Social Policy, **the adoption of a draft law on the ratification** of Convention No. 190/2019 of the ILO on the Elimination of Violence and Harassment in the World of Work, as well as the development and adoption of bills for transposition of the Convention, which will guarantee the protection of all persons who work.
- 1.10. The ESC also proposes to the Ministry of Labour and Social Policy, the Council of Ministers and the National Assembly that the transposition process be implemented in a spirit of **social partnership** and in accordance with the provisions of the existing legislation - with the active participation of civil society organizations, representative organizations workers and employers' representative organizations.

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Zornitsa Roussinova

PRESIDENT OF THE ECONOMIC AND SOCIAL COUNCIL