



NEWCHALLENGES



This project is funded by  
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**"Information and consultation – *New challenges*"**

TRANSNATIONAL CONFERENCE ATHENS

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As highly recognized advocacy institution PODKREPA is campaigning for freedom, respect of human rights and dignity, decent work and social justice.

Its main objectives are focused on improvement of living standards and working conditions based on solidarity, partnership and pro-active protection of workers' interests



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Its priorities are focused on

- (1) to guarantee the full respect of labour and human rights;
- (2) to participate actively in the social dialogue at all levels;
- (3) to protect health and material, public and cultural interests of its members and their families;
- (4) to promote full equality between genders in realizing their labour rights; consulting and training in the areas of labour relations, social security, working conditions; and to develop the trade union cooperation and interaction.



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As an independent workers' organization and a recognized social partner at national level, CL PODKREPA is affiliated to international and EU umbrella trade union structures. It is a member of the International Trade Union Confederation (ITUC) and the European Trade Union Confederation (ETUC). The President of CL PODKREPA is an ETUC Vice-President and Member of the ETUC Executive Committee. Though the PODKREPA CL President is acting as a main coordinator of ETUC actions and tasks addressing trade unions policies in the Eastern Europe.



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Two permanent representatives at the European Economic and Social Council represent CL PODKREPA.

On national level the organisation is well represented in the Bulgarian Economic and Social Council. Leaders and experts of the organisations are directly engaged in legal consultations and drafting of laws/seconded legislations and national social and economic programmes of the National Tripartite Council.



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It is also involved in activities of the European Sectorial Social Dialogue Committees and at political level it is part of the European social dialogue and policies.

It pursuits plethora of activities related to the European pillar of social rights. CL PODKREPA brings experts to the Managing Board of the European Social Fund and it is affiliated to the European Centre for Workers' Questions EZA (since 2010).



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In Bulgaria, the issues concerning information and consultation in multinational companies are mainly discussed in the Law on information and consultation of employees in multinational enterprises, groups of enterprises and European companies.

Information and consultation are carried out through the European Workers Councils or an Information and Consultation Procedure.



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## **CONSTITUTION OF THE REPUBLIC OF BULGARIA:**

According Art. 41. (1) of Bulgarian Constitution, everyone has the right to seek, receive and disseminate information.

The implementation of this right cannot be directed against the rights and reputation of other citizens, as well as national security, public order, public health and morality.





The implementation of the information and consultation procedures is carried out through the European works councils, through the trade unions and the representatives of the employees under Article 7, paragraph 2 of the Labor Code and is settled by an agreement.

The law does not set out a strict procedure for reaching an agreement.



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## Legislation on Information and Consultation in BULGARIA

### Information and Consultation of Employees in Multinationals, Enterprise Groups and European Companies Act

*Art. 29. (3) Where the nature of the [confidential] information may seriously undermine or impair the performance of undertakings or companies, management authorities may refuse to grant it [to the European Workers' Council] on the basis of an objective assessment.*

### Labour Code

*Art. 130c. (5) The employer may refuse to provide information or consultations when the nature of the information or consultation may seriously impair the functioning of the undertaking or the legitimate interests of the employer.*

### Constitution of The Republic of Bulgaria



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However, it is clear from the provisions establishing the obligations of the parties that, once the employees' representatives have been chosen in accordance with the established order, they may invite the employer to a meeting to reach the agreement.



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It is a good idea to specify the type of the proposed agreement, the person to be represented as the representative, the date and venue of the negotiations, and others.

There is no obstacle to the employer's initiative to make an agreement.



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The most important issues, which should be an object of information and consultation by the workers' representatives, are explicitly and exhaustively specified in the Labour Code, as follows:

- Economic and financial standing
- Structure of enterprises
- Expected development of activities
- Investments and changes
- New methods and processes
- Transformation of enterprises
- Upcoming mass redundancies and layoffs



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## **The sanctions:**

In cases where the employer foresees measures that lead to structural changes in the company or to mass redundancies, the order and manner of information and consultation are specified by the employer, the representatives of the trade unions and the representatives of the employees. If the employer refuses to provide information, the representatives of the employees have the right to request it from him in writing form, and in case of refusal to give them the requested information - to signal the "General Labour Inspectorate" Executive Agency for violation of the labour legislation.



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## LABOUR CODE

The establishment of a system for information and consultation in the Bulgarian enterprises is done through the election (with a simple majority) of the representatives of the employees of the General Meeting of Representatives.

According to the Labour Code, the right to convene the selection of representatives is the employer, the trade unions or 1/10 of the employees.



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The General Meeting of the proxies decides whether to elect representatives of the staff, whether to grant the right of the trade union management to appoint these representatives or the elected representatives already under Art. 7 (2) of the Labour Code to perform the information and consultation functions.

Trade Union organizations in the Enterprises with 50+ employees and 20+ employees.





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The General Assembly of employees elects their representatives or assigns it to Trade Unions in the enterprise.

The representatives for information and consultation represent the workers, negotiate with the employer, require information, consult changes restructurings, provide opinions reorganizations, inform workers about redundancies planning:



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- represent the workers;
- negotiate with the employer;
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*Thank you for your attention!*

**TODOR KACHKOV**

**Confederation of Labour Podkrepa**