

# Bulgaria<sup>1</sup>

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For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

## **1. Current leave and other employment-related policies to support parents**

### **a. Maternity leave (*otpusk poradi bremennost i ragdane*<sup>2</sup>) (responsibility of the Ministry of Labour and Social Policy; National Social Security Institute)**

#### *Length of leave*

- 410 calendar days, from which 45 calendar days must be taken before the expected date of birth. Employers are obliged to accept women's requests for Maternity leave.
- The first 135 days are obligatory for mothers, and these are divided into three periods:
  1. The first period includes 45 calendar days before the expected date of birth (pre-natal leave/pregnancy leave). If a woman gives birth before the 45<sup>th</sup> day, the remaining days are added to the rest of the leave. If the delivery is delayed after the 45<sup>th</sup> day, the period is extended with a new medical statement until delivery. The total length of the pre-natal leave/pregnancy leave cannot exceed 93 days.

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<sup>2</sup> Since 2018, adoption leave has been treated under a separate article of the Labour Code.

2. The second period includes 42 days after childbirth (post-natal leave). Women are also entitled to these 42 days in case of stillbirth, death of child soon after birth, or if the child is to be adopted. In these cases, the post-natal leave can be extended if a medical examination proves that the woman's health and labour capacity are not fully recovered.
3. The third period includes the remaining 48 calendar days until the 135<sup>th</sup> day. The post-natal leave is thus a total of 90 calendar days after childbirth.

### *Payment and funding*

- Women taking Maternity leave have the right to receive financial compensation so long as they have been insured at the National Insurance Institute against the risk of general illness and pregnancy for at least 12 months (i.e. they were employed and paid contributions to cover the risk of maternity). The financial compensation for the period of 410 calendar days is 90 per cent of the mean gross salary or the mean insurance income, which the woman has received in the last 24 months preceding the leave. The financial compensation cannot be lower than the minimum salary BGN510 [€265.87] (2018)<sup>3</sup>; and there is an upper limit at a monthly maximum insurance income of BGN2,600 [€1,329.36]. The same regulation applies for self-employed women.
- Funded by the National Social Security Institute through employer and employee contributions.

### *Flexibility in use*

- The first 135 days of leave are available only to the mother since they aim to ensure mothers are the ones who care for children in the first months of life. The leave serves also for recovery of mothers' health and labour capacity.
- With the agreement of the mother, once the child reaches the age six months (and until the 410<sup>th</sup> calendar day), leave can be transferred to the father if he has been paying insurance at the National Insurance Institute for at least 12 months. The financial compensation for this period is 90 per cent of average gross monthly earnings or the average insurance income that the father received in the last 24 months preceding the birth of the child. The financial compensation cannot be lower than the minimum salary, BGN510 [€265.87] (2018). There is an upper limit at a monthly maximum insurance income of BGN2,600 [€1,329.36]. The same regulation applies for self-employed men.

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<sup>3</sup> Conversion of currency undertaken for 24 June 2019 using:  
<https://www1.oanda.com/currency/converter/>

### *Eligibility*

- Women taking Maternity leave have the right to receive financial compensation if they have been insured at the National Insurance Institute against the risk of general illness and pregnancy for at least 12 months (i.e. they were employed and paid contributions to cover the risk of maternity). The same regulation applies for self-employed women.
- With the agreement of the mother, once the child reaches six months (and until the 410<sup>th</sup> calendar day) leave can be transferred to the father if he has been paying insurance at the National Insurance Institute for at least 12 months.
- If a woman has not worked or has not paid social insurance against the risk of general illness and pregnancy, she can receive a monthly benefit until the child's first birthday to the value of BGN100 [€51.13]. This is dependent on means-testing, with the income per family member being less than BGN450 [€230.08] in 2018. The conditions and procedure for receiving these benefits are stipulated in the Family Allowance Law for Children.
- Women living in Bulgaria with Bulgarian citizenship or those with foreign citizenship who have paid social insurance to account for the risk of general illness and pregnancy in the last 12 months (regardless of the country where social insurance has been paid).

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents*

- Since 2018 the adoptive parents of a child up to the age of five are entitled to receive 365 days' paid leave equal to 90 per cent from their average gross monthly earnings or their average insurance income (from the 12 months preceding the adoption). If the adoptive parent does not use the leave and returns to full-time employment, they are entitled to receive 50 per cent financial compensation for the period of the leave.
- The leave allocated for pregnancy, childbirth, and child adoption (plus the financial compensations related to it) end in the case of stillbirth, death of the child, if the child is given for adoption, or the child is enrolled in a public childcare institution. The exact end of leave depends also on a medical statement certifying that the mother is in good health and can return to work.

### **b. Paternity leave (*otpusk po bashtinstvo*) (responsibility of the Ministry of Labour and Social Policy; National Social Security Institute)**

### *Length of leave*

- 15 calendar days.

### *Payment and funding*

- The financial compensation for the period of Paternity leave is 90 per cent of average gross monthly earnings, or the average insurance income in the last 24 months preceding birth of the child. The regulation also applies for self-employed men. The financial compensation cannot be lower than the minimum salary, BGN510 [€265.87] (2018). There is an upper limit on payment of a monthly maximum insurance income of BGN2,600 [€1,329.36].
- Paternity leave is counted as work experience.
- Paternity leave is funded in the same way as Maternity leave.
- Since 2017, adoptive fathers of children aged up to the age of five years have also been eligible for a financial compensation for the 15-day paid Paternity leave. The condition for payment and funding is similar to that for non-adoptive fathers.

### *Flexibility in use*

- None.

### *Eligibility*

- The father has the right to use Paternity leave if the mother and the father are married or live in a shared household. The father can use it from the day when the new-born child is discharged from the hospital (there is no indication as to whether or not it can be postponed to a later date).
- The father can use 15 days of Paternity leave if he has paid social insurance for at least 12 months. The same regulation applies for self-employed men.
- The leave ends in case of the death of the child; divorce; if the child is given for adoption or the child is enrolled in a public childcare institution.
- Men living in Bulgaria, with either Bulgarian or foreign citizenship, are eligible if they have paid social insurance against the risk of general illness and pregnancy over the last 12 months (regardless of the country where social insurance has been paid).

## **c. Parental leave (*otpusk za otgledane na dete do 2 godishna vazrast*) (responsibility of the Ministry of Labour and Social Policy; National Social Security Institute)**

### *Length of leave*

- Until the child is two years of age. Leave is a family entitlement.

### *Payment and funding*

- The monthly benefit rate is around BGN380 [€194.29] (2018).
- Parental leave is counted as work experience.
- Funded in the same way as Maternity leave.

### *Flexibility in use*

- From 1 June 2017, if the mother (whether adoptive or biological) decides not to use the paid Parental leave fully or in part after the 135<sup>th</sup> day, she is entitled to receive a partial financial compensation for the remaining period of the leave. This compensation is set at 50 per cent of the normal monthly benefit for parents taking leave, i.e. BGN190 [€97.15] per month (2018). The same rule applies if the paid Parental leave is taken by another person who wants to return to work.
- The same condition applies for self-employed mothers should they decide to start working and renew their social security payments before the end of the paid Parental leave.

### *Eligibility*

- Parental leave is firstly the mother's right. If the mother (adoptive or biological) of a child below the age of two years dies or gets seriously ill and cannot take care of the child, the leave can be taken by the father. With the father's agreement, the leave can be transferred to one of the grandparents if they are employed and have paid social security against the risk of pregnancy and general illness for at least 12 months.
- The parents or other leave-takers have paid social insurance for at least 12 months.
- The Parental leave cannot be used at the same time by the mother and the father or one of the grandparents.
- Parental leave ends if the child is enrolled in a public childcare institution: the rationale for this is that the leave is given to the mother in order to ensure that she will provide permanent care for the child. The leave also ends if the child is given for adoption.
- From 1 June 2017, members of the army have been entitled to the same rights for Parental leave as mothers or other leave-takers.
- There is no special regulation for same sex couples. Same sex couples are illegal in Bulgaria.

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents*

- With the agreement of the mother, paid Parental leave can be taken by one of the grandparents if they are employed, on the condition that the grandparent has paid social insurance for at least 12 months, regardless of when this payment was made.
- If both parents of a child below the age of two years die and the child is not enrolled in a childcare institution, the paid Parental leave can be used by the guardian, and – with their agreement – by one of the biological grandparents of the child.

**d. Childcare leave or career breaks (*neplaten otpusk za otgledane na dete do 8 godishna vazrast*) (responsibility of the Ministry of Labour and Social Policy)**

- Unpaid childcare leave to look after a child up to the age of eight years can be taken by each parent (adoptive or biological) for up to six months, after the period of the Parental or Adoption leave has expired. It can be taken by both parents (though not simultaneously) if they are in employment and if the child is not placed in a publicly-funded childcare institution. Up to five months of this leave can be transferred to the other parent.
- The entitlement period is extended to one year in the case of a single parent (adoptive or biological) or a guardian of a child whose parents both are deceased – the guardian can transfer any unused remaining portion (or the whole period of the leave) to any of the child's grandparents if they are in employment.
- The employer should be notified ten days in advance to the leave commencing. The leave can also be broken down and used as separate blocks of time, but no fewer than five days at a time. Like Maternity, Paternity, and Parental leaves, this counts as work experience.

**e. Other employment-related measures**

*Adoption leave and pay (otpusk pri osinovyavane na dete do 5-godishna vazrast)*

- Adoption leave and pay (for adopting a child under the age of five years) is available for 365 days and can be taken from the day of the child's arrival at home, but no later than their fifth birthday. This regulation was new in 2018 – previously, adoptive parents of children under the age of two years and between the ages of

two and five years had different entitlements regarding this leave (see section on policy changes below).

- An allowance is paid by the National Social Security Institute for the period of the leave at 90 per cent of average gross monthly earnings, provided that social security payments to cover general illness and maternity have been made for 12 months, and the child is not placed in a full-day childcare institution. Adoptive fathers in married couples may use the adoption leave in place of the adoptive mother with her consent (beginning no earlier than six months after the child's arrival, but no later than the child's fifth birthday).
- Single adoptive fathers are entitled to the same adoption leave and pay as adoptive mothers.
- Since 2017, it has been possible to transfer the right to adoption leave and compensation to the adoptive father (after the child has reached the age of six months or the remainder of 365 days of the leave period).<sup>4</sup> The leave can also be transferred to one of the parents of the adoptive mother or the adoptive father, if the latter has died; and to one of the parents of a single adoptive parent, if they are in employment.
- Also from 2017 onwards, foster mothers have been entitled to Maternity leave and pay under the same conditions as biological mothers, but the period of leave is reduced by the difference between the full length of the Maternity leave (410 days) and the child's age when placed in foster care. The right to transfer Maternity leave and benefit from the mother to the father when the child reaches the age of six months is also available to foster families.
- A reduced amount of the adoption allowance (50 per cent) can be received by the adoptive parent if they (if it has been transferred) return to work before its end, but no earlier than 90 days from the child's arrival at home.
- Adoptive parents of children under the age of two are entitled to Parental leave for any remaining period between the end of the adoption leave (365 days) and the child's second birthday under the same conditions as biological parents.
- If adoptive parents are married when adopting a child under the age of five, the adoptive father is entitled to 15 days of leave beginning from the day of the child's arrival in the household (previously, it was only available to biological fathers). When introduced in 2017, this right included co-habiting adoptive fathers, but in 2018 this was abolished. It is paid at 90 per cent of average gross monthly earnings, provided that social security payments to cover maternity and general sickness have been made in the previous 12 months.

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<sup>4</sup> This is also applicable if the adoptive parent gets seriously ill or dies at any point in time during the leave period.

- Adoption leaves are counted as work experience.

#### *Time off for the care of dependants*

- Leave to care for a sick family member – including a child (*otpusk pri vremenna nerabotosposobnost*), or to attend to a healthy child who needs to stay at home due to quarantine in a childcare institution – can be taken for up to 60 calendar days, per year per family. It is available to all insured members of a family but cannot be taken simultaneously to care for the same child/relative. It is paid at 80 per cent of average gross monthly earnings. In fact, this is a special case within general sick leave and requires medical papers issued by a GP to be presented to the employer. Self-employed people can take this leave if they are insured (i.e. have made contributions to cover general sickness and maternity for a period of 18 months, preceding the month in which they claim use of the leave).
- Leave to care for two or more children under the age of 18 years (*platen otpusk za dve I poveche givi detsa*) is available to employed mothers, subject to collective work agreement. Mothers with two children are entitled to two days of leave for every calendar year, and mothers with three or more children to four days per calendar year. Paid annual leave compensation is at 100 per cent. This leave can be postponed for use during the next calendar year, but no later than mid-year.

#### *Flexible working*

- On returning to work after taking leave, the employed person may request a temporary change in the duration or the distribution of their working hours to facilitate reconciliation between work and family duties. The law obliges the employer to consider such a request and agree to it, providing it is possible for the company to accommodate this request.
- Employed mothers of children under six years of age have a legal right to work from home with the same (or another) employer, upon request.<sup>5</sup> When the child turns six, the mother who has been working from home should be restored to the same position she previously held or, if that position is no longer available, to an appropriate alternative, with her consent. Mothers of children under six years of age may work from home for another

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<sup>5</sup> In reality, this statutory right for flexible or remote work for mothers with children under 6 year of age is actually non-applicable. According to data from the national representative survey of the labour force (available here: <https://bit.ly/2FvAcIb>), only 1.5 per cent of employed women who take care of children and elderly relatives work on flexible time and just 0.8 per cent of them self-manage their own working time.

employer, in which case they should be granted unpaid leave from their former employer and the right to return to the same (or an appropriate alternative position) after the entitlement to work from home expires (but no later than the child's sixth birthday). The right may be used by the father if the mother is not able to use it.

#### *Specific provision for (breast)feeding*

- Absence from work for (breast)feeding a child (*otpusk za karmene I hranene na malko dete*) is permitted for two hours per day (taken as one block or two separate blocks of one hour each) when a child is under the age of eight months and the mother is working full-time (eight hours per day); or for one hour per day when a mother is working fewer than seven hours. In the case of multiple or pre-term births, absence of three hours per day is permitted to a full-time employed mother and two hours per day to a mother employed for fewer than seven hours.
- When the child reaches eight months of age, paid absence for breastfeeding is reduced to one hour per day (two hours for multiple or pre-term births) and requires a supportive recommendation as for how long the child should be breastfed, to be issued by a doctor and presented to the employer.
- The same legal right is guaranteed to adoptive mothers and mothers of stepchildren. Mothers can receive full remuneration for the time they spend (breast)feeding during the working day.

#### *Employment protection and non-discrimination throughout maternity /parental leave*

- The Labour Code sets out regulations to ensure employment protection and non-discrimination throughout Maternity, Paternity, and Parental leave of employed people. It prohibits the dismissal of a mother with a child under the age of three, without permission obtained from the General Labour Inspectorate Executive Agency.
- The legal right to return to the same work position, or – if the position was cut – to an equivalent one, is also guaranteed by the Labour Code. Furthermore, it states the right to benefit from any improvements of the working conditions or indexation of the salary which occurred during childcare-related leave.
- A pregnant woman, a breastfeeding woman, or a woman who is in an advanced stage of in-vitro treatment has the right to refuse work which presents hazards to her and her child's health. A list of hazardous jobs and working conditions is regulated by the Minister of Labour and Social Policy and the Minister of Public Healthcare. Based on the recommendation of the responsible

healthcare authorities, the employer has a duty to temporarily rearrange working conditions and/or schedule in order to remove the risk and safeguard the woman's health. If this is impossible due to objective reasons, the woman shall be temporarily assigned to another job. To account for any waiting period before starting the new, more appropriate job, the woman will be compensated by her employer (to the sum of her gross monthly remuneration). If the remuneration on the new job is lower than that of the former one, the employer must pay compensation to settle the difference in payments. Each year, in coordination with the healthcare authorities, the employer determines a list of work positions suitable for pregnant, breastfeeding or in-vitro treated women.

- Employed pregnant women, women who are in an advanced stage of in-vitro treatment procedure, or mothers with a child under the age of three cannot be sent on a business trip without their consent. This right may be used by the father if the mother is not in a condition to benefit from it.

## **2. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Bulgaria is 36 months, but well-paid leave only lasts for 12 months. Levels of attendance at formal services for children under three years of age are low and well below the average for OECD countries – however, they are only just below average for children over the age of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page. Pre-school education is obligatory for children aged five and six. According to the National Statistical Institute, the enrolment rate for children aged three to six in childcare institutions was 78.4 per cent in 2017/18.

## **3. Changes in policy since April 2018 (including proposals currently under discussion)**

- Since 1 July 2018, adoptive parents of a child up to the age of five have been entitled to receive 365 days' paid leave (equal to 90 per cent from their average gross monthly earnings or their average insurance income, received in the 12 months before adoption). If the adoptive parent does not use the leave and returns to full-time employment, they are entitled to receive 50 per cent financial compensation for the period of the leave.
- Before July 2018, there were specific provisions for adopting a child under the age of two or a child aged between two and five.

When adopting a child under the age of two, the duration of the leave was determined by subtracting the child's age from the length of the Maternity leave (410 days), so the period of the leave would vary depending on child's age at adoption. Adopters of children between the age of two and five received a fixed period of 365 days' leave. The law has now been changed to grant an equal period of leave to all adoptive parents of pre-school age children, regardless of the child's age at adoption.

- The right to Paternity leave for co-habiting adoptive fathers has been abolished.
- In 2018, there was also a slight increase of the minimum payment for Maternity leave benefit, due to the increase of the minimum wage. There was also an increase in the monthly benefit for Parental leave (until the child is two years old).

## 4. Uptake of leave

### a. Maternity leave

- The general Maternity leave of 135 days is obligatory and it is considered a recovery period for mothers, as well as time for immediate childcare. This is documented by health authorities (i.e. GPs and hospitals).
- Data from the National Social Security Institute shows that in 2018, 382 fathers (adoptive and biological) took the period of Maternity leave, from the sixth month until one year after childbirth – a number which makes them below one per cent of all beneficiaries.<sup>6</sup>
- Overall, combined with the number of beneficiaries from the previous year, the total number of first year paid leave beneficiaries in 2018 was 85,030 (data taken from the National Social Security Institute). Additionally, 1009 leave beneficiaries received 50 per cent financial compensation because they returned to work during the leave.
- Survey data shows that parents are in favour of highly paid Maternity leave during the first year of their child's life.<sup>7</sup>

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<sup>6</sup> See: <https://bit.ly/31MHOPH>

<sup>7</sup> In Bulgaria, 73 per cent of all children up to three years of age are cared for at home by their parents and do not visit childcare facilities. In 2016, this was the highest percentage in the EU (see: Slavova, Z., 2016, 'Bulgaria is the country where the highest percentage of small children cared for by their parents.' *IME Newsletter*, available at: <http://ime.bg/bg/articles/bylgariya-estranata-v-koyato-nai-mnogo-ot-malkite-deca-se-otglejdat-ot-roditelite-si/#ixzz59SWQJ3W9>. Survey data on parents' attitudes toward family policy in Bulgaria demonstrates that most parents are highly appreciative of paid Maternity leave during the first year (see Kotzeva, T., E. Dimitrova, K. Ilieva, S. Moraliiska (2016). 'Survey on attitudes of parents towards family policy in

## **b. Paternity leave**

For eligible fathers, the 15 days of Paternity leave are obligatory – this aims to foster father’s involvement in childcare immediately after the birth. According to the National Social Security Institute, 21,743 fathers (including 35 adoptive fathers) took paid leave in 2018: this is equivalent to approximately one-third of all the children born that year.<sup>8</sup>

## **c. Parental leave**

In 2018, the second year of Parental leave was taken by 92,976 beneficiaries: 939 of them were fathers. Moreover, 15,549 of beneficiaries received 50 per cent of the benefits for the second year because they returned to employment. Well-paid and higher qualified mothers prefer to return to work and choose other options for childcare (e.g. babysitter, relatives, or a crèche) rather than staying at home.<sup>9</sup> For mothers without paid social security, who may be entitled to a monthly social benefit for one year after the birth, the National Agency for Social Assistance reports that 13,641 mothers (1567 of whom received benefits in kind because their age was below the age of 18) received this social benefit in 2018 (i.e. about one fifth of all mothers who gave birth that year).<sup>10</sup>

## **d. Childcare leave or career breaks**

No data available.

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Bulgaria’ in *Family Policy Vision – Parents’ Views and Europe’s Experience*. NMD. Sofia. Available at: <http://nmd.bg/dve-novi-publikatsii-po-proekta-viziya-za-semeyna-politika/>

<sup>8</sup> See: <http://www.noi.bg/benefits>.

<sup>9</sup> Survey data on parents’ attitudes shows that approximately half of the respondents, mainly those with high levels of education and well-paid jobs, living in urban environments, are critical towards low-paid Parental leave during the second year, as well as towards the lack of services for children aged one to three. The experts interviewed in this survey are also sceptical about the genuine opportunity for highly qualified and educated parents to take second year leave, due to the negative effects of long-term Parental leave on labour market and women’s qualifications (see Kotzeva et al., 2016; footnote 3).

<sup>10</sup> See: <https://bit.ly/2X1p4x4>