

Bulgaria¹

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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, ragdane I osinovyavane*) (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 request 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 45th day, the remaining days are added to the rest of the leave. If the delivery is delayed after the 45th 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.
 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 in case the child is given for adoption. 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 135th day. The post-natal leave is thus in total 90 calendar days after childbirth.

¹ Dimitrova, E., Kotzeva, T. and Ilieva, K. (2018) 'Bulgaria country note', in Blum, S., Koslowski, A., Macht, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2018*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Payment and funding

- Women taking Maternity leave have the right to receive financial compensation if they have been insured at the National Insurance Institute for the risk of general illness and pregnancy for at least twelve months, i.e. they were employed and paid contributions for 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 BGN460 [€235.16]² in 2017; and there is a ceiling on payment equalling a monthly maximum insurance income of BGN2,600 [€1,329.18]. 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' 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, after the child reaches six months and until the 410th calendar day, leave can be transferred to the father if he has been insured at the National Insurance Institute for at least twelve 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, BGN460 [€235.16] in 2017. There is a ceiling on payment equaling a monthly maximum insurance income of BGN 2,600 [€1,329.18]. The same regulation applies for self-employed men.
- If a woman has not worked or has not paid social insurance for risk of general illness and pregnancy, she can receive a monthly benefit until the child's first birthday equal to BGN100 [€51.12]. This is dependent on means-testing, with the income per family member being less than BGN400 [€204.49]. The conditions and the procedure to receive these benefits are stipulated in the Family Allowance Law for Children.

Eligibility

- Women with Bulgarian citizenship, who live in Bulgaria or those with foreign citizenship who have paid the social insurance 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

- The leave for pregnancy, childbirth and child adoption and the financial compensations related to it end in case of stillbirth; death of child; if the child is given for adoption or the child is enrolled in a public childcare institution.

² Conversion of currency undertaken on 13 June 2018, using: <http://finance.yahoo.com/currency-converter>

The exact end of leave depends also on the medical statement that the mother is in good health and can return to work.

- In case of child adoption the Maternity leave time is recalculated. It is equal to the difference between the length of the leave (410 calendar days) and the age of the child on the day of adoption.

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 applies for self-employed men. The financial compensation cannot be lower than the minimum salary, BGN460 [€235.16] in 2017. There is a ceiling on payment equalling a monthly maximum insurance income of BGN2,600 [€1,329.18].
- Paternity leave is counted as work experience.
- Funded as for Maternity leave.
- Since 2017, fathers-adopters of children aged up to five years can also receive 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 preposition as to whether it can be postponed to a later stage).
- The father can use 15 days of Paternity leave if he has paid social insurance for at least 12 months.
- 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.

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

- A monthly benefit rate of BGN340 [€173,82] in 2017.
- Parental leave is counted as work experience.
- Funded as for Maternity leave.

Flexibility in use

- From 1 June 2017, if the mother or the mother-adopter decides not to use the paid Parental leave fully or in part after the 135th 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. BGN170 [€86.91] per month for 2017. 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 in case 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 mother of a child below the age of two years dies or gets seriously ill and she 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 s/he is employed and has a paid social security for 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 her permanent care for the child. The leave also ends if the child is given for adoption.
- From 1 June 2017, servicemen in the army are entitled to the same rights for Parental leave as mothers or other leave-takers.

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 s/he is employed, on 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 his or her 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 care for a child up to eight years* can be taken by each parent for up to six months, from the second birthday of the child to no later than its eight birthday. 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 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 leave uptake.
- The leave can also be partitioned and used as separate blocks of time, but no less 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

- Adoption leave and pay for adopting a child under the age of two years (*otpusk poradi bremennost, ragdane / osinovyavane*) is available under the same conditions as for Maternity leave, but the period of leave is reduced by the difference between the full length of the leave period (410 days) and the child's age.
- From 2017, it is possible to transfer the right to Maternity leave and compensation after the child has reached the age of six months for the remainder of its first year in addition to the father (adoptive father) also to: one of the mother's parents when the father is unknown; one of the parents of the mother or the father when the father has died; and to one of the parents of a single adoptive mother. Also from 2017 foster mothers are entitled to the same maternity leave and pay as biological and adoptive mothers. The right to transfer maternity leave and benefit from the mother to the father after six months is also available to foster families.
- Another new regulation in force from 2017 is that if adoptive parents are married or cohabit within common household when adopting a child under the age of 5, 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).
- Adoption leave for adopting a child between two and five years-old (*otpusk pri osinovyavane na dete ot 2 do 5 godishna vazrast*) is available for 365 days, and can be taken from the day of the child's arrival at home, but no later than the child's fifth birthday. 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. Adoptive fathers may use the adoption leave in place of the adoptive mother with her consent, beginning not 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. The right to adoption leave and allowance expires if the child attends a childcare institution.

- 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 has to stay at home due to quarantine in a childcare institution, can be taken for up to 60 calendar days per year. It is paid at 80 per cent of average gross monthly earnings. In fact, this is a special case of the general sick leave and requires medical papers issued by a GP to be presented to the employer.
- Leave to care for two or more children under 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 midyear.

Flexible working

- On returning to work after taking leave, the employed person may request a temporary change in the duration or the distribution of his/her 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 work organisation to accommodate this request.
- Employed mothers of children under six years of age have a legal right to work from home on request with the same or another employer. 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 may work from home for another 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 in a position to benefit from it.

Specific provision for (breast-)feeding

- Absence from work for breastfeeding or 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 eight months and the mother is working full-time (eight hours); or for one hour a day when a mother is working less than seven hours a day. 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 a day to a mother employed less than seven hours a day. 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 which is issued by a medical doctor and to be presented to the employer. The same legal right is guaranteed to adoptive mothers and mothers of stepchildren. Mothers can receive full remuneration for the (breast-)feeding leave of absence.

Employment protection and non-discrimination throughout maternity /parental leave

- The Labor Code sets out regulations to ensure employment protection and non-discrimination throughout Maternity, Paternity and Parental leave of employed persons. It prohibits dismissal from work 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 down – 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 Maternity/Paternity leave or other Childcare-related leave.
- A pregnant woman, a breastfeeding mother or a woman who is in an advanced stage of in-vitro treatment procedure has the right to refuse to perform work which presents hazards to her and her child's health. A list of hazardous jobs and working conditions is adopted with a regulation of the Minister of Labor and Social Policy and the Minister of Public Healthcare. Based on recommendation of the responsible healthcare authorities, the employer has the duty to temporarily rearrange working conditions and/or working time schedule in order to remove the risk and safeguard the woman's health. If this is impossible due to objective reasons the pregnant, in-vitro treated or breastfeeding woman shall be temporarily assigned to another job. For a possible waiting period before starting the new job position, the woman is paid a compensation by the employer amounting to her gross monthly remuneration for the month preceding the month when the healthcare authorities made the recommendation to transfer her to a more appropriate job. If the remuneration on the new job is lower than that of the former one, the employer has to pay a compensation to top up the difference of payments. In coordination with the healthcare authorities each year 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 of a child under the age of three years 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 are low and well below the average for OECD countries; but are only just below average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page. Pre-school education is obligatory for five- and six year-olds. According to the National Statistical Institute, the enrolment rate for children aged three to six in childcare institutions was 79.4 per cent in 2016/17.

3. Changes in policy since April 2017 (including proposals currently under discussion)

In 2017, policy changes concern granting the Paternity leave (15 days) also to father-adopters and granting Parental leave to servicemen on equal conditions as to other

employers. From 1 June 2017 the mother or mother-adopter can, after the 135th day, receive 50 per cent from the financial compensation if she returns to work before the end of Parental leave and the child is not enrolled in a nursery. The same condition applies to fathers as leave-takers. In 2017, there was also a slight increase of the minimum payment for the Maternity leave benefit, due to the increase of the minimum wage.

4. Take-up of leave

a. Maternity leave

The general Maternity leave of 135 days is obligatory and it is considered a recovery period for mothers and time for immediate childcare. This is documented by health authorities (GPs, hospitals).

According to the National Social Security Institute, in 2017, 395 fathers or fathers-adopters (less than one per cent of all beneficiaries) took up the period of Maternity leave from the sixth month until one year after childbirth. Overall, with the accumulated beneficiaries from the previous year, the total number of first year paid leave beneficiaries in 2017 was 81,391 (National Social Security Institute). Survey data show that parents highly praise paid Maternity leave during the first year³.

b. Paternity leave

For those fathers who are entitled, the Paternity leave of 15 days is obligatory, with the aim of including the father in childcare immediately after the birth. According to the National Social Security Institute⁴, which pays Paternity leave, 21,284 fathers including fathers-adopters took paid leave in 2017, equivalent to approximately one-third of all children born that year.

c. Parental leave

In 2017, the second year of Parental leave was taken by 92,987 beneficiaries. 1,233 of them were fathers or fathers-adopters and 14,986 of beneficiaries received 50 per cent of the benefits for the second years because they returned to employment. Well-paid and higher qualified mothers prefer to return to work and choose other options for childcare (babysitter, relatives, creches) rather than staying at home⁵.

³ In Bulgaria 73 per cent of all children aged up to three years 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 are taken care by their parents. IME Newsletter, available at: <http://ime.bg/bg/articles/bylgariya-e-stranata-v-koyato-nai-mnogo-ot-malkite-deca-se-otglejdat-ot-roditelite-si/#ixzz59SWQJ3W9>. Survey data on parents' attitudes toward family policy in Bulgaria demonstrate that most of the 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 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/>

⁴ See: <http://www.noi.bg/benefits>.

⁵ Survey data on parents' attitudes show that approximately half of the respondents, mainly those of them with high education and well paid jobs and who live in the capital and big cities are critical towards the low paid Parental leave during the second year and towards lack of services for children aged one to three. The experts interviewed in the same survey are also skeptical towards opportunities to take up the second year leave by highly qualified and

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 15,083 mothers received this social benefit in 2017⁶, or about one quarter of all mothers who gave birth that year. In 2017, 102 parents-adopters benefitted from the Parental leave.

d. Childcare leave or career breaks

No data available.

5. Research and publications on leave and other employment-related policies since April 2017

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

a. General overview

None reported.

b. Selected publications since April 2017

European Commission (2016) *Gender Equality. How are EU rules transposed into national law. Country report; Bulgaria.* Available at: http://ec.europa.eu/information_society/newsroom/image/document/2017-3/2016-bg-country_report_ge_final_en_41875.pdf

The report outlines the national legislation and the extent to which it is synchronised with European regulations and recommendations.

Kabatliyska, V. and Todorova, M. (last updated November 2017): 'Employment and employee benefits in Bulgaria: overview'. Available at: [https://uk.practicallaw.thomsonreuters.com/8-503-3652?transitionType=Default&contextData=\(sc.Default\)&firstPage=true&bhcp=1](https://uk.practicallaw.thomsonreuters.com/8-503-3652?transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=1)

The site gives an overview of the key practical issues including: employment status; background checks; permissions to work; contractual and implied terms of employment; minimum wages; restrictions on working time; illness and injury; rights of parents and carers; data protection; discrimination and harassment; dismissals; redundancies; taxation; employer and parent company liability; employee representation and consultation; consequence of business transfers; intellectual property; restraint of trade agreements, relocation of employees; reform proposals.

c. Ongoing research

None reported

educated parents because of the negative effects of long parental leave on labor market and women's qualification (see Kotzeva et al., 2016; footnote 3).

⁶ <http://www.asp.government.bg/documents/20181/115515/GODISHEN+OTCHET+ASP+-+2017.pdf/d324ac39-4b75-48c2-9728-c20197259f40>