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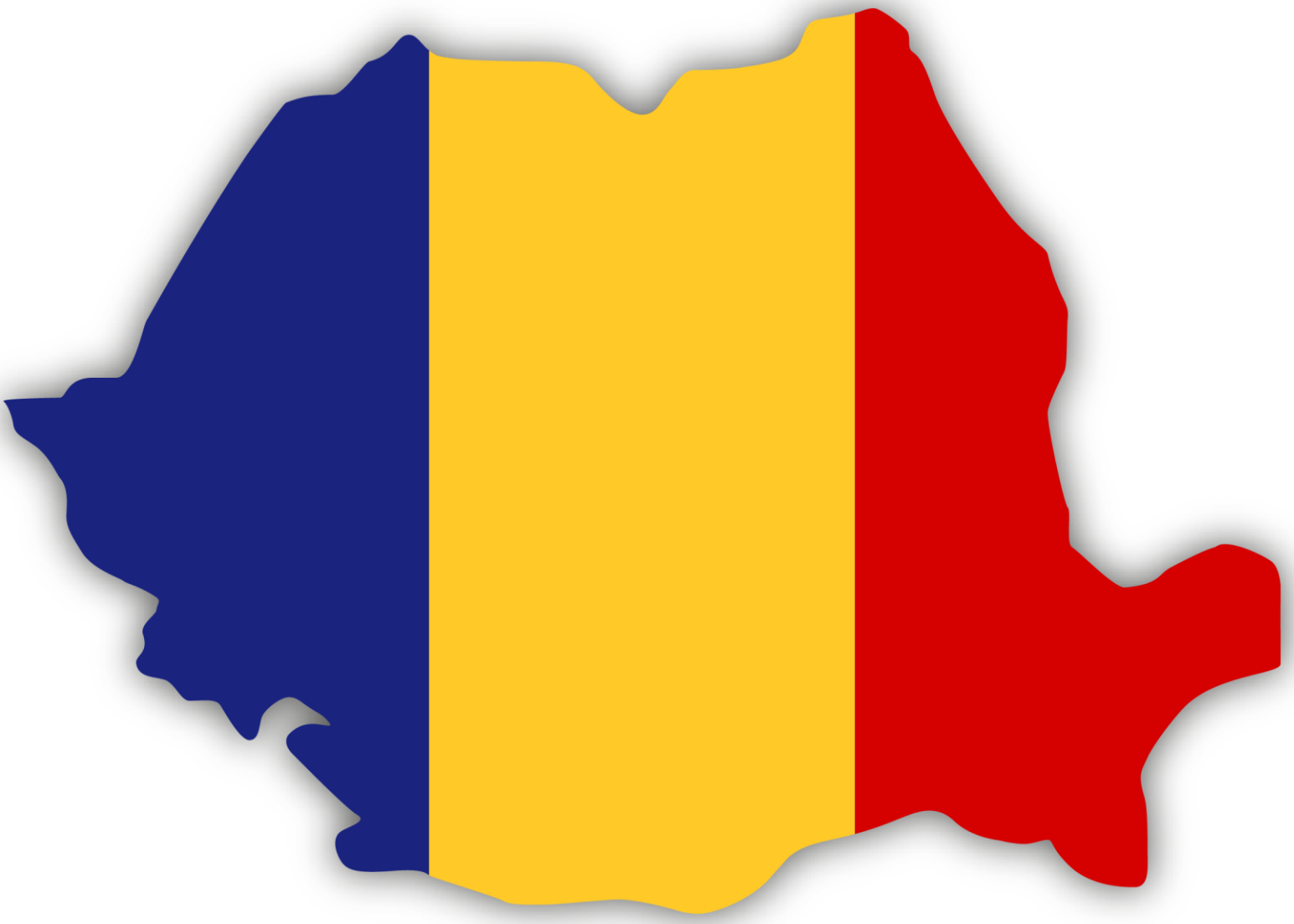

DECENT WORK CHECK
ROMANIA 2023

Iftikhar Ahmad

WageIndicator Foundation - www.wageindicator.org

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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Bibliographical information

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TABLE OF CONTENTS

INTRODUCTION

Decent Work is the type of work to which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); the social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working since late 2007 to raise awareness of workplace rights through a unique tool, i.e., Decent Work Check. The Decent Work Check considers different work aspects deemed necessary in attaining "decent work". The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face, and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with the national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, or labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 12 more countries, thus taking the number of countries with a Decent Work Check to 125!

The text in this document was last updated in December 2023. For the most recent and updated text on Employment & Labour Legislation in Romania in Romanian, please refer to: https://salarulmeu.ro/

MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Labour Code No. 53/2003
2. Act on paternity leave No. 210, of 31 December 1999
3. Emergency Ordinance No. 148/2005 on support of the family for child raising
4. Government Emergency Ordinance no. 96 of 14 October 2003 on Maternity Protection at Work
5. Emergency Ordinance No. 158/2005 on the social health insurance leaves and indemnities
6. Law No. 319/2006 on Safety and Health of Workers at Work
7. Law No.108/1999 for the establishment and organization of the Labour Inspection (reprinted in 2012)
8. LEGE nr.263 din 16 decembrie 2010 privindsistemulunitar de pensiipublice
9. Unemployment Law No. 76/2002, last updated in 2015
10. Forma actualizată, valabilăîncepând cu data de 22.10.2013
11. Constitution of Romania 1991, amended in 2003
12. Law no 202/2002 on equal opportunities between women and men (Equal Opportunities Law)
13. Government Ordinance no. 137/2000 on preventing and sanctioning all kinds of discrimination (Anti-Discrimination Law)
14. Social Dialogue Law No. 62/2011

The text in this document was last updated in December 2023. For the most recent and updated text on Employment & Labour Legislation in Romania in Romanian, please refer to: https://salarulmeu.ro/

01/13 WORK & WAGES

ILO Conventions

Minimum wage: Convention 131 (1970)
Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Romania has ratified the Convention 95, 117 and 131.

Summary of Provisions under ILO Conventions

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

Regulations on work and wages:

- Labour Code No. 53/2003

Minimum Wage

Workers can't be paid lower than the minimum wage which is the lowest remuneration that an employer should pay to the employee. If the normal work schedule is below 8 hours a day, the minimum gross hourly basic pay for a worker is computed by dividing the national minimum gross basic pay to the average number of monthly hours under the approved legal work schedule.

The minimum wage in Romania is determined by the Government after consulting the trade unions and employers' organizations. Wages of an employee can also be set through collective agreement or an employment contract provided that these are not less than the minimum wage. The legislation does not set forth the criteria to be applied when setting minimum wage rates. The minimum wage set by the Government is applicable to all workers employed in public and private sectors.

If minimum wage of a worker is not determined through collective bargaining agreement, the employer can't pay a worker below the national minimum gross hourly basic pay. For the employees to whom the employer, according to the collective work agreement or individual work contract, provides food, accommodation or other facilities, the amount in money due for the activity performed may not be lower than the national minimum gross wage provided for in the law.

According to Art. 254 of Labour Code of Romania, specialized supervisory bodies of the Ministry of Labour and Social Solidarity, if necessary, under the authorization of the respective Minister, ensure that minimum wage regulations are applied through the imposing of fines and other penalties. Setting a salary below these levels by means of an individual labour contract will be considered an offence and sanctioned with a fine. Labour inspectors have the main role in dealing with the complaints about wages.

Source: §164-165 & 260 of Labour Code No. 53/2003) (Government Decision no. 871 / 2013 on the guaranteed gross minimum wage published on 15 November 2013/H o t ă r â r e pentrustabilireasalariului de bază minim brut peţarăgarantatînplată)

Regular Pay

The Labour Code allows employers to pay wages in kind except in the case of minimum wages. The in-kind payment of the part of wages may only be possible if it has been expressly provided for in the applicable collective work agreement or in the individual work contract.

The maximum wage period in Romania is one month and employers are required to pay wages to their workers on a pre-determined date as agreed in the collective agreement or individual employment contract or rules of procedure. Wages have to be paid in monetary form and may be paid by transfer into a bank account. The unjustified delay in paying the wage or its non-payment by the employer may entail the payment of damages in order to cover the prejudice of the employee. The wage are paid directly to the employee or to the person appointed by him/her. In case of

employee's death, the wage rights due until the date of death are paid, in order, to the surviving spouse, the adult children of the deceased or his/her parents. If there are no such categories of persons, the wage rights are paid to other heirs, under the terms of the ordinary law.

According to art. 277 of Labour Code of Romania, the failure to enforce a final judgment regarding the payment of the wages within 15 days from the date of the enforcement request submitted to the employer by the interested party shall be a criminal offence and shall be punished with a prison term from 3 to 6 months or a fine.

Source: §150, 161, 162 & 261 of Labour Code No. 53/2003

02/13 COMPENSATION

ILO Conventions

Compensation overtime: Convention 01 (1919)
Night work: Convention 171 (1990)

Romania has ratified the Convention 01 only.

Summary of Provisions under ILO Conventions

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions fare found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

Regulations on compensation:

- Labour Code No. 53/2003

Overtime Compensation

The normal working hours are 08 hours a day and 40 hours a week. The work performed besides the normal length of the weekly working time shall be considered overtime. Overtime work may not be performed without the agreement of the employee, except for acts of God or urgent works intended to prevent or to eliminate the consequences of an accident. The maximum average 48 weekly working hours (including overtime) over a 4-month period cannot exceed 48 hours (08 hours overtime per week).

The maximum average weekly working hours (including overtime hours: 08 hours) may not exceed 48 hours. By way of exception, the length of the working time, including the overtime, may be extended beyond 48 hours per week, provided that the average working hours, calculated over a reference period of 04calendar months, do not exceed 48 hours per week. For certain economic sectors, organizations or professions listed in the national collective labour agreement, reference periods above four months, but not exceeding six months, may be negotiated in the applicable branch collective labour agreement. Subject to the regulations on employees' health and safety, for objective reasons, technical or labour organization, the collective work agreements may provide derogations from the reference period and exceptions can be provided over a reference period of 12 months.

The performance of overtime work beyond the limit of 08 hours per week is forbidden, except for cases of acts of God or other urgent works intended to prevent or to eliminate the consequences of an accident. In the case of young people under 18 years, the length of the work time is 6 hours per day and 30 hours per week. The young workers are not allowed to perform over time work.

Overtime can be compensated by time-off corresponding to the overtime hours, paid in the next 60 calendar days after its performance. If the compensation by paid time-off is not possible, the extra pay for overtime shall be established by negotiation, within the collective agreements or, as the case may be, within the individual employment contract, and shall not be lower than 75% premium pay over the basic pay.

For certain economic sectors, organizations or professions, the collective or individual negotiations or the specific legal provisions may specify a daily length of the work time below or above 8 hours. A 12-hour daily length of the work time is followed by a rest period of 24 hours.

If the rules regarding overtime have been infringed, a fine from Lei 1,500 to Lei 3,000 may be charged.

Source: §111-124 & 260 of Labour Code No. 53/2003

Night Work Compensation

Work performed between 22:00 and 06:00 of the following day is considered night work. An employee is considered a night worker if he/she: a) performs night work at least 3 hours of his daily working time, b) performs night work for at least 30% of his working time during a month. The normal

length of the working time, for the night employee, shall not exceed an average of 8 hours a day, calculated over a reference period of maximum three calendar months, in compliance with the legal provisions on the weekly rest period.

Employers are further required to ensure that employees working at night undergo a free health examination (i) prior to assignment to night work; (ii) regularly as required, at least once per year; (iii) at any time during the course of assignment to night work, for health defects induced by performance of night work. However, young worker, Pregnant and post-natal women and breastfeeding mothers may not be required to perform night work.

The night employees shall benefit either from a work schedule shorter with an hour than the normal length of the working day, for the days when they perform at least three hours of night work, without any decrease of the basic pay; or from an extra pay of at least 25% of the basic pay for each hour of night work performed.

If the rules regarding night work have been broken, a fine from Lei 1,500 to Lei 3,000 can be charged.

Source: §125-128 & 260 of Labour Code No. 53/2003

Compensatory Holidays / Rest Days

Workers may be required to work on weekly rest day however there is no provision of compensatory rest day for working on weekly rest day. The Labour Code does not directly provide time-off for working on a weekly rest day however since Sunday work (i.e., the work on weekly rest day) is beyond the weekly working time, it can be considered as overtime work. For working on weekly rest day (considered as overtime work), employee can be given a time-off equal in length to the period of overtime.

Workers are also eligible for compensatory rest for working on a public holiday. An employee, who worked on a public holiday, must be provided time-off for an equal period within 30 days. If this compensatory rest is not provided within a period of 30 days on duly justified grounds, worker has to be paid a wage surcharge.

If the rules regarding rest days have been broken, a fine from Lei 1,500 to Lei 3,000 can be charged. If the rules regarding public holidays and compensatory rest day or monetary compensation are infringed, a fine from Lei 5,000 to Lei 10,000 may be imposed.

Source: §137, 138, 141, 142 & 260 of Labour Code No. 53/2003

Weekend / Public Holiday Work Compensation

Workers may be exceptionally required to work on rest days. If the rest cannot be given on Saturday and Sunday as it is detrimental to the public interest or the normal course of activity, the weekly rest may be granted on other days as provided under a collective agreement or rules of procedure. If the weekly rest day is moved to the other days of the week, workers are eligible for an extra pay. In exceptional cases, when the weekly rest day is granted on a cumulative basis after a continuous activity of 14 calendar days, those employees are entitled to 250% of the normal wage rate for working on weekly rest days. In case of urgent works, whose immediate performance is necessary for the organization of rescue measures for the persons or goods of the employer, in order

to avoid imminent accidents or to eliminate the effects of these accidents on the materials, installations or buildings of the organization, the weekly rest may be suspended for the personnel necessary to perform these works. A worker whose weekly rest day is suspended due to above reasons is entitled to 250% of the normal wage rate for working on weekly rest day.

If a worker works on public holiday, then he/she is first eligible for compensatory rest. And if that compensatory rest is not provided, on duly justified grounds, during the first 30 days after working on a public holiday, these workers are entitled to a premium rate of 200% of the normal wage rate.

Source: §137, 138 & 142 of Labour Code No. 53/2003

03/13 ANNUAL LEAVE & HOLIDAYS

ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.
In addition, for several industries, different Conventions apply.

Romania has ratified the Conventions 14 only.

Summary of Provisions under ILO Conventions

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

Regulations on annual leave and holidays:

- Labour Code No. 53/2003

Paid Vacation / Annual Leave

The legislation provides that right to paid annual leave is guaranteed to all employees. The right to leave may not be subject to any assignment, waiving or abridgement. The annual leave has a minimum length of 20 working days. The actual length of the annual leave is determined by the labour contract, however compliance with the law and collective bargaining agreements is required. However, the employees working in difficult, dangerous or unhealthy conditions, the visually impaired persons, and other disabled persons and the young people under the age of eighteen years shall enjoy a supplementary leave of at least three working days.

The public holidays and the paid days off laid down in the applicable collective labour agreement are not included in the length of the annual leave. The leave has to be taken each year. However, by way of exception, the leave may only be taken in the next year in the cases expressly provided for in the law or in the applicable collective labour agreement (within two years of eligibility). An employer is required to grant a leave, until the end of the next year, to all employees who, within a calendar year, did not take the entire leave they are entitled to. Annual leave is taken on the basis of a collective or individual schedule laid down by the employer after consulting the trade union or, as the case may be, the representatives of the employees. Within the periods of leave laid down, an employee may request the leave at least 60 days before actually taking it. Should the leave be divided, the employer shall set the schedule in such way that every employee takes at least 15 working days of uninterrupted leave in one calendar year.

Annual holidays/Leave can be interrupted, at the employee's request, for objective reasons. The employer may call back the employee from their annual holiday in case of in case of an act of God or urgent matters that require the presence of the employee at the workplace. In such case, the employer shall bear all expenses of the employee and his/her family necessary to return to the workplace and the potential damages suffered by him/her following the interruption of the leave.

Annual leave is paid leave and the employee shall receive a leave benefit which may not be lower than the basic pay, the benefits and permanent extra pay due for that period, as provided for in the individual employment contract. The leave benefit shall be the daily average of the pecuniary rights in the last three months before the month when the leave is taken, multiplied by the number of days of leave. The leave benefit is paid by the employer at least five working days before taking the leave.

For determining the duration of annual leave, the periods of temporary work incapacity, period of maternity leave, periods of maternity risk leave, and periods of leave for caring of a sick child are considered as periods of service.

Even if a period of temporary incapacity for work continues for the duration of an entire calendar year, the employer is obliged to grant the employee annual leave within an 18-month period starting with the year

following the one in which the employee was on medical leave.

If an employee is not able, on justifiable grounds, to use, either fully or partially, the annual during the calendar year, employer is obliged to reschedule (on agreement with the worker) the period of remaining leave within a period of 18 months starting from the year following the one in which the entitlement to annual leave originally was generated.

Payment in lieu of annual leave is allowed only in the event of contract termination before a worker could avail annual leave.

Source: §145, 146, 147, 148, 149, 150 & 151 of Labour Code No. 53/2003, last amended in 2017 by Law No. 53/2017

Pay on Public Holidays

Public holidays are paid rest days of religious or memorial nature. Employees are entitled to public holiday benefits for the following 13 public holidays and non-working days: January 01 & 02; first and second day of Easter; January 24-the Day of the Unification of the Romanian Principalities; May 1-Labour Day; first and second day of Pentecost; Assumption; November 30- St. Andrew the First Called, Protector of Romania; December 1; first and second day of Christmas; and two days for each of the three annual feasts, religious cults declared by law, other than Christian, for persons belonging to them.

Work on public holidays can be required only exceptionally and upon prior consultation with employee representatives. Worker can be required to do only that work on public holidays which they can be asked on weekly rest days, work in continuous operations and work necessary for guarding the premises of the employer. The work on public holiday can thus only for medical assistance and the supply with essential foodstuffs, appropriate work schedules for the health and food and beverage establishments shall be laid down by Government Decision, whose application shall be mandatory. Public holidays shall not apply to workplaces where the activity cannot be interrupted due to the character of the production process or the specific features of the activity.

The employees working in the organizations and in the workplaces where the interruption of work during public holidays is not possible, it shall be provided adequate compensatory time off in the next 30 days. If, on duly justified grounds, no days off are granted, the employees shall benefit, for the activity performed during the public holidays, from an extra pay added to the basic pay, which may not be lower than 100% of the basic pay corresponding to the activity performed within the normal work schedule.

In line with Law No. 64/2018 (amending article 139 of the Labour Code) a new legal holiday/ a non-working day is added. Good Friday, the last Friday before Easter, is the new legal holiday. The number of legal non-working days in Romania is now 15.

Source: §139, 140-42 of Labour Code No. 53/2003

Weekly Rest Days

Every employer is required to arrange working time in such a way that an employee has two consecutive days of continuous rest per week. These days of

rest usually fall on Saturday-Sunday. If the nature of work and conditions of operation do not allow to schedule working time of an employee over 18 years of age, these two consecutive days of rest may be granted on other days of the week. As a minimum, every worker should be provided with 48 hours of rest in a week (or in two weeks in some cases). In the case of shift work, the rest period between the shifts may not be shorter than eight hours. The daily rest period can't be less than 12 hours.

Workers are entitled to a rest break for meal and other break if the daily working time exceeds six hours. Rest breaks are regulated under the applicable collective agreement or organization's internal rules. Rest breaks are not generally considered part of the daily working time except where agreed under a collective agreement or internal rules. Young workers, under 18 years, are entitled to a meal break of at least 30 minutes where the daily length of working time exceeds four and a half hours.

Workers are entitled to a daily rest period of 12 consecutive hours between two working days. As an exception, the daily rest period between shift may not be less than 8 hours.

Source: §113, 134, 135 & 137 of Labour Code No. 53/2003

04/13 EMPLOYMENT SECURITY

ILO Conventions

Convention 158 (1982) on employment termination

Romania has not ratified the Convention 158.

Summary of Provisions under ILO Convention

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

Regulations on employment security:

- Labour Code No. 53/2003

Written Employment Particulars

Before conclusion of an employment contract, an employer is required to inform the prospective employee with rights and obligations pertaining to the employment contract, wage and working conditions under which work has to be performed.

An employment contract is agreed for an indefinite period, by default. As an exception, the individual work contract may also be for a limited duration, i.e., for a fixed term, under the terms expressly provided under the law. A contract of employment can't be concluded for an illegal or immoral occupation/activity and is null and void.

An employment contract has to be concluded in writing, in the Romanian language, based on the parties' mutual consent prior to the commencement of employment relations. The obligation to conclude the contract in writing is incumbent on the employer.

Employment relationship is established by a written employment contract between the parties. Employer is also obliged to provide the employee with one written copy of the employment contract before the beginning of activity. An employment contract should have the following information: Identity of the parties; workplace(s); domicile of the employer; job title/occupation along with job description; criteria for evaluation of employee's professional activity; job-specific risks; commencement date of the contract; length of the contract (for fixed term or temporary work), length of leave employee is entitled to; conditions regulating notice period and its length; basic pay and wage payment period; normal working hours on daily and weekly basis; length of probation period and reference to the collective bargaining agreement applicable to the employer. If there is a change in any of the above elements, an addendum has to be concluded between the parties within 20 days of such change.

The amended Labour Code 2017 defines "undeclared work" as (i) allowing a person to work without concluding a written employment contract at the latest on the day preceding the start day of the activity; (ii) allowing a person to work without sending his/her employment report to the General Employees' Register, at the latest the day before the commencement of the activity; (iii) allowing an employee to work while employment contract is suspended; (iv) allowing an employee to work outside the schedule agreed in a part-time individual employment contract. The Labour Code now requires employers to keep copies of individual employment contracts at the workplace for workers who carry out work in that specific location. It further requires employers to notify the authorities about the amendments in the employment contract and these should be registered in the Revisal prior to taking effect. The Labour Code fixes fines for breach of above provisions and if a worker is engaged in undeclared work.

Source: §10-19 of Labour Code No. 53/2003

Fixed Term Contracts

According to Romanian Labour Code, an individual work contract shall be of unlimited duration. By way of exception,

the individual work contract may also be of limited duration can be concluded by law in the following instances:

a) Replacement of an employee when his/her work contract has been suspended, unless that employee participates in a strike;
b) Temporary increase and/or modification of the employer's work structure
c) Performance of a seasonal activity;
d) When it has been concluded under legal provisions issued in order to temporarily benefit certain categories of unemployed persons;
e) Employment of a person who, within 5 years from the date of employment, fulfils the old age retirement conditions;
f) Filling in an elective position within trade unions, employers' organizations or non-governmental organizations, during the mandate;
g) Employment of retired persons who, under the terms of the law, may cumulate the retirement benefit with the wage;
h) In other cases, explicitly provided in special laws or for the development of works, projects or programmes.

Fixed term contracts are agreed for a maximum of 12 months only. These fixed term employment contracts may be extended or renewed during the 3-year period for a maximum number of three times. The individual employment contracts on fixed term concluded within 3 months from the termination of an employment contract on fixed term are considered successive contracts and cannot be longer than 12 months each.

Source: 12 & 82-84 of Labour Code No. 53/2003

Probation Period

In order to verify the skills of the employee, a trial period/ Probation period is established. A maximum 90 calendar days probation period for the executive / operational positions and maximum 120 calendar days for the managerial positions may be agreed at the conclusion of the individual labour contract. The probation/trial period for persons with disabilities can't be greater than 30 calendar days. For the graduates of higher education institutions, the first 6 months from the date of starting the activity in profession are considered contribution stage period.

If the employee is hired on fixed term basis statutory probationary periods for employees hired under a fixed-term contract, as follows:

- 5 working days, for a fixed term contract (FTC) of less than 3 months;
- 15 working days, for a FTC between 3 and 6 months;
- 30 working days, for a FTC exceeding 6 months;
- 45 working days, in the case of employees holding management positions, hired under a FTC for more than 6 months.

During the execution of an individual work contract, only one period of probation may be established. By way of exception, the employee may be subject to a new period of probation if he/she enters a new position or profession at the same employer or is to perform the activity in a difficult, unhealthy or dangerous workplace. The period of probation shall be included in the length of service.

It is prohibited to establish a new probation period if, within 12 months of the end of an earlier contract, a new individual employment contract is concluded between the same parties for the same position and with the same attributions.

Source: §31-34 & 85 of Labour Code No. 53/2003

Notice Requirement

A dismissal may be decided for reasons related to the person of the employee or reasons not related to the employee.

An employer may decide the dismissal of a worker for following reasons: employee has perpetrated a serious or repeated misbehaviour related to the labour discipline rules or provisions of collective agreement or individual employment contract; employee is imprisoned for more than 30 days; physical or mental inability to work proved by medical experts, professional incapacity of the employee and when the employee has met all the conditions for retirement but has not requested retirement yet. An employee may also be dismissed for objective reasons related to redundancy.

In case of dismissals for reasons related to the employee (except for disciplinary dismissal and dismissal in case of imprisonment exceeding 30 days) and for reasons not related to the employee (objective reasons related to individual or collective redundancy), the employer has the obligation to grant a notice period to the dismissed employee of at least 20 working days.

An employer does not have to serve a notice to a worker who is terminated on account of professional incapacity during the term of his/her probation period.

An employee has to serve notice to the employer before terminating the employment contract. The term of notice is agreed between the parties through individual employment contract or applicable collective bargaining agreement. The notice period in this case cannot exceed 20 and 45 working days for the employees in execution and management positions respectively.

An employee may resign without notice if the employer has not met his/her obligations assumed in the individual work contract.

An employee may not be dismissed during the temporary disability, as certified by a medical certificate according to the law; during the suspension of the activity caused by the quarantine; during the pregnancy of the employee, insofar as the employer took knowledge of it prior to issuing the dismissal decision; during the maternity leave; during the leave for rearing of child under 2 years old or, in the case of a disabled child, up to the age of 3 years; during the leave for rearing of child under 7 years or in the case of a disabled child, for inter-current diseases, up to the age of 18 years; during the exercise of an elective office in a trade union, except for the case where the dismissal is decided for serious or repeated misbehaviour of that employee; and during the leave.

An employee may still be terminated due to reasons related to the reorganization, bankruptcy or dissolution of the employer, under the terms of the law.

Law also forbids dismissal of employees based on sex, sexual orientation, genetic

characteristics, age, national affiliation, race, colour, ethnicity, religion, political option, social origin, disability, family situation or responsibility, trade union affiliation or activity, and exercising the right to strike.

Source: §58-75 of Labour Code No. 53/2003

Severance Pay

Severance pay is not regulated by Romanian legislation; however, the parties may agree on such payments in the employment contracts. Collective bargaining agreements occasionally provide for measures that mitigate the consequences for the terminated employees in the case of mass layoffs. With respect to redundancies, employees are entitled to payment of their regularly granted salary (including all regularly granted payments, as well as holiday payments) until the end of the mandatory notice period that corresponds to the effective date of termination. In addition to this salary, employees subject to redundancy are entitled to severance pay, as well as payment for unused vacation When the employment relationship ends, the employee generally is entitled to receive full pay for unused holidays from the previous vacation year and a pro-rata pay for accrued vacation during the year in which the employment relationship ends. Outstanding payments for overtime work have to be granted to the employee at the end of the employment contract.

In case of dismissal for physical and/or mental incapacity, the employer has the obligation to grant the dismissed employee a severance payment, in the conditions set forth in the individual employment agreement or the applicable collective bargaining agreement.

The employees dismissed for reasons not related to them benefit from active measures for combating unemployment and can benefit from severance payments in the conditions set forth in the law and the applicable collective bargaining agreement.

05/13 FAMILY RESPONSIBILITIES

ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

Romania has not ratified the Convention 156 and 165.

Summary of Provisions under ILO Convention

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

Regulations on family responsibilities:

- Labour Code No. 53/2003
- Act on paternity leave No. 210, of 31 December 1999
- Emergency Ordinance No. 148/2005 on support of the family for child raising

Paternity Leave

Fathers are entitled to benefit from paternity leave, for 10 working days (plus 5 days in case the employee attended infant care courses). The paternity leave shall be awarded upon request, within the first eight weeks after the birth of the baby. In this leave, the father is entitled 100 percent benefit which has to be paid by the employer.

In situations in which the mother dies at birth or during the nursing leave, the father is entitled to the rest of the mother's leave, receiving the correlative indemnity. During the paternity leave, the father is entitled to benefit from the monthly child raising allowance. Also, the father is entitled to benefit from the insertion incentive in case he decides to return to the job before the child reaches the age of one year or three years in case of Disabled Child.

Source: §1-4 of the Act on paternity leave 210/1999

Parental Leave

Employer is required to provide workers (a man or a woman), upon their request, the parental leave until the day child turns two years for children born on or before December, 2010 and one to two years for children born on or after January, 2011 respectively. If the child is seriously disabled requiring care, parental leave is provided until the child turns 03 years old. The minimum duration of parental leave has to be one month. Employer is required to provide the worker this leave for the length as requested by the parent. The parental leave can also be granted for adopted children. A parental leave allowance, 85 per cent of the average wage received during the preceding 12 months for parents with child born on or before December, 2010 and 75 per cent in case child born on or after 1st January, 2011 is available to all eligible families whether they take parental leave or not however only one parent is entitled to parental allowance. The allowance is funded from the state Budget. This monthly allowance shall be increased by 600 lei for each child born to a twin, triplets or multiple starting from the second child coming from such a birth. The amount of benefit during parental leave ranges from 600 lei to 4,000 lei.

The Law No. 89/2019 has been introduced to reduce the length of the prohibition to dismiss the employee upon returning from parental leave. Prior to the amendment, if the employee returned to work before the child turned two years of age, they were entitled to an incentive and could not be dismissed until the child reached the age of three, or the age of four in the case of a disabled child.

After the 2019 reform, a worker returning from parental leave can be dismissed once the child reaches the age of two years (or three years in case of a disabled child), but no sooner than six months after returning from parental leave.

Source: §1(1), 19& 20 of the Emergency Ordinance No 148/2005 on support of the Family for child raising applicable for births before 31 December 2010; Emergency Decree No.111 of 2010 on leave and monthly allowance for raising children for births after January 1 of 2011; Law No. 66/2016

Flexible Work Option for Parents / Work-Life Balance

An employer may establish individualized work schedules with the agreement or at the request of the respective employee. The individualized work schedules shall involve a flexible organization of the work time. The daily length of the work time shall be divided into two periods: a fixed period where the entire personnel is simultaneously present at the workplace and a variable, mobile period where the employee chooses the time of arrival and departure, in compliance with the daily work time.

Moreover, it is the responsibility of the employer to allow employees to take carer's leave for the purpose of providing care or personal support to a relative or a person residing in the same household with a serious medical condition. This leave spans a duration of 5 working days per calendar year, subject to a written request from the employee. Special laws or applicable collective labour agreements may stipulate a longer duration than the standard 5 working days for carer's leave.
As per the updated legislation, individuals covered by insurance have the right to leave and an allowance for caring for a sick child up to the age of 12, and in the case of a disabled child, for intercurrent ailments, until the age of 18. During this period, employees are entitled to paid days off, which do not count towards their annual leave and contribute to their seniority. Employees benefiting from carer's leave are also covered by the social health insurance system without having to pay contributions during this period.

Source: §118 of Labour Code No. 53/2003; §152 of Labour Code No. 52/2003 updated in 2024

06/13 MATERNITY & WORK

ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Romania has ratified the Convention 183 only.

Summary of Provisions under ILO Convention

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

Regulations on maternity and work:

- Government Emergency Ordinance no. 96 of 14 October 2003 on Maternity Protection at Work
- Labour Code No. 53/2003
- Emergency Ordinance No. 158/2005 on the social health insurance leaves and indemnities

Free Medical Care

Employers have to allow pregnant workers to undergo medical examinations during pregnancy for up to a maximum of 16 hours per month without loss of pay, if these medical check-ups can take place only during working hours. Medical benefits for insured workers are provided directly to patients by providers with contracts with local health insurance funds. Medical benefits include general and specialist care, outpatient care, hospitalization, medicine, appliances, rehabilitation, preventive medical care, maternity care, transportation, and other services.

Source: §15 of the Government Emergency Ordinance no. 96 of 14 October 2003 on Maternity Protection at Work

No Harmful Work

As a general condition, employers are required to establish, maintain and improve the level of social facilities and personal sanitation facilities for all women workers.

In order to establish the necessary measures to protect employees, the employer, in collaboration with labour health physician, must annually assess the nature, degree and duration of risk factors arising from conditions of work and their influences on pregnant or nursing women workers. The pregnant women may not do arduous work, chemical, biological, physical agents (e.g. ionizing radiation, extreme temperatures, carcinogenic, rubella virus, toxoplasmosis, lead). The employer shall make the necessary arrangements of the work place for the pregnant women or nursing women who perform work involving prolonged periods of standing or sitting. Pregnant women and nursing mothers may also not be exposed to extreme temperatures (hot or cold). According to Labour Code No. 53/2003, pregnant women, child wives and breastfeeding mothers may also not be required to perform night work. However, overtime work, work on rest days has not been expressly prohibited in Romanian Legislation.

If the safety and health of the woman worker is considered in danger, her employer shall make the necessary arrangements to ensure the woman's safety by temporarily changing her working conditions and/or working hours or to transfer the woman to another work with reservation of average wages of the previous workplace. If the employer is not in conditions of adapting work to safety and health necessities of a pregnant worker or a mother returning to work from compulsory maternity or leave if they are not making of parental leave, are entitled to maternity risk paid leave for up to 120 days and previous presentation of a medical certificate. This leave cannot be given simultaneously with other leave provided for by the Public Pension System and other Social Insurance Rights.

Source: §125 of Labour Code No. 53/2003; §5, 9, 10, 20(2) & Annex-1 & 2 of the Government Emergency Ordinance no. 96

of 14 October 2003 on Maternity Protection at Work

Maternity Leave

Female employees are entitled to a paid maternity leave in the event of child birth. A pregnant woman is entitled to a mandatory period of paid leave of 126 days (18 weeks), including 63 days before the expected birth and 63 days thereafter. During this time, the employee is allowed not to work at all, but is entitled to receive 85% of her base salary calculated according to the law and paid from the state health insurance budget. This period might be adjusted based on the effective date of birth. The compulsory leave is 42 days after confinement. The qualifying condition for maternity leave is that the worker has paid minimum contribution to the health insurance for at least one month over the past 12 months.

After the 126-day period of pregnancy leave, the employee may choose to benefit from a parental leave of up to two years to raise her child (up to three years if the child has disabilities). During this time, the employer is not obliged to pay the employee; however, she will receive payments from the health fund, in the amount of either 600 RON per month or 75-85% of the average of the salaries paid in the previous 12 months, but not more than 4,000 RON per month. It is possible for either the mother or the father to take parental leave. During this extended period, employees have a particularly protected status, whereby the employer cannot terminate the employment contract by giving notice to the employee.

The Government Emergency Ordinance No. 26/2019 has introduced new leave to give facility to special employees. The leave will be provided to the female employee who has under gone In Vitro Fertilization (IVF). Employee will be entitled to avail three day paid leave after the medical certification.

1. One day leave at the time of ovarian puncture
2. Two days from the date of embryo transfer

Source: §1, 23, 24, 147 and 25 of Emergency Ordinance No. 158/2005 on the social health insurance leaves and indemnities; §147 of the Labour Code, amended by the Emergency Ordinance No. 26/2019 https://lege5.ro/Gratuit/gmzdqnbsgeya/ordonanta-de-urgenta-nr-26-2019-pentru-modificarea-si-completarea-unor-acte-normative

Income

All insured women who are pregnant or caring for a new born as well other persons who are awarded custody of a child (like father) are entitled to a maternity benefit. In general, the maternity benefit is paid for a period of 18 weeks (nine weeks before confinement and nine weeks after confinement).

The women are entitled to get 85 per cent of the average wage during the last 12 months. The maternity benefits are paid through the State Health Insurance Budget by the Government.

Source: §19 & 2 of the Emergency Ordinance No 148/2005 on support of the Family for child raising applicable for births before 31 December 2010; §1, 3, 23, 25(1) of the Emergency Ordinance No. 158/2005 on the social health insurance leaves and indemnities

Protection from Dismissals

Employers cannot not dismiss a pregnant employee that has given written notice of the pregnancy because of her pregnancy, the employee that is in maternity risk, the employee that is in maternity leave, the employee that is in parental leave up to 2 years (03 years for a disabled child), the employee that is in leave to care for a sick child under the age of 7 years(18 years for a disabled child).This prohibition extends only once, with up to 6 months after the returning of employee to work. Exceptions are provided for dismissals that occur as a result of reorganization or bankruptcy of the employer, under the law.

Source: §21.1 of the Government Emergency Ordinance no. 96 of 14 October 2003 on Maternity Protection at Work; §60 of Labour Code No. 53/2003

Right to Return to Same Position

Upon termination of maternity leave and parental leave for child care, employee is entitled to return to the last job or an equivalent job with equivalent working conditions and also to benefit from any improvement in working conditions that would have been entitled during their absence.

Source: §10(7) of the Law no. 202/2002 on equal opportunities between women and men, republished 2013

Breastfeeding / Nursing Breaks

A female employee who breastfeeds her child is entitled to paid breaks for breastfeeding until the child reaches 1 year. The length of the break is one hour twice a day. The employer is required to provide the necessary place and commodities for nursing women workers, respecting the sanitary norms. At the request of the mother, nursing breaks can be replaced by shortening of working hours by two hours. The nursing breaks are also paid by the employer and don't lead to reduction in wages.

Source: §17 of the Government Emergency Ordinance No. 96 of 14 October 2003 on Maternity Protection at Work

07/13 HEALTH & SAFETY

ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.
Convention 155 (1981) is the relevant general convention here.
Labour Inspection Convention: 81 (1947)

Romania has ratified the Convention 81 only.

Summary of Provisions under ILO Conventions

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Regulations on health and safety:

- Labour Code No. 53/2003
- Law No. 319/2006 on Safety and Health of Workers at Work
- Law No.108/1999 for the establishment and organization of the Labour Inspection (reprinted in 2012)

Employer Cares

An employer has the duty to ensure the health and safety of workers in every aspect related to work. Even if the employer hires external services to do the work, it does not discharge him from responsibilities in the area.

In order to protect the health and safety of all workers, employers are obliged to take the necessary measures to: ensure the safety and health of workers; b) prevent occupational risks; c) inform and train workers about occupational risks; d) provide the necessary organization and means of safety and health, taking account of changing conditions, and to improve existing situations. It is also the responsibility of employer to do risk assessment to reduce the risk, choose appropriate work equipment, work methods and place right workers meeting the requirement of jobs. The workers must have choice of equipment, working conditions and environment. The employer should ensure that the planning and introduction of new technologies subject to consultation with workers and / or their representatives regarding the health and safety consequences for workers. It is the right of the employee of getting informed about occupational hazards. Besides that it is also responsibility of the employer to make special arrangements under the law for pregnant / breastfeeding workers, young works, workers with disabilities so that their safety may not be in danger.

Source: §7& 35 of Law No. 319/2006 on Safety and Health of Workers at Work

Free Protection

Employers are required to ensure the appropriate health surveillance of workers to encounter the risks to safety and health at work. The health surveillance is provided by occupational physicians.

Employers are required to decide on protective measures to be taken at the workplace and the protective equipment to be used. Employers have further obligation to provide hazard-free work equipment for workers' safety and health and also provide personal protective equipment free of charge. In case the personal protective equipment (PPE) has lost its protective qualities, it is mandatory on the employer to provide them with new personal protective equipment.

Employers are required to provide protective food as well as hygiene materials, free of charge, for the persons working in conditions requiring so as established under the collective bargaining agreement or individual employment contract. Workers are also required to make correct use of PPE supplied to them and, after use, return it to its proper place or the place intended for safekeeping.

Source: §13,14,15,23, 24& 25 of Law No. 319/2006 on Safety and Health of Workers at Work; Government Decision No. 1048 of 2006 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace

Training

An employer has to organize the employee training in the field of health and safety at work and ensure that each worker receives sufficient and adequate safety and health training, in particular in the form of information and instructions specific to his workplace and job. The training has to be provided to new employees, those changing the workplace or type of work, introduction of new technology or work procedure, and in the execution of special type of work. The training is adapted to take account of changed risks or emergence of new risks and has to be repeated periodically and whenever it is necessary. The training should take place during the working hours within or outside the undertaking or establishment. The above training must not be at workers' expense or that of the workers' representatives.

The Labour Code also provides that the training is performed periodically, in specific ways laid down by the employer together with the health and safety committee and the trade union or, as the case may be, the representatives of the employees. The training is provided to new employees, those changing the workplace or type of work and those resuming their activity after a break longer than 6 months. In all these cases, the training shall be done before the actual start of the activity.

Source: §20 & 21 of Law No. 319/2006 on Safety and Health of Workers at Work; of § 175-182 of Labour Code No. 53/2003, amended in 2017 by Law No. 53/2017

Labour Inspection System

The Labour Inspection System in Romania is established through Law No.108/1999 for the establishment and organization of the Labour Inspection (reprinted in 2012) and Government Decision no. 1377/2009 on the approval of the organization and functioning of the Labour Inspection, as well as measures of organizational setting.

The Labour Inspectorate (InspectiaMuncii) is a body of central public administration working under the supervision of Ministry of Labour, Social Solidarity & Family and is founded and organized on the basis of above two laws. There are 41 territorial labour inspectorates working under the central Labour Inspectorate.

The regular activities of Labour Inspectorate aim to: enforce legal provisions relating to labour relations, occupational safety and health, protection of employees working in special conditions and legal provisions on social security; inform competent authorities about the correct application of legal provisions in force; identify, assess and undertake measures to restrict undeclared labour; counteract illegal use of labour force though penalties and prevention measures; encourage legal employment; provide assistance to employers and employees on issues related to labour relations and legislation and initiate proposals to the Ministry of Labour to improve existing legislation and drafting of new legislation in the field.

It is the duty of labour inspectors to take note of the infringements and set fines in accordance with the provisions of article 39 and 40 of Occupational Safety and Health Law.

Source: §42 of Law No. 319/2006 on Safety and Health of Workers at Work

08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

ILO Conventions

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Romania has ratified the Convention 102 only.

Summary of Provisions under ILO Conventions

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

Regulations on sick leave & Employment Injury Benefits:

- Emergency Ordinance No. 158/2005 on the social health insurance leaves and indemnities

Income

Employees are entitled to sickness benefits when they meet qualification requirements and are not working due to the loss of working capacity or are placed in quarantine following an illness or accident. The maximum period of compensation in the case of illness or injury depends on the cause of the inability to work. In this leave employees are entitled to receive 75% of their regular compensation for a specified period of time, calculated as an average of the previous 12 months, provided that the employees fulfil other conditions provided by the law and 100% for emergency surgery, tuberculosis, AIDS, and other contagious diseases. The first five days of sickness are paid by the employer. From the sixth day, the employee normally is entitled to sickness pay from the health Insurance fund, up to a period of 183 days per year.

Source: §12 -17 of Emergency Ordinance No. 158/2005 on the social health insurance leaves and indemnities

Medical Care

All persons legally residing in Romania are entitled to health care. The insured person must have at least 6 months of contributions in the 12 previous calendar months before the incapacity began for qualifying medical benefit. However, no qualifying conditions apply for emergency surgery, tuberculosis, AIDS, and other contagious diseases.

The medical benefits include medical treatment, hospitalization, medicine, maternity care, appliances, travel expenses, preventive examinations, vaccination, dispensary care, and convalescent stays for selected professions etc.

Job Security

According to the Labour Code, a worker cannot be terminated during the period of temporary disability (i.e. illness), as certified by a medical certificate. Therefore, it is concluded that during the sick leave (Max 183 days per year); employment of a worker is secure. The period of temporary disability can be increased to one year and six months within the last two years for diseases like tuberculosis, cancer, AIDS, and some cardiovascular diseases.

Source: §60 of Labour Code No. 53/2003; §13 of Emergency Ordinance No. 158/2005 on the social health insurance leaves and indemnities

Disability / Work Injury Benefit

A person who is insured in the accidents at work and occupational diseases scheme is entitled to short-term benefits when an accident at work or occupational disease occurs. For long-term benefits, invalidity pension / survivor pension is provided by the public system of pensions.

In the case of temporary disability, 80% of the insured average wages in the 06 calendar months before start of disability is paid to the worker from the first day of disability up to 180 days a year. If the

insured worker has to undergo emergency medical treatment, the temporary disability benefit is 100% of the insured worker's average wage. The benefit is paid by the employer until recovery or the certification of permanent disability. The worker may avail this benefit for 180 days in a one-year period with the possibility of extension up to 270 days.

In the event of permanent disability, pension is equal to the insured worker's average life time accumulated number of pension points multiplied by pension point value. The pension points are calculated by the dividing the insured worker's lifetime number of accumulated pension points by the number of years of contributions. Pension points vary according to the degree of disability: 0.75 pension points a year for a first-degree disability; 0.6 for a second-degree disability; and 0.4 for a third-degree disability.

In the event of death of a worker, the survivors' pension is based on the old age pension the deceased worker received or was entitled to receive. The pension is calculated as a percentage of deceased worker's average lifetime pension points that vary according to the number of eligible survivors: 50% for one survivor; 75% for two survivors and 100% for three or more survivors.

If the deceased worker did not meet the requirements for old age pension, the survivors' pension is based on first degree disability pension.

A lump sum of 1,550 lei is paid as funeral grant for the deceased worker's funeral.

Source: §33-50 of LEGE nr.346 din 5 iunie 2002 privind asigurareapentruaccidente de muncăşiboliprofesionale

09/13 SOCIAL SECURITY

ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions
Employment Injury Benefits: Conventions 121 (1964),
Invalidity, Old age and survivors' benefits: Convention 128(1967)
Medical Care and Sickness Benefits: Convention 130 (1969)
Unemployment Benefits: Convention 168 (1988).

Romania has ratified the Convention 102 and 168 only.

Summary of Provisions under ILO Conventions

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

Regulations on social security:

- LEGE nr.263 din 16 decembrie 2010 privindsistemulunitar de pensiipublice
- Unemployment Law No. 76/2002, last updated in 2015
- Forma actualizată, valabilăîncepând cu data de 22.10.2013

Pension Rights

Normal Retirement age for Men is 64 years and 7 months on 1 July 2013, increasing to 65 years on 1 January 2015 and women – 59 years and 7 months on 1 July 2013, increasing to 63 years on 1 January 2030.

To qualify for minimum pension, men and women both are required to have minimum contribution of 14 years and 2 months on 01 July 2013, increasing to 15 years on 01 January 2015. The contribution periods are rising gradually to 35 years of contributions for the full pension by 2015 (men) or 2030 (women).

Lower age requirements apply to workers engaged in arduous work, disabled persons or women who have given birth to at least three children. There is provision of both early pension (paid from five years before the normal retirement age) and partial early pension.

The pension system in Romania is divided into two pillars:

i. 1st pillar is managed by the public system of pensions; and
ii. 2nd pillar pensions are provided by the system of privately administered pension funds' schemes. We focus here only on the pension managed by the Social Insurance Institute.

The old-age pension is calculated and paid on a monthly basis using a point system. The monthly score is equal to the person's monthly gross earnings divided by the average gross earnings. The annual score is equal to the sum of the monthly scores obtained during one year divided by twelve. The person is credited with annual scores for non-contributory periods. The annual average score is equal to the sum of the annual scores divided by the full contribution period. The amount of the old age pension is calculated as the annual average score multiplied by the pension point value.

Under a new law (No. 123/2014), the rates of social security contribution have been reduced in a bid to reduce large tax burden on the employers. The new social security contribution rates are as follows:

- 26.3% for regular working conditions (currently 31.3% of total employment)
- Worker's contribution is 10.5% and the employer's 15.8% (currently 20.8%) ;
- 31.3% for difficult working conditions (currently 36.3%)
- Worker's contribution is 10.5% and the employer's 20.8% (currently 25.8%) ;
- 36.3% for special working conditions (currently 41.3%) - worker's contribution is 10.5% and the employer's 25.8% (currently 30.8%).

Under 2018 amendment in the Labour Code, employed women may opt to continue the working relationships after the retirement age of 63 years, (to the age of 65). Employers are obliged to comply with the worker's decision to continue employment.

Source: LEGE nr.263 din 16 decembrie 2010 privindsistemulunitar de pensiipublice; Legea nr. 123/2014 pentru modificarea Legii nr. 571/2003 privind Codul fiscal

Dependents' / Survivors' Benefit

A person is entitled to a survivor pension (pensie de urmaş) if he/she is the surviving spouse or the child of the deceased, and the deceased was, at the time of death, a pensioner or eligible for a pension. If the survivor is a spouse, he / she must be married to the deceased person at least one year and his / her income is less than 35% of survivors 'gross wage .If the survivor is a child, he/she is at most 16 years of age (26 years for students) or if he/she is affected by invalidity of any category and the invalidity occurs until the afore-mentioned age limits. Benefit for the surviving spouse ceases on remarriage. Under the public system of pensions, the survivor will get 50% if there is one survivor, 75% for two survivors, and 100% for three or more survivors. For the orphan child having lost both parents, the survivor pension is calculated for each parent and then summed up.

Unemployment Benefits

The registered unemployed who involuntarily became unemployed is required to apply for benefit within 12 months and to have completed a contribution period of 12 months during the 24 months preceding the application date in order to be entitled to an unemployment indemnity (indemnizaţie de şomaj) from the unemployment insurance system's scheme.

However, there is no contribution period requirement for graduates who, during 60 days after graduation, do not find employment. The duration of the unemployment indemnity varies with the length of contribution period: 6 months for a contribution period between one and five years, 9 months between five and ten years, and 12 months for ten years and over. For graduates this period is 6 months.

The unemployment indemnity is calculated and paid monthly as a percentage of the reference social indicator: 75% for a contribution period of one year and over; 50% for graduates.

For a contribution period of three years and over, another percentage of the average gross income earned during the last 12 months contribution period is added to the base amount ranging from 3-10%.

Source: Unemployment Law No. 76/2002, last updated in 2015

Invalidity Benefits

There are three categories of invalidity: category I corresponds to an incapacity for any work requiring constant attendance, category II refers to an incapacity for any work, but not requiring constant attendance, and category III implies the loss of at least half of the working capacity, the invalid person still being able to perform a professional activity.

The invalidity Pension is payable to worker whose health is chronically impaired leading to permanent loss in the working capacity of at least 50%. Invalidity pension is granted irrespective of the contribution period achieved. There is no condition stating that the person concerned must be insured at the date that the invalidity occurs, provided that some contribution

period was achieved until the date of issuing the medical decision on the working capacity.

Invalidity Benefits are calculated through point system considering length of the contribution period, the level of earnings, and the invalidity category (all being variables, characteristic to each person), as well as the pension point value.

10/13 FAIR TREATMENT

ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.
Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.
Convention 190 (2019) is about elimination of violence and harassment in the world of work.

Romania has ratified the Conventions 100 and 111.

Summary of Provisions under ILO Conventions

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can’t discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can’t be occupational segregation on the basis of gender.

Regulations on fair treatment:

- Constitution of Romania 1991, amended in 2003
- Law no 202/2002 on equal opportunities between women and men (Equal Opportunities Law)
- Labour Code No. 53/2003
- Government Ordinance no. 137/2000 on preventing and sanctioning all kinds of discrimination (Anti-Discrimination Law)

Equal Pay

In accordance with section 6 &159 of Labour Code, wage conditions of employees should be agreed without any form of discrimination. Any discrimination based on sex is forbidden for equal work or work of equal value as regards all elements and conditions of compensation. When setting and granting the wage, any discrimination based on sex, sexual orientation, genetic characteristics, age, national affiliation, race, colour, ethnicity, religion, political option, social origin, disability, family situation or responsibility, trade union affiliation or activity is prohibited.

According to Art. 41 of Romanian Constitution, women have the right to same pay as men for equal work. The law on equal opportunities between men and women also equal pay for work of equal value. By work of equal value, it is understood the paid activity that, following the comparison with other activity, on the basis of the same indicators and the same measurement units reflects the use of similar or equal knowledge and professional skills and performing a similar or equal quantity of intellectual and/or physical effort.

Source: § 5, 6 & 159 of the Labour Code No. 53/2003; §41 of the Romanian Constitution; §4 &7 of Law no 202/2002 on equal opportunities between women and men

Sexual Harassment

Article 2(5) of the Anti-Discrimination Law defines harassment as 'any behaviour on grounds of race, nationality, ethnic origin, language, religion, social status, beliefs, gender, sexual orientation, belonging to a disadvantaged group, age, disability, refugee or asylum seeker status or any other criteria, which leads to establishing an intimidating, hostile, degrading or offensive environment'.

Sexual Harassment is not regulated separately by the Romanian legislation; however, definition of sexual harassment is provided by the Equal Opportunities Law in Article 4(d) as 'any undesirable sex related behaviour expressed in a verbal, nonverbal or physical manner with the purpose or effect of negatively affecting the dignity of a person and to create a degrading, intimidating, hostile, humiliating or offensive environment'.

According to the provisions of Article 8(1) of the Equal Opportunities Law, 'Employers have the obligation to ensure equal opportunities and treatment of employees, women and men, within labour relations of any kind, including by introducing provisions in the in-service rules and regulations of companies, that forbid discrimination.' The Equal Opportunities Law further provides that the court of law can order the guilty party to pay damages to the person who considers him/herself to be discriminated against based on gender, to an amount reflecting the suffered

prejudice. The amount of damages will be set by the court according to applicable law.

The Romanian Criminal Code also sanctions sexual harassment by providing that: 'the harassment by threatening or forcing a person, with the purpose of gaining sexual satisfactions, by a person abusing his or her status or the power ensured by a particular position in work relations, is punishable with prison from three months to one year or with criminal fines.'

Source: §4(d), 8(1) & 30-33 of Equal Opportunities Law No. 202/2002; §223 of Romania/Law 286/2009 on the Criminal Code

Non-Discrimination

In accordance with the Romanian Constitution, "All citizens are equal before the law and public authorities, without any privilege or discrimination".

The principle of equal treatment towards all employees and employers operates within the framework of the work relations. Any direct or indirect discrimination against an employee based on sex, sexual orientation, genetic characteristics, age, national affiliation, race, colour, ethnicity, religion, political option, social origin, disability, family situation or responsibility, trade union affiliation or activity is forbidden in all employment matters. Art. 5 of the Anti-Discrimination Law considers it an offence to restrict the free choice and exercise of profession for persons belonging to certain race, nationality, ethnicity, religion, social category, beliefs, sex or sexual orientation, age or belonging to a disadvantaged group. The Equal Opportunities Law prohibits discrimination on the grounds of gender or pregnancy, birth, maternity or granting the maternity leave, family or marital status.

Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities currently requires employers employing at least 50 workers to employ disabled persons as at least 4% of the total number of employees. If they don't want to engage disabled persons, employers could either pay monthly 50% of the gross minimum wage multiplied by the number of jobs for which disabled persons were not engaged or making authorized purchase of products and services from enterprises engaging persons with disabilities. With a change in law, employers can either engaged persons with disabilities (as 4% of their workforce) or pay monthly to the state budget an amount of one gross minimum wage multiplied by the number of jobs for which the persons with disabilities were not engaged.

Law No. 151/2020 amends the Labour Code and expands the prohibited grounds of discrimination to include discrimination by association, harassment or victimisation, discrimination based on citizenship, language, genetic traits (replaces the former genetic characteristics criteria), chronic non-communicable diseases, HIV infection and membership in a disadvantaged category.

Moreover, the law further prohibits dismissal of workers on the following basis: race, nationality, ethnicity, colour, language, religion, social origin, genetic traits, sex, sexual orientation, age, disability, chronic non-communicable disease, HIV infection, political choice, family situation or responsibility, membership or trade union activity, membership in a disadvantaged category.

The legislation has amended the definitions of direct and indirect discrimination to cover any act, deed, criteria, practice or action that would disadvantage any individual based on the above amended discrimination criteria. The legislation imposes a fine ranging between RON 1,000 and RON 20,000 on those employers who dismissed a worker on any of the above prohibited grounds.

Source: §5 of Labour Code No. 53/2003; Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities, amended by Emergency Ordinance no. 60/2017

Equal Choice of Profession

Women can work in the same industries as men as no restrictive provisions could be located in the laws. Constitution grants everyone the right to a free choice of profession which cannot be abridged.

The right to work shall not be restricted. Everyone has the right to freely choose his/her profession, trade or occupation, as well as workplace. Any person is free to choose his/her job and profession, trade or activity to execute. No one may be obliged to work or not to work at a certain workplace or in a certain profession, whichever it may be. Any work contract concluded in breach of the above provisions is null and void.

Source: §41 of Constitution of Romania; §3 of Labour Code No. 53/2003

11/13 MINORS & YOUTH

ILO Conventions

Minimum Age: Convention 138 (1973)
Worst Forms of Child labour: Convention 182 (1999)

Romania has ratified the Conventions 138 and 182.

Summary of Provisions under ILO Conventions

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

Regulations on minors and youth:

- Constitution of Romania 1991, amended in 2003
- Labour Code No. 53/2003

Minimum Age for Employment

The employment of persons under the age of 15 shall be prohibited. A natural person shall acquire work capacity at the age of 16. A natural person may also conclude a work contract as an employee at the age of 15, with the agreement of his/her parents or legal representatives, for activities corresponding to his/her physical development, skills and knowledge, if his/her health, development and vocational training are not harmed. Minors under the age of 15 cannot be hired as employees.

A child has the right to be protected against exploitation and cannot be constrained in a job that involves a potential risk or is likely to compromise education or harm to his/her health or physical, mental, spiritual, moral or social development.

Source: §49 of the Constitution of Romania; §13 of the Labour Code No. 53/2003; §87 of Law no. 272/2004 on the protection and promotion of child rights

Minimum Age for Hazardous Work

Minimum Age for Hazardous Work is set as 18 years. The working time of adolescent employees under the age of 18 years is 30 hours per week. Over time and night work is prohibited. The young people under 18 years shall enjoy a lunch break of at least 30 minutes. The young workers under 18 years shall also enjoy a supplementary annual leave of at least 3 working days.

The Constitution prohibits exploitation of minors and their employment in activities which might be harmful to their health or morals or which might endanger their life or normal development.

Government Decision No. 867/2009 concerning the prohibition on hazardous child labour provides a long list of occupations and activities prohibited for children under the age of 18 years.

Source: §49 of Constitution of Romania; §112, 114, 124, 128, 134 & 147 of Labour Code No. 53/2003

12/13 FORCED LABOUR

ILO Conventions

Forced labour: Conventions 29 (1930)
Abolition of Forced labour: Conventions 105 (1957)
Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Romania has ratified both Conventions 29 & 105.

Summary of Provisions under ILO Conventions

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

Regulations on forced labour:

- Constitution of Romania 1991, amended in 2003
- Labour Code No. 53/2003

Prohibition on Forced and Compulsory Labour

Forced labour means any work or service imposed on a person under threat or for which he/she did not freely express his/her consent. In accordance with the article 42 of Romanian Constitution, no one may be subjected to forced labour or services. However, forced labour does not include:

a) activities in the military service or activities which, in accordance with the law, are carried out in lieu thereof due to religious or conscience-related reasons;
b) Work which is carried in normal conditions by a person which has received a sentence during detention or conditional release;
c) Activities necessary in order to deal with a natural disaster or some other danger, or which result from normal civil obligations established by law.

Source: §42 of Constitution of Romania; §4 of Labour Code No. 53/2003

Freedom to Change Jobs and Right to Quit

The right to work is guaranteed by the Romanian Constitution. The right to work shall not be restricted. Everyone has a free choice of his/her profession, trade or occupation, as well as work place. Workers have the right to change jobs after serving required notice on the employer.

For more on this issue, please read the topic on employment security.

Source: §41 of Constitution of Romania; §3 of Labour Code No. 53/2003

Inhuman Working Conditions

Working time may be extended beyond normal working hours of 08 hours a day and 40 hours a week. Overtime work may not be performed without the agreement of the employee, except for acts of God or urgent works intended to prevent or to eliminate the consequences of an accident. The maximum average 48 weekly working hours (including overtime) over a 4-month period cannot exceed 48 hours (08 hours overtime per week).

For more information on this, please refer to the section on compensation.

Source: §111-124 & 260 of Labour Code No. 53/2003

13/13 TRADE UNION

ILO Conventions

Freedom of association and protection of the right to organize: Convention 87 (1948)
Right to Organize and Collective Bargaining: Convention 98 (1949)

Romania has ratified both Conventions 87 & 98.

Summary of Provisions under ILO Conventions

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

Regulations on trade unions:

- Constitution of Romania 1991, amended in 2003
- Labour Code No. 53/2003
- Social Dialogue Law No. 62/2011

Freedom to Join and Form a Union

Trade unions, employers and professional associations are established and operate according to their statutes in the law. They help to protect the rights and promote the professional, economic and social interests of their members. Everybody may freely associate into political parties, trade unions, employers' associations, and other forms of association. However, Judges of the Constitutional Court, the advocates of the people, magistrates, active members of the Armed Forces, policemen and other categories of civil servants, established by an organic law, cannot join political parties. Moreover, Secret associations are also prohibited.

Source: §9 & 40 of Constitution of Romania; §214-220 of Labour Code No. 53/2003

Freedom of Collective Bargaining

Trade unions conclude collective agreement with an employer, which may regulate working conditions including wage conditions and conditions of employment, relations between employers and employees, relations between employers or their organizations and one or more employees' organizations on more favourable terms than those stipulated in labour code or other labour laws.

Art. 41 of the Romanian Constitution guarantees the right to collective labour bargaining and the binding force of collective agreements. Employees have the right to bargain collectively and individually.

The collective work agreement is the convention concluded in writing between the employer or the employers' organization and the employees, represented by trade unions or otherwise under the law establishing clauses on the working conditions, remuneration, and other rights and obligations arising from the work relations. The collective negotiations at the unit level are mandatory, unless the employer has less than 21 employees. The parties are equal and free when negotiating the clauses and concluding the collective work agreements. The collective work agreements, concluded in compliance with the legal provisions, constitute the law of the parties.

The new Social Dialogue Law has modified the levels at which collective bargaining can be carried out, limiting it to the company, group of companies, and sectoral level. As a result, the national level bargaining has been eliminated and the branch level was replaced by a newly defined sectoral level. The last national level collective agreement was the Collective Labour Contract concluded at national level for the years 2007–2010. It included a protection level of workers' rights superior to the one provided by the Labour Code, and was applicable to all employees and employers in the entire country. However, now the highest level is sectoral level. Collective bargaining agreements are now negotiated and concluded under the Governmental Decision no. 1260/2011 regarding the 29 agreed sectors of activity.

Economic and Social Council in Romania was first established in 1997. The Council is envisaged under the Constitution and is

now regulated under the 2013 law. The Economic and Social Council is an autonomous bipartite plus institution of national interest, which is advisory in nature and is set up for the purpose of achieving the tripartite dialogue at national level between employers, trade unions and representatives of the associations and other civil society organizations. It has 15 members each from worker, employer and other civil society organizations. The Council's fields of competence include, among others, labour relations, social protection, wage policy and the promotion of equal opportunities and equal treatment. The Economic and Social Council has the following obligations: issue opinions on draft acts in its field of competence; elaborate analyses and studies on the economic and social realities upon a request from the Government or on its own initiative; inform the Government and the Parliament on the emergence of economic and social events that call for new regulations. The term of Council is 4 years which is renewable.

Source: §41 of Constitution of Romania; §6, 39, 229 & 230 of Labour Code No. 53/2003; §127-153 of Social Dialogue Law No. 62/2011; Law No. 248/2013 on the organisation and functioning of the Economic and Social Council amended by Law No. 222/2015

Right to Strike

Under the Constitution, employees have a right to strike to protect their professional, economic, and social interests. The law further establishes the conditions and limits for the exercise of this right as well as the guarantees required for the maintenance of essential public services.

In the case of conflict in the interests of parties, workers have the right to strike, and employers have the right to lockout. The right to strike is guaranteed under the Constitution. The abridgement or prohibition of the right to strike may arise only in the cases and for the categories of employees expressly provided for in the law. These special categories include worker involved provision of essential services for the society.

An employee cannot be prevented from taking part in a strike or be forced to take part in the strike. Hindering or forcing, by threat or violence, an employee or a group of employees to participate in a strike or work during a strike is punishable with a fine from Lei 1,500 to Lei 3,000. The participation to a strike and its organization in compliance with the law shall not be a breach of the obligations of the employees and may not lead to disciplinary sanctions against the employees on strike or the organizers of the strike. Workers can't be dismissed for exercising the right to strike however fixed term contract workers can be hired to temporary replace the workers on strike.

Source: §43 of Constitution of Romania; §59, 83, 233-236 & 260 of Labour Code No. 53/2003; §181-207 of Social Dialogue Law No. 62/2011

QUESTIONNAIRE

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Check

Decent Work Check Romania is a product of WageIndicator.org and www.salarumeu.ro/home

National Regulation exists

National Regulation does not exist

01/13 Work & Wages

		NR	Yes	No
1.	I earn at least the minimum wage announced by the Government		☐	☐
2.	I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		☐	☐

02/13 Compensation

3.	Whenever I work overtime, I always get compensation *(Overtime rate is fixed at a higher rate)*		☐	☐
4.	Whenever I work at night, I get higher compensation for night work		☐	☐
5.	I get compensatory holiday when I have to work on a public holiday or weekly rest day		☐	☐
6.	Whenever I work on a weekly rest day or public holiday, I get due compensation for it		☐	☐

03/13 Annual Leave & Holidays

7.	How many weeks of paid annual leave are you entitled to?*		☐ 1 ☐ 2	☐ 3 ☐ 4+
8.	I get paid during public (national and religious) holidays		☐	☐
9.	I get a weekly rest period of at least one day (i.e. 24 hours) in a week		☐	☐

04/13 Employment Security

10.	I was provided a written statement of particulars at the start of my employment		☐	☐
11.	My employer does not hire workers on fixed terms contracts for tasks of permanent nature *Please tick "NO" if your employer hires contract workers for permanent tasks*		☐	☐
12.	My probation period is only 06 months		☐	☐
13.	My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		☐	☐
14.	My employer offers severance pay in case of termination of employment *Severance pay is provided under the law. It is dependent on wages of an employee and length of service*		☐	☐

05/13 Family Responsibilities

15.	My employer provides paid paternity leave *This leave is for new fathers/partners and is given at the time of child birth*		☐	☐
16.	My employer provides (paid or unpaid) parental leave *This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.*		☐	☐
17.	My work schedule is flexible enough to combine work with family responsibilities *Through part-time work or other flex time options*		☐	☐

06/13 Maternity & Work

18.	I get free ante and post natal medical care		☐	☐
19.	During pregnancy, I am exempted from nightshifts (night work) or hazardous work		☐	☐
20.	My maternity leave lasts at least 14 weeks		☐	☐

21.	During my maternity leave, I get at least 2/3rd of my former salary	☺	☐	☐
22.	I am protected from dismissal during the period of pregnancy *Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity*	☺	☐	☐
23.	I have the right to get same/similar job when I return from maternity leave	☺	☐	☐
24.	My employer allows nursing breaks, during working hours, to feed my child	☺	☐	☐

07/13 Health & Safety

25.	My employer makes sure my workplace is safe and healthy	☺	☐	☐
26.	My employer provides protective equipment, including protective clothing, free of cost	☺	☐	☐
27.	My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident	☺	☐	☐
28.	My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace	☺	☐	☐

08/13 Sick Leave & Employment Injury Benefits

29.	My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness	☺	☐	☐
30.	I have access to free medical care during my sickness and work injury	☺	☐	☐
31.	My employment is secure during the first 6 months of my illness	☺	☐	☐
32.	I get adequate compensation in the case of an occupational accident/work injury or occupational disease	☺	☐	☐

09/13 Social Security

33.	I am entitled to a pension when I turn 60	☺	☐	☐
34.	When I, as a worker, die, my next of kin/survivors get some benefit	☺	☐	☐
35.	I get unemployment benefit in case I lose my job	☺	☐	☐
36.	I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident	☺	☐	☐

10/13 Fair Treatment

37.	My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination	☺	☐	☐
38.	My employer take strict action against sexual harassment at workplace	☺	☐	☐
39.	I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:*	☺	☐	☐
	Sex/Gender	☺	☐	☐
	Race	☺	☐	☐
	Colour	☺	☐	☐
	Religion	☺	☐	☐
	Political Opinion	☺	☐	☐

** For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.*

	Nationality/Place of Birth		☐	☐
	Social Origin/Caste		☐	☐
	Family responsibilities/family status		☐	☐
	Age		☐	☐
	Disability/HIV-AIDS		☐	☐
	Trade union membership and related activities		☐	☐
	Language		☐	☐
	Sexual Orientation (homosexual, bisexual or heterosexual orientation)		☐	☐
	Marital Status		☐	☐
	Physical Appearance		☐	☐
	Pregnancy/Maternity		☐	☐
40	I, as a woman, can work in the same industries as men and have the freedom to choose my profession		☐	☐

11/13 Minors & Youth

41.	In my workplace, children under 15 are forbidden		☐	☐
42.	In my workplace, children under 18 are forbidden for hazardous work		☐	☐

12/13 Forced Labour

43.	I have the right to terminate employment at will or after serving a notice		☐	☐
44.	My employer keeps my workplace free of forced or bonded labour		☐	☐
45.	My total hours of work, inclusive of overtime, do not exceed 56 hours per week		☐	☐

13/13 Trade Union Rights

46.	I have a labour union at my workplace		☐	☐
47.	I have the right to join a union at my workplace		☐	☐
48.	My employer allows collective bargaining at my workplace		☐	☐
49.	I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		☐	☐

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Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:

☐ is your amount of "YES" accumulated.

Romania scored 49 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.