



**TRADE UNION OF SELF-EMPLOYED AND INFORMAL WORKERS "UNITY"**  
Sofia, bulv. "Hristo Botev"3; web:sindikatasamonaetite.com;e-mail:tusiw2014@gmail.com

## Letter to ILO

International Labour Organization (ILO)  
Ms. Cleopatra Doumbia-Henry  
Head of the International Labour Standards Departments (NORMES) and

Ms. Manuela Tomei  
Head of the Conditions of Work and Equality Department (WORKQUALITY)

4 route des Morillons  
CH-1211 Genève 22  
Switzerland

**copy to:**

ILO office Budapest  
KNSB, Podkrepa ,  
Employers Associations in Bulgaria,  
Ministry of Labour Bulgaria

**Dear Ms. Doumbia-Henry,**

We are approaching you today, because we seek advice and help in ensuring the full application of ILO convention C177 and in supporting legal improvements for informal workers more generally.

First, we like to introduce ourselves: on May 2014 , the union of informal workers ("Unity") was founded. The Association of Homeworkers, Bulgaria (AHB), which was already founded (22.02.2002) was instrumental in bringing together different groups of informal workers to speak with one voice. Until now, home workers are the largest proportion of members in the new union.

Due to the activities of the Association of Home workers, Bulgaria ratified the ILO Convention on Home work on 17 July 2009. Changes to the Bulgarian labour code in order to apply C 177 were made at 2011.

We note, that until today C 177 is not applied in practice. Our members, for example in the city of Petrich, who are industrial outworkers still don't have contracts and are not protected by law and thus don't enjoy equal treatment to other wage earners as stipulated in C 177. The government holds the opinion, that because they don't have contracts they are independent units and thus fall outside of the scope of C 177. Our understanding of C 177 is that exactly this category of workers was in the centre of the International Labour Conference in 1996, for which adequate protection was sought and finally adopted. Therefore, we believe that the Bulgarian government needs assistance from ILO in order to apply C 177 correctly.

Despite the changes in the Labour Code (see above and attached), we further note, that according to Article 3 of C 177, there is no national policy on home work, a policy which should be adopted, implemented and periodically reviewed, *"in consultation with the most representatives organizations of employers and workers and, where they exist, with organizations concerned with homeworkers and those of employers of homeworkers"*.

We have been approaching government authorities several times and demanding that they fulfill their obligation under Article 3 of C 177. Our consultation rights have been denied on the grounds that we don't represent workers but economically independent units. We would like to clarify that, while it is true that most of our members are own account home workers., we ALSO represent homeworkers (industrial outworkers) within the definition of C 177 and we are certainly an organization, which is "*concerned with homeworkers*" (C 177, Article 3).

Until today, we do not see any evidence that "*appropriate measures*" have been taken "*so that labour statistics include, to the extent possible, home work.*" as to Article 6 of C 177. The only research which is available has been carried out by the Association of Homebased Workers (AHB) – find attached. However, the inclusion of home workers into the official labour statistics would not only make the workers visible, but would enable the government to take appropriate protective measures.

Some of our members receive orders from intermediaries (Article 8 of C 177) but the intermediaries deny their obligations as employers. Piece rates don't add up to the national minimum wage. Other protective measures, as for example statutory social security protection, protection in the field of occupational safety and health and maternity protection (as to Article 4 2.2) are ignored.

With regard to self employed/own account workers, we would like to recall that already in 2002 the ILC adopted conclusions concerning decent work and the informal economy<sup>1</sup>, in which a broad consensus was reached that the informal economy include both wage workers and own account workers (Point 4. of the conclusions). The Bulgarian government does not accept the notion of own account workers, but regards own account workers as autonomous or independent units. During the ILC 2014 discussion on the "transitioning from the informal to the formal economy" the notion of own account workers was reiterated without any objections by any delegation, including the Bulgarian government delegation.

We note that the informal economy in Bulgaria is growing. Many groups in society, who are protected by law, as for example pensioners or disabled people, in practice live below the poverty line and only survive by taking up informal work. Bulgaria, by now, is the poorest State within the European Union.

After several attempts to enter into a dialogue with the Bulgarian government, we feel that there is a lack of knowledge and understanding, resulting in resistance from the side of government authorities, with regard to discussing the situation and taking up appropriate measures to improve the working and living conditions of the working poor.

Therefore we seek advice and support from the ILO to close these gaps and to explain to the Bulgarian government how to apply C 177. We are suggesting that the ILO consider undertaking a diagnostic process of the situation of homeworkers in Bulgaria and the obstacles that they encounter in relation to their rights to join organizations of their own choosing and to express their collective voice. This process could assist the Government and all concerned in the development of a joint strategy for implementing C 177 based on clear understanding of the the situation of homeworkers in Bulgaria.

We would appreciate if the ILO could also assist, for example, by facilitating a meeting, in which all relevant partners are represented: governments, employers' associations and workers' organizations, including ourselves, to enter into a constructive dialogue based on international and national legal frameworks.

We would be more than happy to prepare concrete proposals for such a meeting, on measures to be taken by the government in order to improve the situation for our members.

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<sup>11</sup> International Labour Conference, 99th session, Geneva 2002, Provisional Record 25, page 53

We are looking forward to hearing from you how we can assist to move forward as indicated above.

Sofia,  
23.10.2014

Sincerely

Violeta Zlateva  
(chair of Trade union of self-employed and informal workers)

Annexes:

- Additions to Bulgarian Labour code which were made to implement C 177
- National Agreement for regulation of home work
- Correspondence between the government and AHB