



Republic of Bulgaria
ECONOMIC
AND SOCIAL COUNCIL

ANALYSIS

on

"THE PROBLEMS OF PERFORMING AND RECEIVING PAYMENT FOR NIGHT WORK IN BULGARIA "

(own-initiative analysis)

Sofia, 2020

The Economic and Social Council of the Republic of Bulgaria included in its Action Plan for 2020 the elaboration of an analysis on the topic "The problems of performing and receiving payment for night work in Bulgaria".

The elaboration of the analysis was assigned to the Social Policy Commission and the Labour, Income, Living Standards and Industrial Relations Commission. The Social Policy Commission was appointed as the leading commission for the preparation of the draft analysis and Dimitar Manolov - ESC member from Group II - Trade Unions - was appointed rapporteur.

At the plenary session held on 17 July 2020 the Economic and Social Council adopted the analysis.

CONTENTS

1. Introduction	4
2. Interests conflicting with night work	4
3. Main problems of night work	7
4. Conditions for performing and receiving payment for night work in Bulgaria ..	10
5. Policies and measures related to night work in Bulgaria	16

1. Introduction

- 1.1. Although the natural structure of the human body presupposes that it should be active during daytime and should regain its strength during night time, night work occupies an increasingly important place in public life and performing this type of work is becoming increasingly inevitable - due to technologically continuous processes, global interconnectedness, urban lifestyle, etc.
- 1.2. The purpose of this analysis is to highlight some of the main specifics and problems of night work, including scientifically established facts and circumstances related to the performance of such work, and to propose measures to limit some of the adverse effects, taking into account economic development and the prevailing public interest.
- 1.3. The exposition traces the main interests that should be compared in clarifying the specifics of night work - revealing the need to adapt industrial relations to the specifics of human biology. Some of the problems conflicting with the performance of night work are briefly considered, and special attention is paid to the conditions for the performance and receiving payment for night work in the Republic of Bulgaria. The focus of the analysis is the proposed policies and measures related to night work, including those aimed at overcoming or limiting some of the more unfavourable consequences of performing this type of work.

2. Interests conflicting with night work

- 2.1. The natural biological rhythm of the human body includes an active period during daytime and time for rest and recovery during night time (in connection with which are the so-called circadian rhythms)¹. Although

¹ Krasavin VA, Lebedev AN, Bodrov VA, Lugovoy LA, Doskin VA et al. : Biological rhythms; 1976, The Great Medical Encyclopedia, vol. 3, p. 584; Vitaterna, MS: Overview of Circadian Rhythms; Alcohol Research and Health, 2001, vol.25 (2), p. 85-93; Johnson, C.: Chronobiology: Biological Timekeeping; 2004, Sunderland, Massachusetts, USA, Sinauer Associates, Inc., p. 67-105; see also in Wikipedia:

https://bg.wikipedia.org/wiki/%D0%A6%D0%B8%D1%80%D0%BA%D0%B0%D0%B4%D0%B5%D0%BD_%D1%80%D0%B8%D1%82%D1%8A%D0%BC

technological development and urbanization allow to expand the active period and reduce the importance of natural factors, human biology continues to be oriented according to the primordial nature of the human body and non-compliance with this nature can lead to a number of negative consequences for human health².

- 2.2. The human body is more sensitive at night to environmental disturbances, as well as to some severe forms of work organization, and long periods of night work can be detrimental to workers' health and endanger workplace safety³. This necessitates limiting the duration of night work⁴ and redirecting night workers to appropriate day work if health problems occur⁵. The situation of night workers requires that the level of safety and health be brought into line with the nature of their work and that efficient services and means of protection and prevention be developed and put into operation⁶.
- 2.3. Notwithstanding the above, however, the intensive development of industrial relations, technology and the economy necessitates the establishment of a 24-hour continuous rhythm of work in many socially important activities, which makes it impossible or highly unjustified from a social, economic and technical point of view to stop a number of activities: healthcare, protection in case of disasters and accidents, defence, protection of public order, transport, communications, energy, some specific industries, services and activities.
- 2.4. There are also specific social groups that prefer to work at night: people with a "reversed" biological rhythm; those whose activity is not tied to a specific part of the day, but requires a higher degree of privacy and concentration; students who cannot (do not want to) be absent from their classes during the day; working mainly full-time, earning additional income at night; and others⁷. With the urbanization and development of the urban way of life, such specific social groups play an increasingly important role in society.

² Zelinski EL., Deibel SH., McDonald RJ.: The Trouble With Circadian Clock Dysfunction: Multiple Deleterious Effects on the Brain and Bbody; 2014, Neuroscience and Biobehavioral Reviews, vol. 40 (40), p. 80-101.

³ Directive 2003/88/EC, para. 7 of the preamble.

⁴ Ibid., item 8 of the preamble.

⁵ Ibid., item 9 of the preamble.

⁶ Ibid., item 10 of the preamble.

⁷ Torpey, E.: Careers for Night Owls and Early Birds; 2015, U.S. Bureau of Labour Statistics.

- 2.5. Nevertheless, the discrepancy between the natural biological needs of the human body and the widely established economic relations calls for the establishment of specific standards in night work, which would allow the maintenance of continuous production and activities, on the one hand, and the protection of the health and the quality of life of night workers, on the other. The process of adjustment must take into account human life and health as the highest good, to which and in the service of which economic relations are organized (in fulfilment of the so-called General principle of adapting work to the worker)⁸.
- 2.6. The existing data show that in Bulgaria 18% (about 437 thousand) of the workers work at night⁹, and the number tends to increase (intensification of production, servicing cross-border activities in other time zones, global and interconnected processes).
- 2.7. Due to the nature of the human body, night work is not equivalent to that which is performed during daytime. That is why there are a number of mechanisms to prevent damage to the health of night workers¹⁰, to limit night work¹¹, and to adjust payment for this type of work¹².
- 2.8. Despite the normatively introduced measures for regulating night work, however, there are a number of problems related to the protection of the

⁸ Directive 2003/88/EC, para. 11 of the preamble, according to which the organization of labour under a certain regime must take into account the general principle of adapting work to the worker; in the same sense e.g. Art. 4, para. 3, item 4 of the Bulgarian Health and Safety at Work Act for the adaptation of work to the worker, especially with regard to the design of workplaces, the choice of work equipment, working and production methods, in order to facilitate or eliminate monotonous work, work with imposed rhythm, and to reduce impact them on the health of the worker.

⁹ According to Eurofound data from the European Working Conditions Survey for 2015; the survey is at this address:

https://www.eurofound.europa.eu/bg/data/european-working-conditions-survey?locale=BG&dataSource=EWCS2017NW&media=png&width=740&question=Q37a&plot=heatMap&countryGroup=liNear&subset=agecat_3&subsetValue=All&answer=2--Once-or-more

¹⁰ In this sense, e.g. Art. 140a of the Bulgarian Labour Code for the obligatory preliminary and periodic medical examinations, and the relocation of appropriate daily work in case of deteriorating health; Art. 140, para. 3 of the Labour Code for the provision of hot food, invigorating drinks and other encouraging conditions; t. 15 of the Annex under Art. 8 of the Regulation for the development of physiological regimes of work and rest during night work; and others.

¹¹ In this sense, e.g. Art. 140, para. 1 of the Labour Code for the normal duration of working hours at night within the day and within the working week; Art. 146, para. 2 of the Labour Code for the admissible duration of the overtime night work; Art. 140, para. 4 for the prohibition for night work by certain categories of workers and employees; and others.

¹² In this sense, e.g. Art. 260 of the Labour Code in connection with Art. 8 and 9 of the RSOR for the additional remuneration for night work; as well as a number of collective agreements reached in this direction.

health of workers¹³, the adaptation of work to the physiological characteristics of the human body¹⁴ and payment for night work¹⁵.

3. Main problems of night work

- 3.1. Those affected by the need to perform night work include workers in the energy sector, hotels and catering, healthcare, industrial production, transport and communications, public order, defence and protection of the population in case of disasters and accidents; as well as members of their families who, even if they do not perform night work, suffer the consequences of disturbed day-night rhythm of their relatives (absence from home during normal rest periods, sleeping in the active part of the day after night shifts, etc.) .
- 3.2. The risks to health and safety at night can be divided into those that have been proven by modern medical science and those that are probable¹⁶ (there are data on them, although they are not unambiguous and definite, and continue to be object of research):

PROVEN RISKS FROM NIGHT WORK	PROBABLE RISKS FROM NIGHT WORK
<ul style="list-style-type: none"> -changes in the circadian system -sleep problems -endocrine and metabolic diseases -cardiovascular diseases -gastrointestinal diseases 	<ul style="list-style-type: none"> -malignant diseases -impact on the immune system -reproductive problems -psychological problems -cognitive problems

¹³ According to the World Health Organization, the systematic provision of night work can lead to serious damage to health, which is why this type of work should be significantly limited; see in this connection notes 16, 17 and 18 below.

¹⁴ In this sense, e.g. The general principle for adapting the work to the worker according to Art. 13 of Directive 2003/88/EC.

¹⁵ E.g. in 1997 (when the minimum wage for the country was BGN 45) an additional remuneration for working hours of night work of BGN 0.07 has been introduced. - which is maintained for the next 10 years; in 2006 (when the minimum wage for the country is BGN 160) an additional remuneration for working hours of night work of BGN 0.25 was introduced. (which is still in force today, 11 years later). The systematic devaluation of night work is obvious (if the minimum wage is accepted as a measure of the value of labour).

¹⁶ According to data developed in detail by Assoc. Prof. Dr. Katya Vangelova, MD, National Center for Public Health and Analysis (NCPHA) at the Ministry of Health, Occupational Health Department; see in this regard, the development "Main problems and recommendations for the organization of shift work", available at this address:

<https://ncpha.government.bg/files/smenna-rabota.pdf>

- 3.3. The cited problems arise primarily from the violations of the above-mentioned circadian rhythms, responsible for a number of biological indicators - physiological, endocrine, metabolic, immune and others. Some indicators (melatonin, cortisol, deep body temperature, etc.) have a stable circadian rhythm. Systematic night work can lead to desynchronization of biological rhythms with circadian rhythms, desynchronization of circadian rhythms relative to each other and lowering the amplitude of circadian rhythms, which leads to deterioration of sleep quality and accumulation of fatigue. Among the most serious consequences are obesity, diabetes, cardiovascular and cancer.
- 3.4. Main physiological problems arising from systematic night work:
- 3.4.1. disturbances in circadian rhythms;
- 3.4.2. worsening of sleep;
- 3.4.3. accumulation of fatigue.
- 3.5. Main health problems arising from the systematic performance of night work:
- 3.5.1. gastrointestinal diseases (between 20 and 75% of night workers - dyspepsia, burning in the chest, stomach pain, stomach growling, gas, constipation, diarrhoea, in 10 to 25% of day workers); at a later stage, chronic gastritis, ulcer, colitis, gastroduodenitis are possible;
- 3.5.2. cardiovascular diseases¹⁷ (up to 40% of night workers) myocardial infarction, ischemic heart disease, arterial hypertension);
- 3.5.3. endocrine and metabolic diseases¹⁸ (3.5% of night workers - diabetes, obesity, metabolic syndrome, in 1.5% of day workers); diabetes 2.1% in night workers and 0.9% in day workers;
- 3.5.4. reproductive problems (menstrual disorders, problematic pregnancy, risk of miscarriage, low birth weight, premature birth);

¹⁷ Delezie J., Challet E.: Interactions Between Metabolism and Circadian Clocks: Reciprocal Disturbances; Annals of the New York Academy of Sciences, 2011, vol. 1243 (1), p. 30-46.

¹⁸ Johnston JD.: Physiological Responses to Food Intake Throughout the Day; Nutrition Research Reviews, 2014, vol. 27 (1), p. 107-18.

- 3.5.5. hormone-dependent cancers¹⁹ (night shift work was recognized by the International Institute for Cancer Research in 2007) for a probable carcinogen type 2A; breast cancer; prostate cancer);
- 3.5.6. psychological problems (chronic fatigue, nervousness, anxiety, agitation, sexual problems, depression, cognitive problems).
- 3.6. The risks to mental and social integrity in night work can be divided into general, psychological and social²⁰. It can be summarized that regular night shifts lead to difficulties for working people, their families, employers and society as a whole. The absence of a family member at night disrupts the functioning of the family. Material resources are not sufficient compensation for the absence from home.
 - 3.6.1. General problems arising from the systematic provision of night work:
 - 3.6.1.1. increased occupational injuries;
 - 3.6.1.2. increased morbidity;
 - 3.6.1.3. increased absences from work;
 - 3.6.1.4. increased labour turnover.
 - 3.6.2. Social problems arising from the systematic provision of night work:
 - 3.6.2.1. systematic absence from the family;
 - 3.6.2.2. gaps in the upbringing of children (Dolby effect);
 - 3.6.2.3. limiting participation in holidays and rituals;
 - 3.6.2.4. impoverishment of social contacts;
 - 3.6.2.5. disorders in the cognitive sphere and psychomotor skills;
 - 3.6.2.6. acts of violence;
 - 3.6.2.7. increased intake of alcohol, cigarettes, psychoactive substances;
 - 3.6.2.8. social alienation;

¹⁹ Tsekova, I., K. Vangelova. Risk of hormone-dependent cancers during shift work; Health and safety at work, 2016; no. 2 (1), p. 21-31; също Lee HE., Lee J., Jang TW., Kim IA., Park J., Song J.: The Relationship Between Night Work and Breast Cancer; Annals of Occupational and Environmental Medicine, 2018, vol. 30, p. 1-7; също Fenga C.: Occupational Exposure and Risk of Breast Cancer (Review); Biomedical Reports, 2016, vol. 4, p. 282-292; също Blair A., Demers P., Hansen J., Pukkala E., Levi F., Brock T., et al.: Carcinogenicity of Shift-Work, Painting, and Fire-Fighting; 2007, 8, 1065-66; също Takala J.: Work-Related Cancer in EU; ETUI Forum, Brussels, 16.12.2016; също Ansiau D., Marquié JC., Tucker P., Folkard S.: Longitudinal Study of the Effects of Shift Work on Health; Analyses of VISAT (ageing, health and work), data report, IOSH Research Committee, 2016; Assessment of the Health Risks for Professionals Exposed to Atypical Working Hours, Especially Night Work; ANSES opinion, Collective expert report, Scientific Edition, May 2016; също Ward EM., Germolec D., Kogevinas M., McCormick D., Vermeulen R., et al.: Monographs on the Identification of Carcinogenic Hazards to Humans, IARC, Lyon, The Lancet Oncology, vol. 124, 04.07.2019; също Zhang Y., Papantoniou K.: Carcinogenicity of Night Shift Work; Lancet Oncol. 2019; vol. 20, p. 1058-1059.

²⁰ According to data developed in detail by Assoc. Prof. Dr. Slavka Kalcheva, Bulgarian Academy of Sciences.

- 3.6.2.9. it is found that pay in most cases is the main motive for night work²¹ - despite the high stress, accumulated fatigue, sleep disorders and others. At the same time, social support at work is recognized as a major factor in reducing stress in the workplace²²;
- 3.6.2.10. the cognitive sphere and psychomotor skills maintain the greatest stability in night work by workers with accumulated rich professional experience and significant professional skills and experiencing job satisfaction.
- 3.6.3. Occupational injuries resulting from the systematic provision of night work:
- 3.6.3.1. Increased occupational injuries are among the main problems arising from the systematic provision of night work. There is a significant increase in the risk of error in the periods at night after midnight with the accumulation of 3 or more consecutive night shifts and in the hours after the last physiological rest (the so-called "relative risk" in night work)²³. It is recommended that night shifts should be limited to 3 consecutive and have more frequent and longer physiological breaks, and that this type of work is applied only when it is technically and organizationally unavoidable (see in this regard Annex №1 below).

4. Conditions for performing and receiving payment for night work in Bulgaria

- 4.1. Scope. The existing legislation on night work in our country does not sufficiently cover all employees who perform this type of work. For example, the legislation on night work for civil servants is limited to the declared right of those employees to receive additional remuneration for such work²⁴. The situation is similar for the employees of the Ministry of Interior (with minor exceptions)²⁵, as well as those of the Ministry of Defence (the latter completely excluded from any favourable norms regarding night work)²⁶. Judicial officials are also completely excluded from such favourable norms.

²¹ According to Dr. John Vioanti (American Psychological Association), extracted in a 23-year study of 861 thousand American police officers from the state of New York.

²² According to a study of 128 nurses from the emergency services in Saudi Arabia.

²³ Folkard S., Tucker P.: Shiftwork, Safety and Productivity; *Occup.Med.* 2003; 53:95-101.

²⁴ See in this regard Art. 67, para. 7, item 1 of the Bulgarian Civil Servants Act.

²⁵ See in this regard Art. 179, para. 1; from the Bulgarian Ministry of Interior Act; see also Art. 187, para. 3, hypothesis four of the Ministry of Interior Act.

²⁶ Only Art. 286, para. 1, item 1 of the Defence And Armed Forces Of The Republic Of Bulgaria Act provides for the provision of "free food and refreshments or their lev equivalent - for night work and for activities of a specific nature", but only for civil servants.

4.2. Duration

- 4.2.1. According to the trade unions, there are certain discrepancies between the Bulgarian labour legislation and the established European standards for the admissible duration of working hours (incl. the permissible duration of night work). For example, the Bulgarian Labour Code allows for a 56-hour working week (with a baseline duration of 48 hours under Directive 2003/88/EC)²⁷. It follows that according to the Bulgarian labour legislation it is permissible to make up to 4-5 night shifts in one working week²⁸ - despite the scientifically established recommendations that the number of night shifts should not exceed 3 per week²⁹. The allowable reference periods for calculating working time (incl. for calculating night work situations) under the Labour Code are 6-month (with 4-month base periods according to Directive 2003/88/EC). This provides additional opportunities for accumulation of night work within the reference periods, which reflects on the circadian rhythms, regardless of the subsequent (or previous) rest following this form of accounting for working time. The minimum permissible weekly rest under the Labour Code in case of change of shifts is 24 hours (with a base duration of 35 hours according to Directive 2003/88/EC)³⁰. The provision of night work (incl. in case of change of work regime) in the Bulgarian labour legislation is not conditioned by restrictions³¹ and is presupposed by the subjective decision of the employer and an order issued by him in this sense.
- 4.2.2. According to the employers' organizations with Art. 17, item 1 of Directive 2003/88/EC introduces a limit of 52 working hours per week³² where this is justified "due to the specific characteristics of the activity concerned",

²⁷ See in this sense the findings under §4 in connection with note. 17 of Report COM(2017)254.

²⁸ In this sense, e.g. item 15, letter "e" of the annex to Art. 8 of Regulation №15 of 31.05.1999

²⁹ Folkard S., Tucker P.: Shiftwork, Safety and Productivity; Occup.Med. 2003; 53:95-101.

³⁰ Compare Art. 153, para. 3 of the Labour Code with Art. 5, §1 of Directive 2003/88/EC. Art. 5, §2 of the Directive allows a minimum weekly rest of 24 hours, "if objective, technical or conditions in connection with the organization of labour justify it" - which requirement is not reproduced in the Bulgarian legislation.

³¹ See in this regard Art. 17 of Directive 2003/88/EC; see in this sense, the findings under §4 in connection with note 19 of Report COM(2017)254.

³² Art. 17, item 1 of Directive 2003/88/EC introduces a limit of 52 working hours per week "due to the specific characteristics of the activity concerned", making it impossible to measure and/or determine in advance the length of working time; or allowing the duration of working hours to be determined by the workers themselves - incl. in the case of executives and those with the right to self-determination, family workers and those who perform religious rites; which maximum admissibility may be introduced by way of derogation, within the terms of Art. 17, item 5, §5 of the Directive.

leading to the impossibility of measuring and/or determining in advance the length of working time; or allowing the length of working hours to be determined by the workers themselves; with Art. 19, §2 of the Directive introduces a maximum permissibility of 12-month reference periods³³ when this is necessary "for objective or technical reasons, or for reasons related to the organization of work", on the basis of "collective agreements or agreements concluded between the social partners", and Art. 5, § 2 of the Directive allows a minimum weekly rest of 24 hours, "if objective, technical or conditions relating to the organization of work justify it".

- 4.3. Prevention. Although the Bulgarian labour legislation provides for mandatory provision of workers with hot food, refreshing drinks and other mitigating conditions for effective night work³⁴; conducting preliminary and periodic medical examinations during night work³⁵; and relocation of appropriate daily work or employment in case of health contraindications³⁶, it can be argued that there are a number of weaknesses in practice - such as poor coverage of night workers with due hot food, invigorating drinks and other mitigating conditions, formal and ineffective medical examinations and hence - uncertainty in exercising the right to move a suitable day job or employment if necessary.
- 4.4. Payment. The payment of night work in our country continues to be extremely low, which does not encourage businesses to invest in innovations that limit the performance of this type of work. For the last time at the central level, the minimum additional remuneration for night work was set at the end of 2006, when the minimum wage for the country reached BGN 180³⁷. The proposal of Labour Confederation "Podkrepa"³⁸ to

³³ Art. 19, §2 of the Directive introduces a maximum eligibility of 12-month reference periods "for objective or technical reasons, or considerations related to the organization of work", on the basis of "collective agreements or agreements concluded between the social partners", applicable until 01.08.2009 (Art. 17, §5, item 7 in connection with item 2 of the Directive); after which date a maximum admissibility of 6-month reference periods is introduced, in compliance with the restrictive conditions of Art. 17, item 3, letter "a" - "g" and et seq. 5, §1 and §7 of the Directive.

³⁴ See in this regard Art. 140, para. 3 of the Labour Code; compare with Art. 3 of Regulation №11 of 21.12.2005 for determining the terms and conditions for providing free food and/or supplements to it; in the same sense e.g. Art. 181, para. 3, hypothesis two of the Ministry of Interior Act.

³⁵ See in this regard Art. 140a, para. 2 and 3 of the Labour Code.

³⁶ See in this regard Art. 140a, para. 4 of the Labour Code.

³⁷ The amount of BGN 180 was reached by Council of Ministers Decree №324 of 06.12.2006 (effective from 01.01.2007).

³⁸ Labour Confederation "Podkrepa" proposes that the minimum amount of additional remuneration for each hour worked at night should be 1% of the minimum wage for the country, which would lead to automatic indexation

tie the amount of the minimum additional remuneration in percentage to the amount of the minimum wage was rejected by all other participants in the National Council for Tripartite Cooperation and a fixed amount of BGN 0.25³⁹ was imposed without specific arguments. (see in this regard Annex №2 below).

4.4.1. According to an express European survey⁴⁰ on the conditions of laying and payment for night work in European countries, the following is established:

COUNTRY	FEATURES	AVERAGE PRICE ⁴¹
Belgium	It is settled within the framework of collective bargaining and through national agreements, taking into account the consumer price index.	50% of the basic salary
Great Britain	It is settled within the framework of individual negotiation, taking into account a number of health restrictions.	10% of the basic salary
Italy	It is regulated by law.	
Ireland	It is regulated by law, taking into account a number of health restrictions.	25 - 30% of the basic salary
Spain	Settles within the framework of collective bargaining.	15 - 20% of the basic salary
Cyprus	It is regulated by sectoral	50% of the basic salary

when the minimum wage increases.

³⁹ Regulation on the structure and organization of remuneration, adopted by Council of Ministers Decree №4 of 17.01.2007 (prom. State Gazette, No 9 of 26.01.2007, in force as of 01.07.2007).

⁴⁰ The survey was conducted by the International Department of the Labour Confederation "Podkrepa" as of 2019. The methodology includes analysis of publicly available official sources and express consultation with representatives of the main nationally representative social partners in the surveyed countries.

⁴¹ Everywhere in the table are indicated hourly additional remunerations due for working 1 hour of night work, calculated as a percentage of the basic / minimum wage for the respective country.

	agreements.	
Latvia	It is regulated by law.	50% of the basic salary
Lithuania	It is regulated by law.	50% of the basic salary
Liechtenstein	It is regulated by law, as it is the usual practice to provide extended rest.	25% of the basic salary
Malta	It is settled within the framework of collective bargaining.	25% of the basic salary
Norway	Settles with sectoral agreements, providing additional remuneration, extended rest and relocation of shifts and positions in order to reduce the amount of night work.	25% of the basic salary
Poland	It is regulated by law.	20% of the minimum salary
Portugal	It is regulated by law.	25% of the basic salary
Romania	It is regulated by law.	30% of the basic salary
San Marino	It is regulated by law.	25% of basic salary or 50% in overtime
Slovakia	It is regulated by law.	40% of basic salary or 50% for risky work
Serbia	It is regulated by law.	26% of basic salary
Turkey	It is regulated by law, providing extended rest.	
France	It is regulated by law, providing extended leave, and within the framework of individual and collective bargaining, and through sectoral agreements, additional	

	benefits can be provided.	
Finland	It is settled within the framework of collective bargaining and through sectoral agreements, providing extended rest and additional remuneration.	
Croatia	It is regulated by law, providing additional remuneration, and within the framework of individual and collective bargaining, additional benefits can be provided.	
Montenegro	It is regulated by national agreements.	40% of the basic salary
Czech Republic	It is regulated by law.	10% of the basic salary or 20% in the public sector
Sweden	It is regulated by law and is limited to technologically continuous activities.	

4.4.2. From the above data it is established that the prevailing practice in Europe (and in particular in the EU) is the determination (most often by law) of a minimum additional remuneration for night work as a percentage of the basic salary.

4.4.3. Another important aspect for clarifying the conditions for laying and the levels of payment for night work in Bulgaria is the average profitability of workers in the country. It can be summarized that over 80% of Bulgarians receive monthly salaries of up to BGN 1,000, while 0.5% of Bulgarians distribute dividends of over BGN 7 billion BGN per year⁴². The tendency is for inequalities to increase and this deepens the social alienation in the

⁴² The cited structure of profitability is derived from data of the National Revenue Agency for 2017.

Bulgarian society. In particular, the structure of profitability of Bulgarian workers and employees is as follows:

- 4.4.3.1. monthly income up to BGN 510 (53.38% of employees);
 - 4.4.3.2. monthly income up to BGN 1,000 (26.11% of employees);
 - 4.4.3.3. monthly income up to BGN 2,300 (15.74% of employees);
 - 4.4.3.4. monthly income up to BGN 4,900 (3.40% of employees);
 - 4.4.3.5. monthly income over BGN 4,900 (1.29% of employees).
- 4.4.4. Only up to 20% of the workers in our country earn enough to cover their and their families' needs⁴³. As there are no reliable data, on a statistical principle it can be assumed that up to 80% of night workers are those who receive income up to and below BGN 1,000. At the same time, it is these workers who are exposed to the greatest health, social and psychological burden; and it is they who need health, social and psychological services the most, which puts an additional burden on the health system and the state social security. However, earnings from night work for one year are not sufficient to cover the cost of even one day of compensation for temporary incapacity for work⁴⁴.

5. Policies and measures related to night work in Bulgaria

- 5.1. Although not directly related to the performance and payment for night work, introduced in the Bulgarian labour legislation in 2004 (in the EU pre-accession period) working time calculation systems indirectly lead to opportunities to increase the intensity of night work in the respective reference periods. All activities and productions with reference periods of up to 6 months, a working week of up to 56 hours and a weekly break of 24 hours, which is inconsistent with Directive 2003/88/EC⁴⁵, are covered.
- 5.2. The above inconsistencies are established in the Report COM(2017)254⁴⁶ of the European Commission on the implementation by Member States of Directive 2003/88/EC⁴⁷ on certain aspects of the organization of working

⁴³ According to NSI data, the "poverty line" for 2020 is set at BGN 363, which with an income of BGN 1,000 barely covers the minimum needs of a family of three.

⁴⁴ The data come from a study by the Labour Confederation "Podkrepa", presented at a thematic conference on June 20, 2018, which launched the National Campaign "For Decent Conditions and Remuneration for Night Work".

⁴⁵ See in this regard item 4.2 above

⁴⁶ The cited report is available at this address:

<https://ec.europa.eu/transparency/regdoc/rep/1/2017/BG/COM-2017-254-F1-BG-MAIN-PART-1.PDF>

⁴⁷ That cited Directive is available at:

- time, which indicates a number of violations⁴⁸ of the Republic of Bulgaria in the field of working time (and in particular in the field of night work)⁴⁹.
- 5.3. In connection with the above findings, the expressed intention of the Bulgarian Ministry of Labour and Social Policy (MLSP)⁵⁰ to propose amendments to Art. 8 of the Bulgarian Regulation for the Structure and Organisation of Remuneration (RSOR) in the part which determines the amount of the minimum additional remuneration for night work, as the current amount of BGN 0.25 per hour worked will be changed to 0.15% of the announced minimum wage for the country, but not less than BGN 1.00 per hour worked, as of 1 January 2021.
 - 5.4. It is necessary to consider supplementing the current legislation for civil servants (incl. those working for the Ministry of the Interior, the Ministry of Defence and those in the Judiciary, who in some cases also perform night work. Regardless of the specific nature of their work, the lack of adequate legislation for the performance of this type of work by them, respectively for the necessary restrictions, preventive and protective measures, compensation and others, is not justified.
 - 5.5. In conclusion, it should be noted that there is need for the Republic of Bulgaria to update its legislation on night work, bringing it in line with established European and world standards, including those under ILO Convention 171 of 1990 on night work⁵¹, not yet ratified by our country.

/signed/

Prof. Lalko Dulevski, PhD
PRESIDENT OF THE ECONOMIC AND SOCIAL COUNCIL

<https://eur-lex.europa.eu/legal-content/BG/TXT/HTML/?uri=CELEX:32003L0088&from=BG>

⁴⁸ Violations are found e.g. in Part E "Working Time Limits" (see §4 in connection with notes 17 and 19), relevant incl. to the allowable duration of night work.

⁴⁹ See for example, the notion of "night worker" under § 4 of Art. 2 "Definitions"; the required guarantees under Art. 8 "Duration of night work"; the obligation to direct night workers to day work under §1, item "B" of Art. 9 "Health assessment and transfer of night workers to day work"; practically missing protections under Art. 12 "Protection of safety and health".

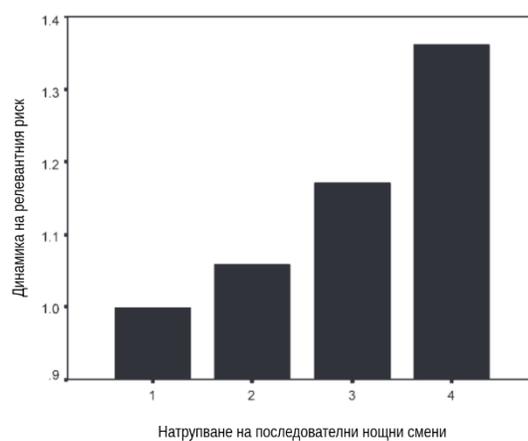
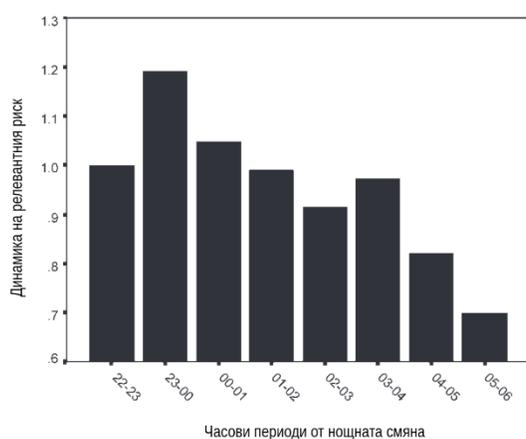
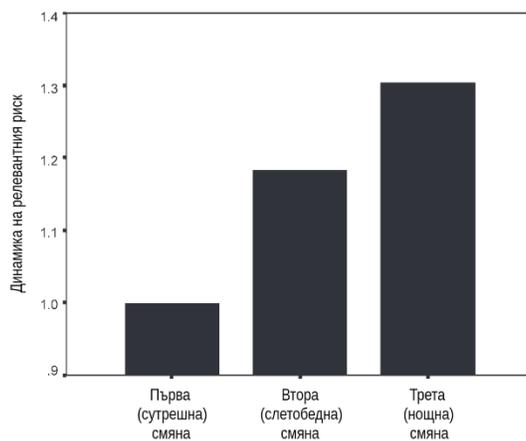
⁵⁰ The draft Decree of the Council of Ministers for amendment and supplementation of the NSAPR was discussed at the meeting of the NCTS on 13.04.2020.

⁵¹ The cited convention is available at this address in English):

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312316

Appendix № 1

Dynamics of the relative risk in performing night work



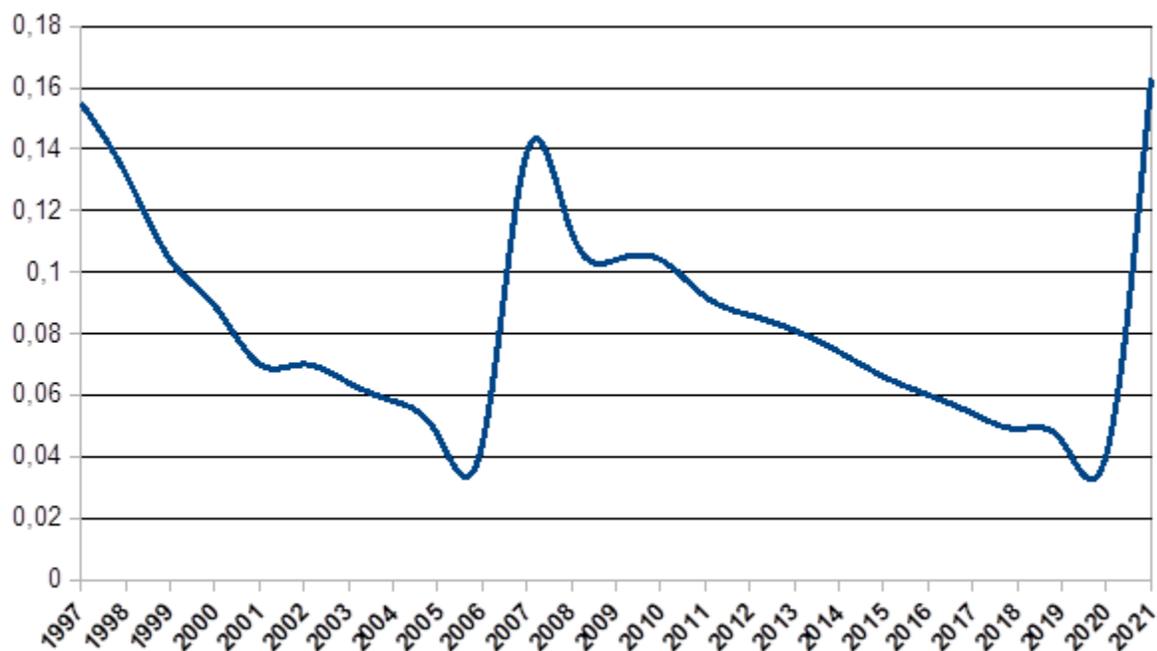
The graphs show the levels of risk depending on the part of the day in which the work is performed; the hours of the night with the most significant risk; and the

accumulation of risk on several consecutive night shifts (see the abscissa). The risk with a probability coefficient of 1.2 and more (see the ordinate) is considered unacceptable⁵².

Appendix №2

Dynamics of the price of night work compared to the minimum wage for the country

⁵² Folkard S., Tucker P.: Shiftwork, Safety and Productivity; Occup.Med. 2003; 53:95-101.



The graph shows the lasting trend towards devaluation of night work in the context of the increasing minimum wage for the country; as well as the catching-up effect of the increase that took place in 2006-2007, and what is planned to be done from the beginning of 2021 (as a result, the value of night work will slightly exceed the levels reached in 1997). The percentage ratio is presented (see the ordinate) between the price of 1 hour worked at night compared to the minimum wage for the country reached in the respective years (see the abscissa).