

The impact of the Racial Equality Directive:  
a survey of trade unions and employers  
in the Member States of the European Union

Bulgaria

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## 1. Demographic background

Bulgaria has a total area of 110,993.6 km<sup>2</sup>. Since its entry in the European Union in 2007 Bulgaria has become an external frontier of the EU at its south eastern end. Bulgaria includes significant numbers of Turkish, Roma and Pomak (Bulgarian Muslims) people. According to the 2001 Census, the total population is just under 8m persons of whom 6.7m are Bulgarians, 750,000 of Turkish origin, 400,000 of Roma origin and 130,000 of Pomak origin. The representatives of the minority groups are mainly employed in agriculture (Turks), construction (Turks, Roma), textiles and clothing (Turks, Roma, Pomak), food industries (Roma), mining (Turks, Roma), cleaning (Roma), and health care (Roma in the lowest qualified professions). During recent years Bulgaria has started to become attractive for migrants from the developing countries but outflows are still more important than inflows. Even if some of the migrants use Bulgaria only as a transit point, the number of third country nationals in Bulgaria, has slowly increased.

During the Communist regime (1944 - 1989) the policy towards ethnic minorities was not constant. In the 1950s Bulgaria was promoting the language and culture of the minority groups, from the 1970s it started to change. The Muslim population was considered to be Bulgarians that were Islamised by force in the times of the Ottoman Empire. The Pomaks were obliged to change their original names for Bulgarian ones in the 1970s. In the 1980s, the Communist Party subjected the Bulgarian Turks to increasing human rights violations and Turks were also forced to adopt Bulgarian names. After 1989, ethnic relations were peaceful despite the legacy of violence in the 1984-1985 period and the wars which devastated neighbouring Yugoslavia (Kalcheva 2003).

During the post-Communist transition, ethnic tolerance was promoted in the public sphere as a characteristic of the Bulgarian ethnic model. But if the Turkish minority was successfully re-integrated politically, the big losers of the transition were Roma groups. The educational level of the Roma was the lowest amongst all the ethnic groups and their unemployment levels were higher throughout the transition.

## 2. Industrial relations background

The industrial relations model in Bulgaria was developed during the post-Communist transition. The country has number of tripartite institutions and criteria for the recognition of the nationally representative organisations of workers and employers. At present, there are six employers' representative organisations and two trade union confederations in Bulgaria.

Trade unions were the single channel of workers representation in Bulgaria until 2006 *de jure* and after that *de facto*. In 2006 the Labour Code envisaged for the first time the possibility for the establishment of information and consultation bodies but few companies benefited from this opportunity. The trade union density is between 20 - 30%, according to various sources. CITUB, the inheritor of the former single trade union, is the main trade union confederation in the country. According to its web site the confederation unites about 350,000 members. The Confederation of Labour 'Podkrepa' was established in 1989 as a dissident trade union fighting against the communist regime. At present the confederation has about 150,000 members,

according to its web site. Trade unions in Bulgaria are still strong in the public sector and some industries are dominated by privatised former state-owned enterprises but weaker in the services and in SMEs (Kirov 2005). For the needs of the study, representatives of both confederations were interviewed as well as of two branch federations within each confederation. The Federation of the Independent Trade unions from the food industry, CITUB, has about 3,200 members, the Federation of the Independent Trade Unions of the Power Industry, CITUB has about 13,000 members. The interviewed representatives from the CL 'Podkrepa' federation are from the Federation of Miners (about 8,500 members) and the Federation of Education (about 20,000 members).

The coverage of the employers' organisations is difficult to estimate because one company can be a member of more than one association. The nationally representative employers organisations are as follows - the Bulgarian Industrial Association (BIA) (*Balgarska stopanska kamara - BSK*), the Bulgarian Chamber of Commerce and Industry (BCCI) (*Balgarska targovsko-promishlena palata*), the Confederation of the Employers and Industrialists in Bulgaria – CEIBG (*Konfederazia na rabotodatelite i industrialzite v Balgaria*), the Bulgarian Industrial Capital Association (*Assotziazia na industrialnia capital v Balgaria*), The Union for Economic Initiative (UEI) (*Saiuz za stopnaska iniativa*) and the Bulgarian Union of Private Entrepreneurs 'Vazrajane' (*Balgarski saiuz na chastnite priemachi 'Vazrajane'*). Representatives of three of these organisations were interviewed.

The collective bargaining system outcomes consist of several sectoral/branch agreements, most of which have modest achievements compared to the Labour code, and about 2,000 enterprise-level agreements<sup>1</sup>. This situation means that a large part of the labour force is not represented by unions or through other channels and is not covered by collective agreements.

Proposed laws concerning labour and social security issues are usually the subject of social dialogue. There are many examples of successful collaboration between employers and unions such as the Labour Code modifications in 2001, the social security legislation, etc. However it was not the case with the Protection against Discrimination Act. According to the representative of CITUB, during the last ten years all the laws were drafted in collaboration in joint expert groups (including representatives of the State, the unions and the employers' organisations). Nevertheless, there are two exceptions about the draft of two laws – one of them is the Protection against Discrimination Act - when the union was not involved. According to the respondent, this law was adopted by the Parliament without any consultation with the unions and this was done for a specific purpose, according to our interviewee. However, CITUB took part in the draft of this anti-discrimination Law. They opposed the way it was envisaged by the government and the Parliament; there was a discussion, and CITUB provided considerable critical comments, some of which were taken into account at the end. But the respondent points out that CITUB was not taking part in the real drafting of this law. The explanation of the interviewee for the earlier omission is that there was a debate whether the law

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<sup>1</sup> Since 2001 there is also a possibility for the conclusion of a National CLA but this was never signed. Employers, unions and government adopted the 'Pact for Economic and Social Development of Republic of Bulgaria till 2009'

concerns labour relations or not and as the government considered that it did not, there was no need for consultation with the social partners.

### **3. Trade union and Employer awareness**

Neither the employers nor the trade unions see anti-discrimination as a significant issue. This partly reflects indirect denial and partly difference in priorities. One trade unionist explained: *'In Bulgaria discrimination is based not on colour and ethnic origin... Especially in the domain of labour, discrimination is based on the lack of education and qualification'*. For the sectoral level unions also the general conditions for all the employees are seen as more important: *'Discrimination does not stay as a priority for the Miners' union. We have been more engaged in increasing the wages of the workers' (Miners union, CL 'Podkrepa')*.

The same respondent is concerned about the eventual discrimination against Bulgarians that work abroad: *'We do not have these intensive processes of migration towards Bulgaria. We have processes of migration from Bulgaria towards the outside. We have problem that those migrants could be discriminated because they are Bulgarians'*.

One of the first important outcomes of the adoption of the anti-discrimination legislation is that people started to talk about this, according to the CITUB textile union: *'Speaking about the anti-discrimination legislation the first important result is that people started to talk about these questions and also some work started in order to accept differences, some norms imposed from decades are not so solid now. But of course, in the villages and in small towns things are more complicated than in Sofia, in Varna, in the big cities. But this is a process of change of the mentality in a state that was closed for decades...'*

An employer explained that with most companies being small, *'nobody will hire somebody in order to discriminate against him afterwards'*, so *'if there is discrimination it concerns the recruitment of personnel' – 'a soft form of discrimination'*. Nor is there social dialogue about discrimination: the same employer argued *'If the Law has imperative norms it is not suitable to develop these issues in the collective agreements'*.

However there are suggestions that victims of discrimination are probably afraid to talk about their experiences. As the interviewee from BIA says, *'Probably there are really cases of discrimination but people do not have the courage to complain. I can not say personally why this happens, probably people do not know the Law, and probably they are afraid for their jobs'*.

Even if some of the employers' representatives interviewed are aware of the legal changes related to the harmonisation of the Bulgarian legislation with the European one, they do not consider that this topic should be treated by them: *'The race directive is not related to our activity, that is why we do not have any opinions or positions about it and respectively BCCI has not taken part when the Bulgarian legislation was discussed and adopted'*.

#### 4. Comments on the Equality Body

The Protection from Discrimination Act (PfDA) was adopted in 2003 and has been in force since 01.01.2004. This Act sets the norms regulating the establishment and the activity of the Commission for Protection against Discrimination (CPD) as a national specialised authority for prevention, control and protection from discrimination pursuant to the European Directives and legislation and recognising national characteristics in combating all forms of discrimination (Report of the Commission, 2007).

The trade unions' representatives are aware of the existence and the work of the equality body. However the evaluations of its work are not unanimous. The CITUB representative evaluates positively the work of the Commission: *'The Commission does a good job, we have contacts with them'* (CITUB). He says that the Confederation has proposed to assist the Commission for Protection against Discrimination and to allow it to use the CITUB's regional structure, because the commission is based in Sofia and has no regional bodies. Nevertheless this proposal was not retained. But the opinion of the interviewee is that they should develop closer relations with the equality body in order to better defend the interests of the union members. Currently, the only procedures launched by CITUB concern discrimination on the basis of trade union membership.

The Podkrepa Education union had a very negative opinion of the Commission – it was accused of discriminating against parents and children from the public schools because of the teachers' strike, and our respondent considered that the Commission supported the parents group. Another Podkrepa affiliated union, the Miners, considers the Commission is one more arm for fighting against discrimination if such a problem appears. The interviewee knows the Commission, the federation and the equality body are in the same building in Sofia and considers this important.

Employers' organisations have positive opinions about the work of the Commission for Protection against Discrimination. According to the interviewee of BCCI, at the present moment the procedures at the Commission are free of charge, the deadlines are short and this means that it can ensure rapid protection against discrimination. The members of the Commission are well known legal specialists. All these elements impact positively on the quality of protection against the discrimination measures. But according to the employers' representatives, there is not enough practice in the implementation of this legislation. From this perspective, some of them consider that it is too early to evaluate the impact of the Protection against Discrimination Act and the work of the Commission for Protection against Discrimination. As the BCCI interviewee says: *'However there is not enough practice about the application of this legislation. It is important that such practice is accumulated first, that there is a sufficient number of financial sanctions... more or less to create a history of this Law in order that each party could apply it. In Bulgaria we do not have traditions in the application of such laws. However I suppose that with time things will be regulated and in Bulgaria this legislation will be applied.'*

## **5. Trade union and employer policies and measures**

### **5.1. Trade union policies and measures**

Existing trade union practices and measures reflect the fact that discrimination based on race and ethnicity is not considered an important issue in Bulgaria. As the respondent from the textile union of CITUB thinks, it is important to know that trade unionists could be the object of discrimination but also a trade union section or organisation could be subject to discrimination and acts against it. He says: *'We have not had such practices so far but this does not mean that we could not be in such a situation in the future. The truth is that we should work in order to change mentalities because even if the situation is OK now, we are not sure if it will also be OK in future'*.

Among the trade unions examined, CITUB seems to be the most engaged in raising the awareness of its members about discrimination, including discrimination on the base of race and ethnicity. CITUB organised training about the anti-discrimination legislation for about 300 trade union activists and published practical guidelines about the adopted anti-discrimination legislation adopted in Bulgaria, and the role that union sections could play in the anti-discrimination fight. Some CITUB federations such as Federation of the Independent Trade Unions of the Light Industry, CITUB, organised presentations for its activists of the materials developed at the CITUB's seminars.

Podkrepa members have had training modules about discrimination at work in the 1990s, in the framework of training programmes for trade unionists, financed by the US trade unions. The union of miners of the CL 'Podkrepa' has used the argument of ethnic discrimination in a court procedure. One of the trade union section leaders was dismissed for trade union activity but he was also from Turkish origin. There were no cases of collaboration with NGOs for joint actions against discrimination reported in the interviews.

The steps taken by the unions to increase awareness of the Racial Equality Directive included media campaigns and more information, seminars and training for union members. According to the CITUB representatives it would be interesting if Bulgarian unions could examine the good practices developed by other European unions in this domain in order to find interesting ideas.

### **5.2. Employer policies and measures**

BIA has organised seminars on 'Diversity at the workplace'. In 2006 together with the one important Bulgarian NGO, the European Institute, BIA presented a seminar on 'Diversity in the workplace. Is it an isolated case?'. About 50 representatives of employers took part in this seminar. It was held in the BIA premises and special materials developed by the representatives of the European Institute were presented to the participants. BIA was the only employers' organisation in Bulgaria that received a prize for its work in the European Year of Equal Opportunities. The UEI has developed projects about the education and training of Roma individuals who would like to start small businesses or to start activities as agricultural producers.

Individual employers such as 'Taxi S Express Company' have developed practices of employing drivers from the Roma ethnic group. The company employs about 300 Roma from about 1500 employees in total. Drivers are assisted, they are trained and the results are very good according to the company management. This company is considering introducing a uniform for all its drivers since '*When they are in uniform the client will have difficulty in distinguishing the Roma, the Jew, the Turk or the [ethnic] Bulgarian*'.

HR managers in some cases take 'diversity' on board, and probably the reason for this is not the legislation but the labour market situation (as the case of Taxi S Express). In the years 2005–2008 Bulgaria suffered labour force shortages in many professions due to the increased outward migration and the sustained economic growth.

Steps to increase awareness of the Racial Equality Directive included the suggestion (from an employer) making it a requirement for employers to spread knowledge and to train his/her employees. According to BIA interviewees, there is still not enough promotion of this legislation to employers, and such promotion is needed because of the mentality of the individual employers as discrimination based on race/ethnic origin is more likely to take place in the recruitment process.

## **6. Views on how to tackle discrimination better**

Both employers and unions suggested doing more in the educational system and raising the awareness of the different stakeholders – unions, employers' organisations, citizens and the youth.

The first group of recommendations of employers concerns the need to increase the educational level of the Roma population in order to make them more employable. The second important suggestion is to educate citizens about their rights and about this new legislation. According to the representative of the Union for Economic Initiative '*all forms of prevention should pass through the educational system*'. The third group of recommendations concerns the need for informing and raising awareness about the legislation through campaigns. The BCCI legal expert recommends the promotion of the new anti-discrimination legislation, through appropriate media channels. According to this respondent, there is also a possibility to change the Law in order to ensure that each employer is asked to disseminate the law, the knowledge about rights, and to train his/her employees at least for some hours during the year.

The problematic issues could be further developed in the Collective Labour Agreements (BCCI). As pointed out by BIA, the new legislation (Protection against Discrimination Act) stimulates trade unions and employers to adopt good practices and to use these in collective bargaining if necessary. According to BIA, in all large organisations (in the administration and in the large enterprises) one person should be appointed that could give information about all employees in the organisation, to monitor employed men and women. In most cases it should be the human resources manager of the organisation. This will help the employer to respect better the legislation for protection against discrimination. According to a BCCI respondent, there is also a lot to be done within the organisations, such as internal training:

*'Those people that were trained, such as myself and one other person form our organisation, we should become trainers of the other employees in the organisation'.*

Trade unions also share the view that there is a need for education. As mentioned above, they assume that steps to increase awareness of the Racial Equality Directive included media campaigns and more information, seminars and training for union members. According to the Food trade union of CITUB there is also a need for more internal discussions within the unions' organisations. According to the CITUB representatives, it would be interesting if Bulgarian unions could examine the good practices developed by other European unions in this domain in order to identify interesting ideas. According to the Podkrepa Union of Miners, there is a need to monitor the application of the anti-discrimination law. Other unionists share the view that often the harmonisation of European directives in the country is only 'on paper' which meant they have not been used in practice. According to CITUB's representative there is also a need to discuss the experience accumulated in the practice of the equality body among social partners and eventually to adapt the legislation if needed: *'Maybe we need to look more thoroughly at the law and its impact and the work of the commission. Because there is a long period, practices have accumulated and there are some problems, some issues where the Commission has not taken the right decisions, according to us. We could discuss and search for some changes in the law and in practice. And here the government should play the role of a coordinator...'*

## **References**

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