

Bulgaria

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I. Abstract

For this research project, 30 face-to-face interviews were conducted with journalists and senior media managers and 42 questionnaires were returned from a representative sample of media outlets. Relevant laws and job descriptions were also reviewed. The existing regulatory framework governing labor relations in the Bulgarian media follows the most liberal tendencies, is largely synchronized with European Union standards and requirements and offers a platform highly conducive to press freedom. The practical implementation of this framework is, however, another story, especially with regard to the media outlets operating in the countryside. Although working without a contract in the media simply does not occur, there are three types of contracts used, i.e., permanent, temporary and civil, and mixed contracting is commonly used as a tool to avoid taxation and diminish the size of mandatory social insurance contributions especially among private print and electronic media outlets outside of Sofia. No gender discrimination is practiced, but recruitment policies seem to show preferences to younger journalists.

The feedback received for this research indicates that the big, Sofia-based print press and commercial electronic media with national coverage are highly independent, strong and avoid external political control, while regional and local media are not so independent. The 2006 Media Sustainability Index for Bulgaria concluded that there is not always a firewall between the management, sales and editorial departments and that pluralistic reporting sometimes yields to self-censorship. The Radio and Television Law should be amended to insure the independence of the main regulatory body, CEM, by introducing a quota of members from civil society that would balance the currently overt political decision making in its composition. This would positively affect the appointments of the top managers of both Bulgarian National Television and Bulgarian National Radio and together with an urgent mandatory introduction of a public register of the media ownership in the country would ultimately improve labor relations and press freedom.

Trade unions in the Bulgarian media sector seem to have outlived their time and belong to the past rather than to the present or the future.

II. Overview

With regard to labor relations, over the past 17 years of pluralist democracy and transition to a market economy, the Bulgarian media has to a large extent succeeded in setting up a well-designed legislative framework that is conducive to stimulating both the freedom and positive development of the press. These trends were strongly supported by the principles and requirements for achieving full membership in the European Union (EU) as laws and regulations, including those on labor relations, were revised and

harmonized with European standards. Although on January 1, 2007 Bulgaria joined the EU, there are still deficiencies and loopholes that impede positive growth, especially with regard to implementation. There is, in fact, a shadow economy in the media business often questioning ethical rules and professional standards and practicing unfair employment relations and competition. Key factors that allow this shadow economy are the following:

- poor implementation of the Labor Code;
- violations of copyrights and related laws;
- mechanisms to avoid taxation based mainly on the use of two contracts of employment, a primary one providing insurance coverage that usually barely exceeds the minimum wage and a secondary, civil contract with no taxation that leaves the entire tax burden on the employee;
- lack of transparency in media ownership.

Thirty face-to-face interviews were conducted with journalists and senior managers—six from TV, six from radio, eight from newspapers, four from news agencies, three freelancers working for several different media outlets and three representing the media trade unions and NGOs. Selecting journalists and managers from single media outlets and freelancers who work for several of the same outlets allowed for checks and balances that maximized fairness and objectivity. Balance was deliberately sought between local media and those based in the capital and operating nationally. Twelve interviewees were based in Sofia and the rest were not. Likewise, 12 worked in media outlets with national coverage and 15 worked in local outlets. Bulgarian media is female-dominated both in rank-and-file positions and in management (more than 50% of senior media managers and 75% of journalists), so the ratio of men to women interviewed was 7: 23.

In addition to the interviews, 100 questionnaires were distributed—20 to television stations, 30 to radio stations, 40 to newspapers and 10 to news agencies and free lancers—reflecting the numbers of each type of media organization in the country, i.e., 100 TV stations, over 150 radio stations, more than 500 newspapers and approximately 10 news agencies. Only 42 questionnaires were returned but more than 10 each were received from TV, radio and press organizations and 2 were from news agencies which yielded a representative sample.

It is evident from both the interviews and questionnaires that freelancers have not been given a great deal of attention. Data from this as well as from previous research show, however, that freelancing is not a widespread phenomenon in Bulgarian media and that freelance work is much more a personal decision rather than a necessity or because of a lack of other employment opportunities. Students were among the interviewees, and the statutes for students working in the media were given special attention. The findings matched the conclusions reached for contract journalists.

Acts such as the Labor Code, the Obligations and Agreements Act, the Copyright and Related Acts Law, the Radio and Television Law, the statutory documents of Bulgarian

National Radio (BNR), Bulgarian National Television (BNT)¹ and the Bulgarian News Agency (BTA) as well as of bTV,² Nova Television³ and DARIK Radio⁴ were reviewed. Great attention was paid to the various collective labor agreements signed at BNR, BNT and BTA and also to the Professional Code of Ethics of the Bulgarian Media that has been signed currently by over 90 media outlets including all national ones with the exception of the Monitor Group (*Monitor Daily*, *Telegraph Daily* and *Politics Weekly*). The Professional Code of the Bulgaria Newspapers Group⁵ was also considered in-depth as by and large it is the code that shapes the profile of the newspaper industry in the country.

In addition, 16 different job descriptions were reviewed that described the rights, duties and obligations of reporters, news desk editors, presenters and senior journalists such as correspondents or department heads at radio, television and newspaper offices in Sofia and in the regions.

Two other documents were also consulted: *The Green Book of Bulgarian Labor Legislation*⁶ prepared during the last phase of Bulgaria's pre-accession to the EU in 2004–2005 and *Bulgarian Labor Legislation: One Hundred Years of Existence*.⁷ They both focus mainly on achievements and deficiencies in labor relations and make a comparative analysis of developments and situations in other EU countries.

III. Legislation Regulating Labor Relations in the Media

There is no special legal act that regulates labor relations in the Bulgarian media. The legislative framework is provided mainly by the Labor Code,⁸ a set of norms that defines relations among employers and employees, the Obligations and Agreements Act⁹ that regulates the civil contracts widely issued to the journalists and to some extent the Copyright and the Related Rights Law¹⁰ as it often provides the grounds for contracting civil agreements in the media. The journalists who work for radio or/and television

¹ Both BNR and BNT represent public service broadcasting in Bulgaria (PSB)

² The first commercial television station that was licensed for national coverage, belonging to Rupert Murdoch's company, News Corporation, registered in 1999.

³ The second private television with national coverage belonging to the Greek Antenna Group licensed initially as a regional operator in 1994 and awarded a national license in 2004.

⁴ The biggest commercial information radio station, licensed in 1993 and with a license for national coverage since 1998.

⁵ Belonging to the West-Deutsche Allgemeine Zeitung and registered in 1997, the Bulgaria Newspapers Group owns seven publishing houses that produce five newspapers and nine magazines and has over 30% of the Bulgarian print media market including the newspapers with the highest circulation.

⁶ The document is accessible at www.mlsp.bg

⁷ The report was produced by professor Krassimira Sredkova and presented at the International Labor Relations Conference in Sofia, 31 October 2005.

⁸ Labor Code, State Gazette No. 26, 1988, last amended in SG No.64, 07.08.2007

⁹ In force since 22.10.1950 last amended with State Gazette No.36, 02.05.2006

¹⁰ In force since 01.08.1993, last amended with State Gazette No. 73, 2006, cf. articles 15,41,42,43, 46, 51, 63

stations fall under the Radio and Television Law¹¹ as some of its clauses impose additional, specific requirements on them that are usually reflected in employment contracts. Among these documents, the most important is the Labor Code as all employment contracts (permanent, short-term, part-time, civil) copyrights and royalties are based on it and cannot be signed in breach of it.

Drafted in the late 1980s during the communist regime, the Labor Code underwent radical amendments first in 1991–1993, then in 1998–1999 and finally in 2003–2006 to comply better with the requirements of the *Acquis Communautaire* which states:

...Code aims at providing the freedom and the defense of labor, fair conditions for exercising labor rights and better implementation of a social dialogue among the state, the workers, the employees, the employers and their respective organizations...¹²

The Labor Code sets out in detail the prerequisites for an effective social dialogue¹³ among employers and employees and constitutes the tripartite council (National Council for Tripartite Cooperation)¹⁴ as an effective mechanism that guarantees labor relations and social insurance relations. In addition, the Code defines trade union rights and relations¹⁵ and the rights of employees to participate in the management of all enterprises and labor relations organizations.¹⁶ Moreover, the Code grants independence to trade union organizations allowing them to draft and adopt statutes and regulations and form representative bodies.¹⁷

The Labor Code also stipulates details of collective labor agreements focusing mainly on issues such as labor rights and social insurance rights not envisaged by the law and/or subsequent rules and regulations.¹⁸ For the media sector, collective agreements¹⁹ exist only in BNR, BNT and BTA and thus affect about 4800 employees or about 27–28% of the approximate²⁰ number of media employees in the country.

The Labor Code sets requirements for employers with regard to employee relations and types of employment agreements and contracts. There are three main types of contracts: permanent, temporary and civil. A legal requirement guaranteed by the Labor Code is that no temporary contract can be signed for a period exceeding six months after which

¹¹ In force since 24.11.1998, last amended with State Gazette No.10 from 30.01.2007, cf. articles 11,27, 56, 62, 67.

¹² Art.1, paragraph 3

¹³ Art. 2

¹⁴ Art.3 (a,b,c)

¹⁵ Art. 4

¹⁶ Art. 7

¹⁷ Art. 33 (1,2)

¹⁸ Art.50, 52, 53, 57, 59

¹⁹ Further details on collective agreements and their impact on labor relations in the media appear later in this section.

²⁰ Figures are approximate as they are taken separately from various organizations and are not reflected in the official data of the National Statistical Institute, www.nsi.bg. The 2006 edition of the *Southeast Europe Media Handbook* claims there are about 7000 journalists operating in Bulgaria, but our estimations show larger figures.

the contract is either terminated or it automatically turns into a permanent one.²¹ A civil contract allows employment on a temporary basis (though here the focus is not on the term but on the amount of work to be done) and is very often used in the media sector as a supplementary employment tool that allows greater flexibility for employers and employees.²² What is most important here is the fact that no contract is considered valid unless endorsed by the National Revenue Agency or by its respective regional unit.²³ Another key text that regulates fair labor relations is Article 66²⁴ that requires concrete details on the position including a job description, the term of the contract, bonuses such as annual and additionally paid leave, equal terms for contract termination for employers and employees and duration of work. Moreover, the Labor Code amendments of 2006²⁵ gave rights to employees working on temporary contracts equal to those for employees employed on permanent contracts.

With concrete definitions of overtime work²⁶ and employment on a second contract²⁷ with the same or another employer, the Labor Code also provides sufficient guarantees for employees' health, rest, bonuses and checks and balances against violations. The Labor Code defines overtime work²⁸ and the cases and conditions when it can be allowed,²⁹ how it must be managed and how it is to be compensated.³⁰ Overtime work cannot exceed eight hours per week,³¹ and all employers who intend to assign it must inform the National Labor Inspectorate.³²

Detailed provisions in the Labor Code allow for strict observation of and adherence to the regulations. They mainly relate to the National Labor Inspectorate³³ and to the availability of mandatory external³⁴ and internal³⁵ mechanisms for monitoring in each organization. Employers who violate the provisions are liable to severe financial sanctions.³⁶

Another tool to better regulate labor relations is provided by the collective agreements signed with BNR, BNT and BTA by media trade unions' head representatives. These agreements regulate labor and insurance relations; social issues that remain outside the scope of the labor code and concrete details on the organization and formation of salaries,

²¹ Art. 70

²² This type of contract is tackled in greater depth in the next section

²³ Art.60

²⁴ Art. 60 saw important amendments in 2004 and 2006 to better meet the requirements of Bulgarian membership in the European Union

²⁵ Art. 68 (2)

²⁶ Art.110 and Art. 113

²⁷ Art. 111

²⁸ Art. 143 (2)

²⁹ Art. 144

³⁰ Art. 150 and Art.262

³¹ Art. 113 (2)

³² Art. 113 (8)

³³ Art. 399

³⁴ Art.401

³⁵ Art. 406

³⁶ Art 413 (2) and 415 (2)

additional bonuses and forms of reimbursements. They also provide employees with more job security, better and safer working conditions, social insurance and the right to participate in management. For instance, the collective agreement signed at BNR obliges the employer to do the following:

- inform trade unions in advance of all decisions that might bring about collective labor conflicts;³⁷
- consider union opinions when measures such as downsizing staff are at stake;³⁸
- consult with unions on any amendments to the minimum wage;³⁹
- get union approval for all activities that might require additional work including how and how much members will be compensated;⁴⁰
- decide jointly with the unions on any amendments to existing social security policies;⁴¹
- consult unions before making any changes in the organizational structure and before implementing new technology;⁴²
- get union approval of any amendments to the texts of the collective agreement.⁴³

Definite mechanisms for labor protection and additional guarantees for employees are provided in labor contracts and in corresponding job descriptions; both are mandatory instruments required by the Labor Code,⁴⁴ a requirement restated in all statutory documents. In fact, job descriptions are actually part of the contracts, and, as became evident in the interviews,⁴⁵ they are widely used as a tool for better defining labor relations. Normally a job description will give details on the following:

- job title;
- job summary;
- duties and responsibilities;
- position in the organization;
- qualifications needed for the job;
- prospects for development;
- appraisals.

If designed this way, as they are in all the big media outlets in Bulgaria, job descriptions can effectively do the following:

- prevent conflicts and arguments over the distribution of work and responsibilities;
- define the hierarchical structure of the organization;

³⁷ Art. 2

³⁸ Art. 6

³⁹ Art. 18

⁴⁰ Art. 37

⁴¹ Art. 50

⁴² Art 56

⁴³ Art. 65

⁴⁴ Art. 66 (2)

⁴⁵ For more details see the next section.

- allow for easy settling of disputes;
- set out criteria for promotion;
- assess professional performance and identify training needs;
- clarify tasks, qualifications and the wage system;
- specify the selection and recruitment policies of the company.

In addition to these tools, there are other mechanisms especially important for the media as they provide strong guarantees for freedom of expression and prevent the employer from exercising overt pressure that could influence editorial independence. Among them is the Professional Code of Ethics of the Bulgarian Media that states in an absolutely unambiguous manner that:

Journalists shall maintain a clear distinction between editorial decision making and commercial policy of the media and can refuse assignments if in breach of their professional ethics...⁴⁶

Formally adopted at a public ceremony on 25 November 2004 and signed currently by nearly 100 media outlets, the Ethical Code applies to both print and broadcast journalists and commits signatories to supply the public with accurate information, to distinguish clearly between facts and commentary and to observe a range of ethical principles. The Code also addresses editorial independence and provides a definition of “the public interest” as the protection of the health, safety and security of the public from the danger of being seriously misled. Furthermore, the Code regulates relations within and between media outlets and enshrines the principle of mutual respect and fair competition and the public’s right to know who owns and controls the media. It should be pointed out that the right to refuse assignments that contradict ethical principles is restated in the Radio and Television Law⁴⁷ thus making it a mandatory practice in all electronic media. It is also in the Statute of the Bulgaria Newspapers Group that sells over 30% of the newspapers in the country and is applicable to all of its employees.

To conclude, the existing regulatory framework governing labor relations in the Bulgarian media follows the most liberal tendencies, is largely synchronized with EU standards and requirements and as such offers a platform highly conducive to press freedom. The practical implementation of this framework is, however, another story, especially with regard to the media outlets outside of Sofia.

IV. The Implementation of the Legislation in Practice

Assessing the implementation of labor legislation in the media is not an easy thing to do. The difficulties come mainly from the fact that practices vary from media type to media type and depend on various factors such as the personality of the top manager, the availability of leaders among the employees, the availability and credibility of the trade unions and the type of media ownership and the competition in the region to mention just

⁴⁶ Art. 3.3 and 3.7

⁴⁷ Art. 11(4)

a few. In addition, the reluctance of respondents to share frankly what the real situation is and the desire of managers to paint a picture closer to the ideal than to reality also pose challenges. One way to cope with those problems was to include all sorts of media—print, electronic, regional, local, national, with strong trade unions and leaders and with no unions— in the research. The journalists interviewed were also reminded that if they wished, their anonymity would be respected. However, none expressly demanded it. The strongest factors for ensuring the objectivity of the results, however, remain the balance between managers and journalists interviewed and the existence of a rich data base⁴⁸ that made it possible to provide multiple perspectives on the profiles of both the media outlets and respondents.

The major goals of the research were the following.

- Assess the quality of the employment contracts and check the degree to which they are capable of offering sufficient protection of journalists' rights and hence, to stimulate freedom of speech and the role of the media as a genuine fourth estate.
- Evaluate the degree to which labor relations as practiced in the media sector correspond to the standards and requirements set by existing legal acts and regulations.
- Compare the overall welfare of the average journalist with that of the average Bulgarian employed in other sectors and assess the results.
- Examine the status of the so-called atypically hired workers (freelancers, students) and the way their employment rights are respected.
- Look for deficiencies in equal opportunity policies in the media sector.
- Check for other factors (if any) that impede proper labor relations in the media.

As already mentioned, 30 interviews were carried out and 42 questionnaires were returned that by and large reflect all media in terms of type, size, ownership and coverage (circulation). The feedback received can be summarized as follows.

Regulated mainly by the Labor Code, labor relations in Bulgaria at least on paper provide adequate and sufficient protection of the rights of the employees according to modern European standards. There is a working, sophisticated system of checks and balances (Ministry of Labor and Social Policy, Finance Ministry, Bulgarian National Audit Office, Public Internal Financial Control Agency, National Labor Inspectorate, National Revenue Agency, National Insurance Institute and the National Council for Tripartite Cooperation) that tries to regulate the practical implementation of the Labor Code, especially when it comes to labor relations. Hence, working without a contract in the media not only is not a practice, moreover it is something that simply could not occur. Journalists, media managers, trade union representatives and media lawyers all share this view. There was

⁴⁸ The data base used belongs to the Media Development Center in Sofia and covers the entire media landscape of the country. Launched in 1998, the data base is revised annually and accounts for all the changes in licenses, scope, ownership, management, audience, ratings etc. It is accessible upon demand at www.mediacentrbg.org

not a single case quoted in any of the interviews of journalists working without a contract. As the Chief Legal Adviser of Bulgaria Newspapers Group Radomir Cholakov says:

Even though it may sound unbelievable, there is no breeching of labor relations in any of the media from the WAZ group since all the journalists here work on permanent contracts and enjoy all the benefits of the Labor Code. The Labor Code is neutral toward the 'quality of the work' and guarantees equality and fairness in the payment for the work done, as well as all the social benefits.

The same ideas were expressed by Diliانا Bobeva, a former regional correspondent to *TRUD Daily* and currently a freelancer for radio, TV, BTA and various newspapers. She stressed also the use of the two-contract employment system:

My experience with various types of media, different managers and owners shows that contracting is by and large the form used to employ journalists. The problem is that usually they give you a small salary-bound permanent contract and a civil one for more money but with no insurance.

As already mentioned, there are three types of labor contracts used in the media: permanent, temporary and civil. Though drafted as a flexible mechanism to allow thorough labor protection (permanent), possibilities to make a better initial selection of employees as well as to offer bonuses for early promotion (temporary) and opportunities to increase income by carrying out additional tasks to those included in the job description (civil), in practice this mixed system has turned into a tool to avoid taxation and diminish the size of mandatory social insurance contributions. This practice is mainly used by private print and electronic media outlets outside of Sophia and seems to have acquired tremendous dimensions dramatically enlarging the volume of the shadow economy. In this system, employees work under two types of contracts at the same time: one permanent and one civil. The permanent contract provides a small salary and the required social insurance payments and is supplemented by a civil contract that covers the rest of the initially agreed reimbursement. Employers have no obligations, however, to pay taxes on this money or to provide insurance to the employee. As a result, journalists get the same net salary, but long-term benefits such as better pension plans, improved insurance schemes and good salary histories, especially needed when changing employers, are severely compromised. Thus, the practice of mixed contracting, though superficially offering benefits to both the employer and the employee, eventually proves to be detrimental to the employees' interests and seriously erodes national tax revenues. Moreover, it creates conditions for unfair competition among media outlets as it is obvious that employers who stick to the provisions of the Labor Code literally and do not avoid taxation would have higher expenses and hence a higher final product cost. That same practice allows for the employment of undergraduate students and for making undue profit on their behalf since instead of offering them temporary or permanent contracts, media bosses employ them on civil contracts without insurance, paid leave, sick leave and other social protection. In fact, it is precisely that group that forms the category of the atypically hired worker in the media because no strict limitations exist on working for the media and journalism has a nice reputation and offers chances for mobility, promotion and flexibility and has an attractive atmosphere. In purely economic

terms, it has a status higher than that of the average Bulgarian. Such is the case with the journalists in the WAZ group. As both Radomir Cholakov and Nikola Kitsevski, journalist and deputy-editor-in-chief of *TRUD Daily* underline:

Our people get tons of money, enjoy 30-day holidays and are not forced to go against their ethical principles in their work. (Radomir Cholakov)

Our journalists are not only very well paid, but they are insured at the maximum insurance level for Bulgaria. (Nikola Kitsevski)

These statements were independently confirmed by journalists interviewed who worked for the WAZ group. As Deian Yotov, a former news desk editor with over 10 years of experience in radio who is currently with *TRUD Daily* summarizes, “Never so far have I seen a better working atmosphere, career development opportunities and payment than in WAZ.”

Although that may not be the case for regional and local media employees, in most cases journalists working for such media are well paid, at least in comparison with average salaries. As Stanimira Dimova, Executive Director of TV Stara Zagora puts it, “I can’t make any generalizations about journalists in Bulgaria, but as far as our journalists are regarded, I can well claim that the payment they get is more than good for the standards of our region.”

Other interviewees who didn’t talk so positively about their salaries did stress the fact that none of the journalists worked at other jobs to make additional money. It has to be mentioned here, however, that this exclusion does not concern the public relations (PR) activities that Bulgarian journalists often engage in on a temporary basis, especially during election campaigns as is evident from this comment by Tsvetoslava Georgieva, former journalist with Darik Radio (Pleven) and currently anchor at Radio Mila Gold, Sofia:

Being a journalist is interesting and very dynamic, and we love that. It also brings you in day-to-day contact with politicians who, although they can criticize us for not portraying them in the best possible way, are the first to ask us journalists for help with public relations during elections. So we would normally take a paid leave from the media and make some money as PR officers.

The overall dynamics of the Bulgarian media market, the availability of hundreds of media outlets offering employment, the various bonuses that the work provides—flexibility, relative security, development opportunities in media-related sectors such as advertising and PR—along with the fact that there are no specific impediments to practicing journalism⁴⁹ clearly has made it into an attractive profession, especially for women. Hence, 75–80% of the staff in each of the media outlets contacted in this research project were women. Given the fact that 65% of those outlets are managed by women and that more than 50% of the managers of the so-called national media (print

⁴⁹ The job descriptions consulted had no mandatory requirements such as a journalism degree, or a degree in communications or even a certificate for courses taken. Practice shows that especially in the countryside, anyone can have a career in journalism and start learning on an ad hoc basis while working.

and broadcast) are women, it can be concluded that Bulgarian media offers equal opportunities and that no gender discrimination is practiced. Dimitrina Petrova, a journalist with the regional *Botevgradski Vesti Newspaper* and an anchor at TV Botevgrad mentions another type of discrimination that is quite common in Bulgarian media, “As far as discrimination goes, there are cases of age discrimination. When reporters are hired, usually they are young people, although nowhere has such a requirement been noted beforehand.”

V. Censorship and Self-censorship as an Effect of Labor Relations

As already stated, Bulgarian media legislation provides various mechanisms to prevent censorship and political and/or economic interference in the editorial content of both print and broadcast media though specific laws exist only for the electronic media⁵⁰ while print media is completely deregulated. In addition, the Code of Ethics clearly says that no external interference (political or economic) should influence editorial content and allows journalists to refuse assignments if they conflict with their personal convictions as a mechanism to prevent self-censorship. The insufficient legal knowledge of journalists in general and the lack of specific legal protection, especially with regard to local and regional media outlets, however, results in practice in self-censorship and even to individual cases in which editors may be in agreement with politicians and their political and/or economic interests may dominate at the expense of press freedom. The 2006 Media Sustainability Index for Bulgaria concluded that there is not always a firewall between the management, sales and editorial departments and that pluralistic reporting sometimes yields to self-censorship.⁵¹ Some media analysts⁵² would also mention the fact that public service broadcasting in Bulgaria (both radio and TV) is still a potential target of external interference as it is completely funded by the state budget and the top management teams are appointed by a regulatory body (CEM)⁵³ which is in turn appointed by Parliament and the President and thus can influence editorial policy. The feedback received for this research indicates that the big, Sofia-based print press and commercial electronic media with national coverage are highly independent, strong and avoid external political control, but that regional and local media are not so independent. As deputy editor-in-chief of TRUD Daily Nikola Kitsevski puts it:

Only shamed-faced or guilty politicians would try to interfere, but in vain. We do not depend on them, and they know it. It is the public interest, not the political that motivates us and hence, no censorship is possible with our newspaper. As for self-censorship, it is much more a matter of a personal decision, but again I would say that no other interests but the public can shape our editorial policy.

Zhanet Zaharieva, bTV chief legal adviser supports the same view of media independence and goes even further to suggest an interesting perspective with regard to

⁵⁰ The Radio and Television Law, cf. articles 8,9,10,11

⁵¹ www.irex.org/msi/bulgaria

⁵² Bulgaria, Chapter 4. *Regulation and Management of Public Service Broadcasting*, pp.370-390 in OSI published *Television Across Europe: regulation, policy and independence*, Gyoma, Hungary, 2005

⁵³ CEM, Council on Electronic Media, www.cem.bg

the concentration of media ownership. In her opinion it even can boost the freedom of speech:

It (the concentration of media ownership) has a positive effect on our journalists, because they could work at the other media outlets that we have, such as radio stations, something that increases their opportunities for better professional realization, enlarges their horizons and gains them more money.

A contrary view to that opinion however, is expressed by Svilen Ovcharov, a media lawyer with the Bulgarian Helsinki Committee, who claims that:

Overt concentration in the media along with insufficient transparency in media ownership could most probably result in limited press freedom and quasi-pluralism. It could enforce new forms of control (economic) and construct conglomerates detrimental to media independence.⁵⁴

Hence, it is important to see if the Bulgarian media is capable of efficiently balancing concentration of ownership and press freedom. For the time being it seems to be the case as Alexander Hashumov, a publicist and a well-known media lawyer with the Bulgarian Media Coalition (BMC)⁵⁵ argues:

The question is whether the system as a whole and the media in particular has the necessary resources to oppose the pressure that is always there. This is the major question of any democracy. Here I have to say that the Bulgarian media have these resources.

Regional journalist from Botevgrad Dimitrina Petrova also says that,

“No political or economic interests could influence labor relations at my media. The editorial policy of the media is decided solely by the journalists and by the owners.”

This last statement, however, points to a possible way of exerting economic pressure over the journalists working in small local and regional media outlets. Mila Milcheva, a journalist with the regional *Yantra Daily (Veliko Tarnovo)* and also a correspondent to the national *Dnevnik Daily* and *Capital Weekly* answered the question on whether there is censorship by saying:

Yes! There is hardly a media outlet in the country that could claim without hesitation that it does not consider the interests of its owner. The situation in the regional media is more complicated because the owners, usually businessmen with several other businesses besides the media, might use the media to boost their economic interests.

⁵⁴ “Media Concentration Endangers Freedom of Speech, Objective Magazine,” May 2007, Round table discussion, accessible at www.bghelsinki.org

⁵⁵ BMC is an umbrella organization of media and media NGOs lobbying and advocating for freedom of speech and transparency in the media. It is accessible at www.bmc.org

In a small town, where the representatives of the local authorities, the political parties and the businessmen drink at one and the same table, it is difficult to imagine that no decisions taken at that table would not be directed to the media.

In that same vein is what Stanimira Dimova from TV Stara Zagora says:

There are moments when we can feel certain pressure exercised, though it's not strong or direct; some representatives of the authorities would mention that by the way, they do not feel happy with the treatment of a topic on our television station, but that's all. They would never dare to go beyond that.

All those quotes lead to the conclusion that to a greater degree in the capital and to a lesser extent in the countryside, the Bulgarian media resists external pressure, so such influences do not have an impact on labor relations.

VI. Journalists' Trade Unions: Existence and Effectiveness

Trade unions have more than 100 years of history in Bulgaria. They were mainly formed in the start of the 20th century along with the development of the working class, and hence the formation, modernization and improvement of labor legislation in the country are largely due to their efforts. It is worth mentioning that newspaper publishers' unions were on the front lines of trade union battles. During communism however, though strongly advocated by the state, both professional and trade unions became a symbol of conformism, of blind compliance with the politics of the communist party and hardly a mechanism to protect and guarantee the rights of the workers and employees. Therefore, immediately following the political changes of late 1980s, the newly forming political elites did their best first to dismantle the real face and interests of the communist trade unions⁵⁶ and second to set up new unions that would answer the needs of employees and correspond best to the political changes. Thus, the new, huge umbrella trade union organization Podkrepa (Support) came into existence and within quite a short period of time had branches in all spheres of the economy and of labor organizations, media included. There was even a time (1991–1994) when its membership exceeded 300,000. Due to political infighting and intrigues and the clear dominance of self-interest among its leaders, however, its influence diminished (1996–1998) and membership dropped dramatically to fewer than 70,000. It would hardly be an exaggeration⁵⁷ to say that especially after 1999 during the process of Bulgaria's accession to the European Union (1999–2006), the role of unions got smaller and smaller, and though they are represented in the National Council for Tripartite Cooperation, they barely have the support and confidence of the workers and employees. This is especially valid in the media sector where currently the best-known professional organizations are the following:

- the long-established Union of Bulgarian Journalists, part of the Bulgarian Trade Union Confederation⁵⁸

⁵⁶ They all were united in an umbrella organization called Bulgarian Professional Unions (BPU)

⁵⁷ See further quotes in the interviews about syndicates

⁵⁸ Successor to the Bulgarian Professional Unions

- the Podkrepa Union of Journalists in Bulgaria that is affiliated to the Podkrepa umbrella
- Freedom of Speech Syndicate of Journalists
- Union of Radio Employees (registered only at BNR)
- Union of Television Employees (registered only at BNT)

None of these organizations is very active. They try to protect the interests of journalists when problems of freedom of speech arise, but it seems more and more that their voices are neither very loud nor especially influential.

Along with them there are also some branch organizations including:

- The Association of Bulgarian Broadcasters (ABBRO);
- The Association of Cable TV Operators;
- The Union of Print Media Publishers;
- The Association of the Regional Media.

These organizations lobby rather than safeguard employees' interests, their purpose being to defend their common interests before state authorities. Although none of them represents all the organizations active in the media, they represent a significant move toward their consolidation.⁵⁹

Among the key reasons for the weak Bulgarian trade unions, especially in the media sector, is the fact that to be officially recognized on a national level a union should have at least 50,000 members and branches in at least 50 employment organizations with at least five members each⁶⁰ which is definitely not the case with the media (except for BNR and BNT). Moreover, this article is often used by commercial media organizations as a formal reason for not allowing any union activity. On the other hand, none of the respondents had any regrets about this situation thus providing additional evidence that trade unions in the Bulgarian media sector seem to have outlived their time and belong to the past rather than to the present or the future. This is a view expressed by Nikola Kitsevski who says,

“The trade unions in the media have simply become out-dated in Bulgaria and in reality defend the interests of their leaders only.”

Rostislav Velichkov, a leading journalist from the TV 7 regional office agrees,

“I strongly believe that the media trade unions are obsolete now with no place in our lives. This comes out of my already 12 years of professional experience.”

Radomir Cholakov from Bulgaria Newspapers Group even points out a paradox that emerged during the talks the 168 Chasa Media Group had with the Union of Bulgarian Journalists for signing a collective labor agreement.

⁵⁹ See further quotes on syndicates in this chapter

⁶⁰ Code of Labor, article 34 (1 and 2)

“When we suggested that the collective labor agreement should include the Ethical Code, the representatives of the Union refused since that meant that the media owners could punish journalists for a violation of the ethical standards of journalism.”

VII. Conclusions and Recommendations

As currently designed, Bulgarian labor legislation in the media sector offers a sound platform for the protection of the freedom of the press, providing guarantees for pluralism and maintenance of the role of the media as a watchdog in society. The Labor Code sufficiently regulates employment relations, while the existence of other acts such as the Obligations and Agreements Act, the Copyright and the Related Rights Law provide a good balance with modern European standards and requirements. The numerous institutions that regulate labor relations—the Ministry of Labor and Social Policy, Finance Ministry, Bulgarian National Audit Office, Public Internal Financial Control Agency, National Labor Inspectorate, National Revenue Agency, National Insurance Institute and the National Council for Tripartite Cooperation—strongly stimulate the checks and balances needed to make the system of employment and contracting efficient and effective. Last but not least, additional media tools such as the Code of Ethics and Statutes offer complementary guarantees to make labor relations in the media an effective instrument for press freedom and for freedom of expression. The poor implementation of the existing regulations, however, along with the loopholes (inability to convince employers to give up using the double contracting system) has brought about a situation where labor relations are used as a tool to minimize the power of the media and to turn journalists into a self-interested, egocentric guild subjecting public favor to its narrow interests. To cope with that situation the following recommendations might be of interest.

- The Radio and Television Law should be amended to insure the independence of the main regulatory body, CEM, by introducing a quota of members from civil society that would balance the currently overt political decision making in its composition. This would positively affect the appointments of the top managers of both BNT and BNR and hence labor relations and press freedom in public service broadcasting.
- Mechanisms to hold CEM, BNR and BNT management board members responsible both collectively and/or personally should be designed especially with regard to violations of terms of employment contracts.
- A flat taxation rate should be introduced on all income resulting from both employment and civil contracts to avoid the current practice of double contracting.

- ABBRO and the Union of Publishers should be allowed access to media outlet registration files to monitor the observation of and adherence to the Labor Code in regard to existing contracts.
- Sanctions for violations of contractual relations should be envisaged not only for employers but also for employees.
- Ethical commissions for both print press and broadcasting should be empowered to make decisions on the implementation/violations of the Professional Code of Ethics with regard not only to editorial content but also to employer-employee relations.
- More detailed texts dealing with unfair competition should be annexed to the existing Code of Ethics.
- A public register of media ownership should be implemented and made accessible to all citizens.
- Journalists' associations and syndicates should be re-registered to allow greater clarity of membership and representation.
- A professional code of ethics of media unions should be designed and adopted.

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