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NEWS REPORT

Country:	Bulgaria
Title:	More opportunities for childcare and protection of the rights of the child
Date:	7 July 2017
Expert:	Genoveva Tisheva
Context:	Extension of coverage for childcare leave
Issue at stake:	Maternity leave/ Parental leave/Paternal leave
Ground of discrimination:	Sex and gender
Source:	Article 163 Labour Code
Field:	Paternity/maternity leave
Applicable law:	Equal treatment and GE law

Content

On 1 June 2017 amendments to the Labour Code entered into force. The amendments provide the possibility to extend maternity leave and parental leave.

Amendments have been adopted in Article 163 of the Labour Code providing leave for adopting parents. Additionally some of the solutions for adopting parents are extended to parents taking care of children who are placed outside the family as a measure for child protection under the Law on Child protection.

A female worker or employee taking care of a child placed outside its own family as a protective measure under the Law on Child protection (close relatives or acquaintances- or a foster family) has the right to the same leave as a mother has after giving birth.

With the consent of the (adoptive) mother, the (adoptive father) can benefit of the parental leave for the remaining 410 days once the child has reached 6 months of age. If the father is unknown, or if the woman is the sole adoptive parent of a child, this leave can be used by one of the mother's parents. When the (adoptive) father is deceased, the leave can be used by one of the parents of the (adoptive) mother or (adoptive) father. When the child is placed within a family as a protective measure, the father may, with the consent of the mother, use the leave after the child has been with the family for six months, for the remaining 410 days.

In cases of full adoption of a child, and if the adoptive mother and father are married or if they cohabit, the adoptive father of a child under 5 years of age has the right to 15 days of paternal leave from the day of the adoption.

In all cases the leave periods are recognized for seniority (length of service) and compensation is paid according to the Code for Social Insurance, under the same conditions as the compensation for the biological mother and father.

Key points of analysis: The proposed new solutions are innovative for Bulgaria and will provide for better protection of children in childcare, of adoptive parents and in families where they are placed outside their biological family. In introducing the changes the principle of gender equality as enshrined in the EU law is fully respected.

Internet link source: [Labour Code -www.lex.bg/laws/ldoc/1594373121](http://www.lex.bg/laws/ldoc/1594373121), amendments with S.G. No. 98/2016