January 2026

European Social Charter (revised)

European Committee of Social Rights

Conclusions 2025

ROMANIA

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts “conclusions”; in respect of collective complaints, it adopts "decisions".

A presentation of this treaty as well as statements of interpretation formulated by the Committee appear in the General Introduction to the Conclusions.[1]

The European Social Charter (revised) was ratified by Romania on 7 May 1999. The time limit for submitting the 23rd report on the application of this treaty to the Council of Europe was 31 December 2024 and Romania submitted it on 29 January 2025. On 9 July 2025, a letter was addressed to the Government requesting supplementary information regarding Articles 2§1, 3§1, 3§2, 3§3, 4§3 and 6§2. The Government submitted its reply on 29 August 2025.

The present chapter on Romania concerns 10 situations and contains:

– 2 conclusions of conformity: Articles 2§1, 6§1

– 8 conclusions of non-conformity: Articles 3§1, 3§2, 3§3, 4§3, 5, 6§2, 6§4, 20

The next report from Romania will be due on 31 December 2026.

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[1] *The conclusions as well as state reports can be consulted on the Council of Europe's Internet site (www.coe.int/socialcharter).*

Article 2 - Right to just conditions of work

Paragraph 1 - Reasonable working time

The Committee takes note of the information contained in the report submitted by Romania.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 2§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

Measures to ensure reasonable working hours

In the targeted question, the Committee asked for information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including information on the exact number of weekly hours that persons in these occupations can work; as well as information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.

The report states that the maximum legal duration of working time cannot exceed 48 hours per week.

The Committee notes that workers performing specific functions in certain sectors and in exceptional circumstances may be allowed to exceed 16 daily working hours limit or 60 weekly working hours limit during short periods. However, certain safeguards must exist (Conclusions 2025, Statement of Interpretation on Article 2§1 on maximum working time).

Working hours of maritime workers

In the targeted question, the Committee asked for information on the weekly working hours of maritime workers.

The report states that, according to the GEO No. 50/2022 on the regulation of labour in the maritime field, the maritime worker’s daily working hours may not exceed 8 hours per day, with two rest days per week and rest on public holidays. The maximum working time shall not exceed 14 hours in any 24-hour period or 72 hours in any seven-day period. Rest may not be less than 10 hours in any 24-hour period or 77 hours in any seven-day period.

The Committee notes that, in order to be in conformity with the Charter, maritime workers may be permitted to work a maximum of 14 hours in any individual 24-hour period and 72 hours in any individual seven-day period. The maximum reference period allowed is one year. Adequate rest periods have to be provided. Records of maritime workers' working hours shall be maintained by employers to allow supervision by the competent authorities of the working time limits (Conclusions 2025, Statement of Interpretation on Article 2§1 on working time of maritime workers).

Law and practice regarding on-call periods

In the targeted question, the Committee asked for information on how inactive on-call periods are treated in terms of work or rest time on law and practice.

In reply, the report states that in accordance with the Labour Code, working time represents any period during which the worker performs work, is at the employer’s disposal and carries out their duties and tasks in accordance with the provisions of the individual employment contract, the applicable collective labour agreement and/or the legislation in force.

The report further states that the Order of the Minister of Health No. 870/2004 approving Regulation on working time, the organisation and on-call service in public units in the health sector has been amended as follows: it is forbidden for the same doctor to carry out two

consecutive on-call services, on-call hours as well as the calls from home must be recorded on an attendance sheet for on-call work, and are paid according to the law.

In response to a request for additional information, the report states that normal periods of inactivity, depending on the nature of the activity and if the duties are listed in the job description, are considered working time and shall be remunerated in accordance with the law and the individual employment contract.

The Committee notes that, with regard to inactive parts of on-call period during which no work is carried out and where the worker stays at home or is otherwise away from the employer‘s premises, under no circumstances should such periods be regarded as rest periods in their entirety. However, there are two situations that need to be addressed. Firstly, the situation involves a worker who is on-call away from the employer‘s premises (at home or at another designated place by the employer) and who is under an obligation to be immediately available or available at very short notice and on a recurring basis to the employer, and where there are serious consequences in cases of the failure to respond. Such on-call periods, including where no actual work is performed (inactive on-call), must be classified as working time in their entirety and remunerated accordingly in order to be in conformity with the Charter. Secondly, the situation involves a worker who is away from the employer‘s premises (at home or at another place designated by the employer) and who has a certain degree of freedom to manage their free time and is allowed time to respond to work tasks (i.e. they do not have to report for work immediately or at a very short notice or on a recurring basis). In these circumstances, the inactive on-call periods amount neither to full-fledged working time nor to genuine rest periods. In such cases the situation may be considered as being in conformity with the Charter if the worker receives a reasonable compensation. The Committee will assess the reasonableness of the nature and level of such compensation on a case-by-case basis and will take into account circumstances such as the nature of the worker‘s duties, the degree of the restriction imposed on the worker and other relevant factors (Conclusions 2025, Statement of Interpretation on Article 2§1 on on-call periods).

Conclusion

The Committee concludes that the situation in Romania is in conformity with Article 2§1 of the Charter.

Article 3 - Right to safe and healthy working conditions

Paragraph 1 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Romania.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 3§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The Committee asked for information on the content and implementation of national policies on psychosocial or new and emerging risks, including in relation to: (i) the gig or platform economy; (ii) telework; (iii) jobs requiring intense attention or high performance; (iv) jobs related to stress or traumatic situations at work; (v) jobs affected by climate change risks.

General policies concerning psychosocial or new and emerging risks

The Committee recalls that new technology, organisational constraints and psychological demands favour the development of psychosocial factors of risk, leading to work-related stress, aggression, violence and harassment. With regard to Article 3§1 of the Charter, the Committee takes account of stress, aggression, violence and harassment at work when examining whether policies are regularly evaluated or reviewed in the light of emerging risks. The States parties have a duty to carry out activities in terms of research, knowledge and communication relating to psychosocial risks (Statement of Interpretation on Article 3§1 of the Charter, Conclusions 2013 and 2017).

The report notes that Law No. 319/2006 on Occupational Health and Safety, dated 14 July 2006, establishes general principles regarding the prevention of occupational risks, the protection of workers' health and safety, and the elimination of risk factors and accidents. It also covers information, consultation, training, as well as general directions for the implementation of these principles. The law places an obligation on the employer to perform a risk assessment, as well as a duty to ensure the safety and health of all workers, in every aspect related to their work. The employer must take measures against workplace risks, regardless of their nature, including psychosocial risks or those generated by remote work or climate change.

The gig or platform economy

The report notes that Romania participated in the negotiations preceding the adoption of the Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving the working conditions in platform work, and that it will ensure the transposition of this Directive into Romanian legislation.

The Committee notes that the Directive (Article 12) places an obligation on digital labour platforms to evaluate the risks of automated monitoring systems and automated decision-making systems to the safety and health of platform workers, in particular as regards possible risks of work-related accidents, psychosocial and ergonomic risks. In this regard, digital platforms must assess whether appropriate safeguards are in place and introduce preventive and protective measures. Digital labour platforms must also ensure effective information, consultation, and participation of platform workers and provide for effective reporting channels in order to ensure the health and safety of platform workers, including from violence and harassment. The Directive also provides that digital labour platforms shall not use automated monitoring systems or automated decision-making systems in a manner that puts undue pressure on platform workers or otherwise puts at risk their safety and physical and mental health.

In response to a request for additional information the report states that a working group was established at the level of the Ministry of Labour, Family, Youth and Social Solidarity comprising members of relevant departments and the Labour Inspectorate, which will work on the transposition of the Directive within the set deadline (December 2026).

The Committee takes note of the plans to transpose the abovementioned Directive into Romanian legislation. However, it observes that the report does not provide any information regarding the content and implementation of existing national policies on psychosocial or new emerging risks in relation to the gig or platform economy. Therefore, the Committee concludes that the situation in Romania is not in conformity with Article 3§1 on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks in relation to the gig or platform economy.

Telework

The report notes that Law no. 81/2018 (dated 19 April 2018), which concerns telework, provides that teleworkers benefit from all rights recognised by law, internal regulations, and collective labour agreements applicable to workers who work at the employer's headquarters. The law imposes an obligation on employers to, *inter alia*, provide workers with the necessary information and communication technology and/or safe work equipment in order to facilitate the effective performance of their duties, as well as to ensure that teleworkers receive sufficient and appropriate training in the field of safety and health at work.

Law 81/2018 also imposes specific obligations on workers. These include the requirement to inform the employer about the work equipment used and the existing conditions at the places where teleworking is carried out, and to allow the employer access, to the extent possible, in order to establish and implement the necessary occupational health and safety measures in accordance with the individual employment contract, or in order to investigate events that occur. The report further states that, in order to verify compliance with the legal requirements in the field of safety and health at work, the competent authorities have the right to access the locations where teleworking is performed, in accordance with the relevant provisions of Law no. 108/1999 (dated 16 June 1999) for the establishment and organisation of the Labour Inspection.

The Committee refers to its statement of interpretation concerning telework (see Conclusion under Article 3§3) which provides, *inter alia*, that States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, including providing information and training to teleworkers on ergonomics, the prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect and electronic monitoring) and the reporting process.

Jobs requiring intense attention or high performance

In response to a request for additional information the report states that the risks related to this type of jobs are addressed in the prevention and protection plan prepared by the employer, based on a risk assessment, as required by the Law on Occupational Safety and Health No. 319/2006. The Labour Inspectorate has made available guides and brochures on psychosocial or new and emerging risks on its website and has organised meetings, symposia, actions and control campaigns on the topic.

The Committee takes note of the above information. However, the report does not provide adequate information concerning the specific issues covered by the targeted question. Therefore, the Committee concludes that the situation in Romania is not in conformity with Article 3§1 on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks in relation to jobs requiring intense attention or high performance.

Jobs related to stress or traumatic situations at work

The Committee takes note of the information provided under Article 3§3 of the Charter, namely that the measures taken by the Labour Inspectorate include action to prevent illnesses caused by work-related stress and the identification of a method for assessing psychosocial risk factors and measures to tackle stress in the workplace.

In response to a request for additional information the report states that the risks related to this type of jobs are addressed in the prevention and protection plan prepared by the employer, based on a risk assessment, as required by the Law on Occupational Safety and Health No. 319/2006. The Labour Inspectorate has made available guides and brochures on psychosocial or new and emerging risks on its website and has organised meetings, symposia, actions and control campaigns on the topic.

The Committee takes note of the above information. However, the report does not provide adequate information concerning the specific issues covered by the targeted question. Therefore, the Committee concludes that the situation in Romania is not in conformity with Article 3§1 on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks concerning jobs related to stress or traumatic situation at work.

Jobs affected by climate change risks

The report refers to the Government Emergency Ordinance (GEO) no. 99/2000, which sets out measures applicable for the protection of workers during periods of extreme temperatures and Government Decision (GD) no. 580/2000 for the approval of the methodological norms for the application of the provisions of GEO no. 99/2000. The latter defines extreme air temperatures as those exceeding 37°C, or equivalent conditions correlated with high humidity, and those below -20°C, or equivalent conditions correlated with high wind.

The National Institute of Meteorology and Hydrology has an obligation to communicate in the local media the areas where the temperature has reached those levels. The employers, through consultation with representatives of trade unions or, as applicable, with the elected representatives of the workers, must take all legal measures to protect the health of workers, including those working outdoors. These measures include mitigating the intensity and reducing the pace of physical activities; providing proper ventilation in the workplace; providing water/hot tea, showers, personal protective equipment; and allowing breaks to restore thermal adjustment capacity in fixed or mobile spaces with a proper microclimate. In instances where the employer is unable to guarantee the abovementioned conditions, the law lists alternative measures, such as shortening working hours and dividing the working day into two periods, that can be taken in agreement with the representatives of trade unions or elected worker representatives. The employer is also obliged to facilitate access to medical examinations and first aid for workers working in extreme temperatures. Legislation on health and safety at work imposes penalties on employers who fail to take measures to prevent illnesses caused by working in extreme temperatures.

The Committee recalls its case law under Article 3 in relation to the protection against dangerous agents and substances (including asbestos and ionizing radiation), and air pollution (see Conclusions XIV-2 (1998), Statement of interpretation on Article 3). Further, the Committee notes the United Nations General Assembly Resolution A/RES/76/300 (28 July 2022) “The human right to a clean, healthy and sustainable environment”.

The Committee notes that climate change has had an increasing impact on the safety and health of workers across all affected sectors, with a particular impact on workers from vulnerable groups such as migrant workers, women, older people, persons with disabilities, persons with pre-existing health conditions and youth. As noted by the United Nations Committee on Economic, Social and Cultural Rights, rapid environmental changes, caused by climate change, increase risks to working conditions and exacerbate existing ones (General

comment No. 27 (2025) on economic, social and cultural rights and the environmental dimension of sustainable development, UN Doc E/C.12/GC/27, §51). Hazards related to climate change include, but are not limited to, excessive heat, ultraviolet radiation, extreme weather events (such as heatwaves), indoor and outdoor workplace pollution, vector-borne diseases and exposure to chemicals. These phenomena can have a serious effect on both the physical and mental health of workers. (Ensuring safety and health at work in a changing climate, Geneva: International Labour Office, 2024).

States should take measures to identify and assess climate change risks and adopt preventive and protective measures. These risks and impacts should be addressed through appropriate policies, regulations, and collective agreements. Particular attention should be paid to vulnerable workers, such as migrant workers, persons involved in informal work, young and older workers, women, persons with disabilities and persons with pre-existing health conditions. States must effectively monitor the application of standards addressing climate-related safety and health risks, including through appropriate supervisory mechanisms, and should undertake these efforts in close consultation with employers' and workers' organisations.

Risk assessment and prevention/protection plans should include measures aimed at mitigating the effects of climate change on the safety and physical and mental health of workers (for example, provision of personal protective equipment, appropriate clothing, sun protection, hydration, ventilation, as well as the introduction of reduced or flexible working hours and the provision of mental health support and other support services, where appropriate).

The Committee further stresses the importance of providing guidance and training to employers and workers, as well as implementing awareness-raising activities, collection of data and carrying out of research concerning the impact of climate change.

Conclusion

The Committee concludes that the situation in Romania is not in conformity with Article 3§1 of the Charter on the ground that it has not been established that there are national policies on psychosocial or new and emerging risks concerning the following types of work:

- the gig or platform economy;
- jobs requiring intense attention or high performance;
- jobs related to stress or traumatic situations at work.

Article 3 - Right to safe and healthy working conditions

Paragraph 2 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Romania.

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 3§2 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion, the Committee held that the situation in Romania was not in conformity with Article 3§2 of the Charter on the ground that it had not been established that domestic workers were protected by occupational health and safety regulations (Conclusions 2021). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions, including the previous conclusion of non-conformity as part of the targeted questions.

The right to disconnect

In a targeted question, the Committee asked for information on the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours, including the right to disconnect; and on how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.

Based on the report, it appears that Romania does not have any regulations on the right to disconnect. However, the Labour Code has strict rules on working time, including overtime and rest periods.

The Committee recalls that, consistent with States Parties' obligations under Article 3§2 of the Charter, in order to protect the physical and mental health of persons teleworking or working remotely and to ensure the right of every worker to a safe and healthy working environment, it is necessary to fully enable the right of workers to refuse to perform work outside their normal working hours (other than work considered to be overtime and fully recognised accordingly) or while on holiday or on other forms of leave (sometimes referred to as the "right to disconnect") (Statement of interpretation on Article 3§2, Conclusions 2021).

The Committee concludes that the situation in Romania is not in conformity with Article 3§2 of the Charter on the ground that workers do not have the right to disconnect.

Personal scope of the regulations

In a targeted question, the Committee asked for information on the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations; and on whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.

Self-employed workers

The report does not provide the requested information. In response to a request for additional details, the report states that self-employed workers are protected by occupational health and safety regulations but provides no reference to the relevant legal provisions or any other supporting information for its position. The Committee therefore concludes that the situation in Romania is not in conformity with Article 3§2 of the Charter on the ground that it has not been established that self-employed workers are protected by occupational health and safety regulations.

Teleworkers

The report notes that teleworkers are protected by occupational health and safety regulations. These have specific provisions on risk assessment, the employers' obligation to provide suitable work equipment and appropriate training, monitoring and supervision.

Domestic workers

The report does not provide the requested information. In response to a request for additional details, the report notes that the Law on Occupational Safety No. 319/2006 does not cover domestic workers. However, the report notes that legislation adopted recently - Law No. 111/2022 on Domestic Work - provides an alternative legislative framework for regulating domestic work, and that, in addition, a voucher has been introduced to formalise undeclared domestic work. Nevertheless, the report fails to clarify whether and how occupational health and safety is ensured for this category of workers, who remain outside the scope of the general regulations in this area. The Committee therefore reiterates its previous conclusion that the situation in Romania is not in conformity with Article 3§2 of the Charter on the ground that it has not been established that domestic workers are protected by occupational health and safety regulations.

Temporary workers

The report notes that temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under occupational health and safety regulations as workers on contracts with indefinite duration.

Conclusion

The Committee concludes that the situation in Romania is not in conformity with Article 3§2 of the Charter on the grounds that:

- workers do not have the right to disconnect;
- it has not been established that self-employed workers are protected by occupational health and safety regulations;
- it has not been established that domestic workers are protected by occupational health and safety regulations.

Article 3 - Right to safe and healthy working conditions

Paragraph 3 - Enforcement of safety and health regulations

The Committee takes note of the information contained in the report submitted by Romania.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 3§3 of the Revised Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion, the Committee concluded that the situation in Romania was not in conformity with Article 3§3 of the Charter on the ground that the measures taken to reduce the high rate of fatal accidents at work were not sufficient (Conclusions 2021).

In a targeted question, the Committee asked for information on measures taken to ensure the supervision of the implementation of health and safety regulations concerning vulnerable categories of workers such as: (i) domestic workers; (ii) digital platform workers; (iii) teleworkers; (iv) posted workers; (v) workers employed through subcontracting; (vi) the self-employed; (vii) workers exposed to environmental-related risks such as climate change and pollution.

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The report indicates that, according to Article 1(3) of Law No. 108/1999 for the establishment and organisation of the Labour Inspection, the Labour Inspection fulfils the function of state authority, through which it ensures the exercise of control in the fields of labour relations, health and safety at work, and market surveillance. The report lists the Labour Inspection's main specific attributions in the field of occupational health and safety, such as supervising the application of OHS regulations and investigating work accidents and occupational diseases.

Teleworkers

The report notes that Law No. 81/2018 on teleworking sets out explicit obligations for employers with regard to the occupational health and safety of teleworkers. Pursuant to Article 9 (2) of Law no. 81/2018, the representatives of the relevant authorities are granted access to the premises where teleworking is carried out to monitor compliance with the OHS regulations, provided that the conditions stipulated in Law No. 108/1999 for the establishment and organisation of the Labour Inspection are met.

The Committee notes that, under Article 3 of the Charter, teleworkers, who regularly work outside of the employer's premises by using information and communications technology, enjoy equal rights and the same level of protection in terms of health and safety as workers working at the employer's premises.

States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, such as: (i) assessing the risks associated with the teleworker's work environment; (ii) providing or ensuring access to ergonomically appropriate equipment and protective equipment; (iii) providing information and training to teleworkers on ergonomics, safe use of equipment, physical risks (e.g. musculoskeletal disorders, eye strain) and prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect, and electronic monitoring); (iv) maintaining clear documentation and records; (v) providing appropriate support through human resources or health and safety officers/services; and (vi) ensuring that teleworkers can effectively report occupational accidents or health and safety issues encountered during teleworking. States Parties must also take measures to ensure that teleworkers comply with the guidelines and regulations on health and safety and co-operate with employers and labour inspectorate or other enforcement bodies in this sense.

The labour inspectorate or other enforcement bodies must be entitled to effectively monitor and ensure compliance with health and safety obligations by employers and teleworkers. This requires to: (i) conduct regular and systematic supervision, including remote audits; (ii) review employers' risk assessments and training documentation; (iii) verify the appropriateness and effectiveness of preventive measures taken by employers; (iv) have adequate resources, legal authority, and clearly defined powers to issue corrective instructions and impose proportionate and dissuasive sanctions in cases of non-compliance.

Workers exposed to environment-related risks such as climate change and pollution

The report states that specific legislation was adopted in 2000 for the protection of workers against extreme temperatures. In instances where employers have failed to take measures to prevent illnesses caused by work during extreme temperature conditions, the legislative framework governing safety and health at work provides penalties for contraventions.

The report notes that in the context of climate change, the Labour Inspection has intensified its control actions to ensure compliance with the provisions of national legislation on measures that can be adopted during periods of extreme temperatures to ensure the protection of workers.

The Committee recalls that States must effectively monitor the application of standards addressing climate-related safety and health risks, including through appropriate supervisory mechanisms, and should undertake these efforts in close consultation with employers' and workers' organisations.

Risk assessment and prevention/protection plans should include measures aimed at mitigating the effects of climate change on the safety and physical and mental health of workers (for example, provision of personal protective equipment, appropriate clothing, sun protection, hydration, ventilation, as well as the introduction of reduced or flexible working hours and the provision of mental health support and other support services, where appropriate). The Committee further stresses the importance of providing guidance and training to employers and workers, as well as implementing awareness-raising activities, collection of data and carrying out of research concerning the impact of climate change.

Domestic workers; digital platform workers; posted workers; workers employed through subcontracting and self-employed workers

In response to a request for additional information concerning the aforementioned categories of workers, the report provides information on the campaigns in the field of occupational safety and health. These include the "European Week for Safety and Health at Work", or the question of occupational safety and health in the digital age. However, no specific information is provided regarding the supervision of the implementation of health and safety regulations for the following categories of workers: domestic workers; digital platform workers; posted workers; workers employed through subcontracting; and self-employed workers. The Committee concludes that the situation in Romania is not in conformity with Article 3§3 of the Charter on the ground that it has not been established that measures have been taken to ensure the supervision of the implementation of health and safety regulations concerning the said categories of workers.

Conclusion

The Committee concludes that the situation in Romania is not in conformity with Article 3§3 of the Charter on the ground that it has not been established that measures have been taken to ensure the supervision of the implementation of health and safety regulations concerning the following categories of workers:

- domestic workers;
- digital platform workers;
- posted workers;
- workers employed through subcontracting;
- self-employed workers.

Article 4 - Right to a fair remuneration

Paragraph 3 - Non-discrimination between women and men with respect to remuneration

The Committee takes note of the information contained in the report submitted by Romania.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 4§3 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The notion of equal work and work of equal value

In its targeted question the Committee asked the report to indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

The Committee recalls that under Article 4§3 in order to establish whether work performed is equal or of equal value, factors such as the nature of tasks, skills, educational and training requirements must be taken into account. Pay structures shall be such as to enable the assessment of whether workers are in a comparable situation with regard to the value of work. The value of work, that is the worth of a job for the purposes of determining remuneration should be assessed on the basis of objective gender-neutral criteria, including educational, professional and training requirements, skills, effort, responsibility and working conditions, irrespective of differences in working patterns. These criteria should be defined and applied in an objective, gender-neutral manner, excluding any direct or indirect gender discrimination.

The Committee considers that the notion of equal work or work of equal value has a qualitative dimension and may not always be satisfactorily defined, thus undermining legal certainty. The concept of “work of equal value” lies at the heart of the fundamental right to equal pay for women and men, as it permits a broad scope of comparison, going beyond “equal”, “the same” or “similar” work. It also encompasses work that may be of a different nature, but is, nevertheless, of equal value.

States should therefore seek to clarify this notion in domestic law as necessary, either through legislation or case law (Conclusions XV-2, Article 4§3, Poland). No definition of work of equal value in legislation and the absence of case law would indicate that measures need to be taken to give full legislative expression and effect to the principle of equal remuneration, by setting the parameters for a broad definition of equal value.

According to the report, the Labour Code specifies that, for equal work or work of equal value, any discrimination is prohibited with regard to all remuneration elements and conditions. The pay system regulated by this law is based, among other things, on the principle of non-discrimination and equal treatment with regard to staff in the budgetary sector who perform the same activity and have the same seniority in work and function, as well as on the principle of equality, guaranteeing equal basic salaries for work of equal value.

In addition, in accordance with Law No. 153/2017 on the remuneration of staff paid from public funds, the basic salary of civil servants, without any discrimination on the grounds of gender, is differentiated by position, grade/step and seniority scale.

The hierarchy of posts for the purposes of determining basic salaries, both between areas of activity and within the same area, must be based on the following general criteria: (a) knowledge and experience; (b) complexity, creativity and diversity of activities; (c) judgment and impact of decisions; (d) accountability, coordination and oversight; (e) social dialogue and communication; (f) working conditions; (g) incompatibilities and special regimes.

In the private sector, each employer sets its own salary scale and, in particular, its own human resource policy, establishing their own evaluation indicators and promotion procedures.

The Committee notes from the *Country Report on Gender Equality from the Network of European Experts on Gender Equality and Non-discrimination* (Romania, 2024) that the national law and case law do not set parameters for establishing the equal value of the work performed, such as the nature of the work, qualification requirements, and the training and working conditions.

The Committee considers that the absence of a definition of work of equal value and of case law indicates that measures still need to be taken to give full expression and effect to the principle of equal remuneration in legislation by setting the parameters for determining equal value. The situation is, therefore, not in conformity with the Charter on this point.

Job classification and remuneration systems

In its targeted question the Committee asked the report to provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

The Committee considers that pay transparency is instrumental in the effective application of the principle of equal pay for work of equal value. Transparency contributes to identifying gender bias and discrimination and it facilitates the taking of corrective action by workers and employers and their organisations as well as by the relevant authorities. In this respect, job classification and evaluation systems should be promoted and where they are used, they must rely on criteria that are gender-neutral and do not result in indirect discrimination. Moreover, such systems must consider the features of the posts in question rather than the personal characteristics of the workers (UWE v. Belgium, complaint No. 124/2016, decision on the merits of 5 December 2019). Where gender-neutral job evaluation and classification systems are used, they are effective in establishing a transparent pay system and are instrumental in ensuring that direct or indirect discrimination on the grounds of gender is excluded. They detect indirect pay discrimination related to the undervaluation of jobs typically done by women. They do so by measuring and comparing jobs the content of which is different but of equal value and so support the principle of equal pay.

The Committee considers that States Parties should take the necessary measures to ensure that analytical tools or methodologies are made available and are easily accessible to support and guide the assessment and comparison of the value of work and establish gender neutral job evaluation and classification systems.

The report refers to the Directive 970/2023, aimed at ensuring salary transparency in order to protect the right of workers to an equal salary. According to the report, this Directive must be transposed by the member states by June 2026 and will introduce new obligations for the business environment, employers having to, among other things, ensure the transparency of salaries practiced in the organisation both before employment and during the development of the employment relationship, but also to take the necessary measures to limit salary differences between workers. The main purpose of the new set of rules on salary transparency is to reduce the gap between the remuneration paid to men compared to that paid to women for work of equal or equal value.

The Committee also notes that in its Direct Request concerning Convention No.100 the CEACR asked the Government to provide information about the measures taken to ensure that the objective job evaluation methods implemented in the private sector. The information was also requested concerning any complaints of discrimination in remuneration based on sex dealt with in the public sector.

The Committee also notes from the Country Report of Experts on Gender Equality and non-discrimination that there are no examples of good practice or guidance on job evaluation and classification systems.

In reply to the Committee's additional questions concerning job evaluation and classification systems, the Government indicates that as part of the national Strategy on Promoting Equal

Opportunities and Treatment between Women and Men and Preventing and Combating Domestic Violence for the period 2022-2027, there are measures foreseen aimed at addressing gender equality in the labour market in an integrated manner, including legislative provisions aligned with the Recommendation 2014/124/EU on strengthening the principle of equal pay between men and women. Furthermore, Romania is undergoing the process of aligning its national legislation with Directive 2023/970, with the targeted completion date set for April 2026.

In this context, the Committee observes that the measures are underway to improve pay transparency but however, considers that it has not been demonstrated that there are job classification and remuneration systems already place in public and private sectors which would guarantee the existence of a transparent and gender-neutral pay system. Therefore, the situation is not in conformity with the Charter.

Measures to bring about measurable progress in reducing the gender pay gap

In its targeted question the Committee asked the report to provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time.

The Committee considers that States are under an obligation to analyse the causes of the gender pay gap with a view to designing effective policies aimed at reducing it. The Committee recalls its previous holding that the collection of data with a view to adopting adequate measures is essential to promote equal opportunities. Indeed, it has held that where it is known that a certain category of persons is, or might be, discriminated against, it is the duty of the national authorities to collect data to assess the extent of the problem *(*European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §27). The gathering and analysis of such data (with due safeguards for privacy and to avoid abuse) is indispensable to the formulation of rational policy (European Roma Rights Centre v. Italy,Complaint No. 27/2004, decision on the merits of 7 December 2005, §23).

The Committee considers that in order to ensure and promote equal pay, the collection of high-quality pay statistics broken down by gender as well as statistics on the number and type of pay discrimination cases are crucial. The collection of such data increases pay transparency at aggregate levels and ultimately uncovers the cases of unequal pay and therefore the gender pay gap. The gender pay gap is one of the most widely accepted indicators of the differences in pay that persist for men and women doing jobs that are either equal or of equal value. In addition, to the overall pay gap (unadjusted and adjusted, the Committee will also, where appropriate, have regard to more specific data on the gender pay gap by sectors, by occupations, by age, by educational level, etc (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019, §206).

The Committee has held that where the States have not demonstrated a measurable progress in reducing the gender pay gap, the situation amounted to a violation of the Charter (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019).

The Committee notes from Eurostat that the gender pay gap has increased in the course of past years (from 0.9% in 2020 to 3.8% in 2023) but however, remains very low compared with the EU average of 12% in 2023. The Committee also notes that the female employment rate in Romania is one of the lowest among Eurostat countries. It stood at 59.1% in 2023 (70% in the EU on average).

The Committee observes that the gender pay gap is relatively low compared to the EU average. However, taking into account the size of the informal economy, the Committee considers that the gender pay gap indicator, which is based on statistics collected in the formal labour market and does not include the informal economy, does not fully reflect the reality.

Therefore, there is no evidence that a measurable progress has been made in tackling gender pay gap in the labour market.

Conclusion

The Committee concludes that the situation in Romania is not in conformity with Article 4§3 of the Charter on the grounds that:

- the parameters for establishing equal value are not laid down in either legislation or in case law.
- gender-neutral job classification systems are not in place in public or private sectors;
- it has not been established that a measurable progress has been made in reducing the gender pay gap in the labour market.

Article 5 - Right to organise

The Committee takes note of the information contained in the report submitted by Romania.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 5 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

Positive freedom of association of workers

In its targeted question a), the Committee asked for information on measures that have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

In reply, the report provides detailed information on the right to organise and the right to form and join trade unions for the protection of labour interests under the Constitution and the Labour Code, which guarantees the right to engage in union activity to persons in an employment relationship at the level of all employers. In addition, Law No. 367/2002 on social dialogue also provides for workers' freedom to join or disaffiliate from unions without coercion.

The report provides information on the new social dialogue law of 2022, which aims to strengthen collective bargaining and freedom of association. The measures introduced include requirement to engage in collective bargaining in all undertakings with over 10 workers and at sectoral level, as well as procedures and rules for collective bargaining in the absence of an agreement of the social partners on this matter.

Under the law, confederations have the right to participate in sectoral negotiations, provided that they receive a mandate from the member federation and must then notify to which undertaking their represented members belong. Additionally, to ensure the protection of SMEs, all collective labour contracts concluded at the collective bargaining sector or national level must include specific clauses tailored to different categories of SMEs.

The report also provides the definitions for employee/worker and self-employed persons which have been extended with the new law: Employee/worker - natural person, part of an individual employment contract or a service relationship, as well as the one who performs work for and under the authority of an employer and benefits from the rights provided by the law, as well as the provisions of contracts or collective agreements applicable work; Self-employed person - the person who carries out an independent activity, trade or profession, has the status of "insured" in the public social insurance system and/or who does not have the status of employer.

The Committee notes from outside sources (Remeikienė, R., Gasparėnienė, L. & Lazutka, R. (2022), Working conditions of platform workers in new EU member states: Motives, working environment and legal regulations. Economics and Sociology, 15(4), 186-203), that the situation of digital platform workers in Romania is characterised by a gap in legal regulation. Platform workers can either register as a self-employed or set up a limited liability company. However, for now, Romanian legislation only includes provisions for workers who operate in the transport sector, i.e. work as 'Uber' and 'Bolt' drivers, but not in other sectors. Although digital platform activities are regulated to some extent, social protection of workers is not granted.

In the absence of information on specific measures that have been taken to encourage or strengthen the positive freedom of association of platform workers, the Committee concludes that it has not been established that measures have been taken to encourage or strengthen

the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors.

Legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining

In reply to the Committee's request for information concerning the legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining (targeted question b)), the report indicates that employers' organisations must meet specific criteria of representativeness, primarily determined by Law no. 367/2002 on Social Dialogue.

According to the report, employers' organisations that meet the following criteria are considered representative: At the national level: have legal status as an employer confederation; have organisational and patrimonial independence; have a territorial structure in at least half plus one of Romania's counties, including Bucharest; have as members employers whose units comprise at least 7% of workers in the national economy. At the collective bargaining sector level: have legal status of employer/employer federation; have organisational and patrimonial independence; have as employers whose units comprise at least 10% of the employees/workers of the collective bargaining sector. At the unit level: the representative by law is the employer.

Employers' federations can be simultaneously representative in several sectors of collective bargaining if they cumulatively meet the conditions at the level of several collective bargaining sectors.

The report also provides detailed information on the provisions of Law No. 367/2022 which extends the term "employers' organisation" to include confederations, federations, and any structure formed by employer associations. Any such structure can obtain representativeness if it meets the legal criteria.

Legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining

In a targeted question, the Committee requested information on the legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining. It particularly requested information on the status and prerogatives of minority trade unions; and the existence of alternative representation structures at company level, such as elected worker representatives (targeted question c)).

In reply, the report explains that according to the Social Dialogue Law, trade union organisations are considered representative if they: at national level: have the legal status of a trade union confederation; enjoy organisational and patrimonial independence; have their own structures in at least half plus one of the total number of counties in Romania, including the municipality of Bucharest; member trade union organisations accumulate a number of members of at least 5% of the employees/workers of the national economy; at the level of collective bargaining sector or group of units: have legal status as a trade union federation; have organisational and patrimonial independence; the member trade union organisations accumulate a number of members of at least 5% of the employees/workers in the collective bargaining sector or in the group of units; At unit level: have legal status as a trade union or trade union federation; have organisational and patrimonial independence; the number of members of the union or, as the case may be, of the component unions of the union federation represents at least 35% of the total number of employees/workers in a legal employment relationship or a service relationship with the unit.

The Committee recalls that in its Conclusions XIX-3 – (The former Yugoslav Republic of Macedonia - Article 6-2), it considered that the restriction to collective bargaining for trade unions representing at least 33% of the workers at the level at which the agreement was

concluded (company, sector or country) was in violation with Article 6§2 of the Charter. The Committee therefore concludes that the requirement that the trade union, in order to be representative, should cover at least 35% of the total number of employees/workers in a legal employment relationship at unit level is excessive and in breach of Article 5 of the Charter.

Concerning minority trade unions, the report states that if no representative trade union exists at the unit level, workers are represented in the following order: Representative trade union federations at the sectoral level (via mandate from non-representative unions). Non-representative federations affiliated with nationally representative confederations (with mandate). All non-representative unions in the unit acting together (max. 10 negotiation representatives). Elected worker representatives (if no unions exist), with special mandates and the support of the majority.

Although minority unions cannot lead negotiations, they can defend members' rights by other means and participate in joint delegations where there is no majority union. Collective labour agreements apply equally to all workers, regardless of union affiliation.

As to the existence of alternative representation structures at enterprise-level, the report explains that elected worker representatives may negotiate collective agreements only if no representative trade union exists at the enterprise level. These representatives are freely elected by a majority of all workers, whether unionised or not. Worker representatives do not hold trade union status, but their authority in collective bargaining derives from the mandate granted by workers.

The right of the police and armed forces to organise

In a targeted question, the Committee requested information on whether and to what extent members of the police and armed forces are guaranteed the right to organise (targeted question d)).

According to the report, police officers, civil servants and civil servants with special status have the right to join trade unions and to be represented in collective negotiations within the meaning of the Social Dialogue Law. However, those who also have military status do not have the right to union representation.

The Committee considers that the complete suppression of the right to organise (which involves freedom to establish organisations/trade unions as well as the freedom to join or not to join trade unions) is not a measure which is necessary in a democratic society for the protection of, inter alia, national security (see Confederazione Generale Italiana del Lavoro (CGIL) v. Italy, Complaint No. 140/2016, decision on the merits of 22 January 2019, §92).

For the Committee, although Article 5, read in the light of Article G of the Charter allows for a margin of appreciation in prescribing the restrictions on the right to organise for military personnel, the complete ban on forming or joining associations with trade union prerogatives, is not in conformity with Article 5.

The Committee notes that according to Article 29 of the Law No. 80/1995 on the status of military personnel, forming associations (professional, technical-scientific, cultural, sport-recreational or charitable) is allowed, except for labour unions or any associations which would contradict the unique command, order and discipline specific to the armed forces. However, the Committee is not provided with any information as to whether the military associations can also work on the professional situation and working conditions of military personnel.

In the absence of any information in this respect, The Committee concludes the situation is not in conformity with Article 5 on the ground that it has not been established that military personnel is guaranteed the right to organise.

Conclusion

The Committee concludes that the situation in Romania is not in conformity with Article 5 of the Charter on the grounds that :

- it has not been established that measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors;
- the requirement that the trade union, in order to be representative, should cover at least 35% of the total number of employees/workers in a legal employment relationship at unit level is excessive;
- it has not been established that members of the armed forces are guaranteed the right to organise.

Article 6 - Right to bargain collectively

Paragraph 1 - Joint consultation

The Committee takes note of the information contained in the report submitted by Romania.

The Committee recalls that for the purposes of the present report, States were asked to reply to the targeted questions for Article 6§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

Measures to promote joint consultation

In a targeted question, the Committee asked as to what measures are taken by the Government to promote joint consultation.

The report states that joint consultations are carried out at all levels (national, sectoral, local), both in institutionalized structures and on an ad hoc basis based on a comprehensive consultation framework and tripartite negotiation, which responds to the real needs of involvement of the social partners in the shared decision and control process. The tripartite consultation process on all economic governance initiatives (programs, reforms, strategies, legislative measures and program implementation) is mandatory. Social Dialogue Law no. 367/2022 stipulates that all ministries have to organize Social Dialogue Committees and consult social partners on all normative acts.

According to the law, the members of the National Tripartite Council for Social Dialogue are the Prime Minister, the Minister of Labour, the ministries and authorities represented at the level of Secretary of State, and from the social partners the presidents of the nationally representative trade union and employers' confederations and the president of the Economic and Social Council.

At the sectoral level, the social dialogue committees in ministries and other institutions of the central public administration, consisting of representatives of the ministry and representatives appointed by the social partners, represent the information and consultation framework of social partners on the normative initiatives promoted by the ministry and on other issues of interest to parties in the field of competence of the ministry.

At the local level, tripartite social dialogue takes place within the Social Dialogue Committees constituted at the level of the prefectures. These committees are formed by representatives of the local administration, as well as by a representative appointed by each of the national representative confederations and aim to inform and consult the social partners on the decisions of the local authorities or other issues of local interest. Depending on the problem debated, representatives of all local actors, enterprises or representatives of organized civil society can participate in the work of these committees as guests, and such participation has seen an increase.

According to other sources consulted by the Committee, the new Social Dialogue Law, (no. 367/2022), which came into effect in 2023, is more favourable for social dialogue compared to the previous law, which it repealed. It sets clear rules for convening the Tripartite National Council meetings which can also be convened at the request of two nationally representative trade union confederations or employers' confederations (Eurofound, Romania: Developments in working life 2023).

Issues of mutual interest that have been the subject of joint consultations and agreements adopted

According to the report, the areas discussed by the National Tripartite Council include the framework for establishing the guaranteed minimum salary, draft programmes and strategies

developed at governmental level, methodologies and standards in the field of social dialogue, resolving social and economic disputes, negotiating and concluding social agreements and pacts and monitoring their application, establishing collective bargaining sectors, and analysing and debating recommendations from and reports to the ILO, the European Commission and the European Committee of Social Rights.

The report provides a detailed presentation of topics related to productivity, efficiency, health, safety and welfare, economic problems, and social matters raised during joint consultations carried out at the level of the National Tripartite Council, at the tripartite commissions at ministerial level, and at territorial level. Consultations evolved around the issues addressed in the national investments and recovery plan approved in October 2021 and its subsequent implementation. According to the report, the social partners' proposals and opinions were taken into account, but the process was affected by short legislative deadlines and the need to adapt to the deadlines of the National Investment and Recovery Plan.

During the years 2020-2021, consultations of the institutionalized tripartite Committees continued mainly in online or hybrid formats; joint consultations also took place in working groups and consultative meetings. The focus of consultations shifted to addressing the consequences of the Covid 19 crisis, limiting major policies and reforms at the national level. Among the issues discussed where: economic and employment support, adaption of working schemes and social services, including through the support of teleworking and digitization, measures supporting employment.

The partnership agreements on the financial programming 2021-2027 include the financing of capacity building of social partners to increase their participation in dialogue and as providers of assistance to workers and companies, as well as to support the activity of sectoral social dialogue. In addition, the minimum national gross wage was discussed at various levels.

In 2022 and 2023, tripartite consultations focused on measures to be taken regarding energy prices, fiscal matters and undeclared work, the visa regime for non-EU workers, the increase of the minimum wage, the increase in energy prices, energy and food security, revitalization of the national defense industry, compensating the effects of the war at an economic and social level, the situation of social dialogue and the involvement of the partners in the national investments and recovery plan. In the social field, topics included adoption proceedings and the expansion of social services for vulnerable groups.

In 2024, the main topics discussed at central level included various fiscal policy matters aimed at securing long-term financial sustainability, electronic monitoring systems, various national Strategies, research and development, and digitization. In addition, the meetings at the Ministry of Labour discussed consumer rights, the pension system, disabilities, family policies, pension reforms and the reform in the public sector.

Measures discussed at territorial level included finances and fiscal matters; labour relations, employment, the application of the law on social dialogue, health and safety at work, public health and health insurance, various issues relating to social services and social assistance, public pensions, education, the minimum gross salary, safety and public order, agriculture, environmental protection, and the inclusion of the Roma minority.

Joint consultation on the digital transition and the green transition

In a targeted question, the Committee asked if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

Digital transition

According to the report, digital transformation remains a key priority of the Government, with the responsible institutions carrying out a series of reforms and investment projects. The report lists a number of topics relevant to the digital transition discussed in tripartite consultations, including cyber security and the national strategy in the field of AI.

In 2023, the social partners' representatives at the national level signed a national framework agreement on the digitisation of labour relations. This agreement represents the social partners' joint commitment to the digitisation of labour relations, including new employment opportunities, increased productivity and improved working conditions and ways of working.

Green transition

According to the report, the just and sustainable transition to green energy is a priority for the public administration.

The report lists a number of topics relevant to the green transition discussed in tripartite consultations, including an emergency ordinance on the decarbonisation of the energy sector; the general framework for the implementation and operation of the support mechanism for technologies with low carbon emissions; the National Strategy for the Sustainable Development of Romania 2030; financing and implementation of a project regarding the monitoring of the impact of atmospheric pollution on terrestrial ecosystems, the commercialization scheme of greenhouse gas emission certificates, and the launch of a bidding procedure for energy production projects from renewable sources.

Conclusion

The Committee concludes that the situation in Romania is in conformity with Article 6§1 of the Charter.

Article 6 - Right to bargain collectively

Paragraph 2 - Negotiation procedures

The Committee takes note of the information contained in the report submitted by Romania and of the comments submitted jointly by the European Trade Union Confederation (ETUC) and the National Trade Union Bloc Confederation ("*Blocul Naţional Sindical*" – BNS).

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 6§2 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion, the Committee found that the situation in Romania was not in conformity with Article 6§2 of the Charter on the ground that the promotion of collective bargaining was not sufficient (Conclusions 2022). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions, including the previous conclusion of non-conformity as part of the targeted questions.

Coordination of collective bargaining

In a targeted question, the Committee asked for information on how collective bargaining was coordinated between and across different bargaining levels. Specifically, the question sought details on factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements, as well as to the favourability principle and the extent to which local or workplace agreements could derogate from legislation or collective agreements concluded at a higher level.

The report notes that, under the current Law on Social Dialogue (Law No. 367/2022), in force since 2023, collective bargaining takes place at the enterprise, multi-employer, sectoral and national levels. Enterprise-level collective agreements have *erga omnes* effect, applying to all workers. Multi-employer and sectoral agreements apply to all workers of enterprises that are members of the signatory employers' organisations. The law also provides for a mechanism to extend sectoral agreements at the request of the signatory parties and following a favourable opinion from the National Tripartite Council for Social Dialogue.

The report also notes that lower-level collective agreements may not derogate from more favourable provisions established at higher levels. The report also refers to judicial practice confirming that individual employment contracts may contain conditions more favourable than those provided for in collective agreements, subject to conditions.

The Committee notes that that the favourability principle establishes a hierarchy between different legal norms and between collective agreements at different levels. Accordingly, it is generally understood to mean that collective agreements may not weaken the protections afforded under the law and that lower-level collective bargaining may only improve the terms agreed in higher-level collective agreements. The purpose of the favourability principle is to ensure a minimum floor of rights for workers.

The Committee considers the favourability principle a key aspect of a well-functioning collective bargaining system within the meaning of Article 6§2 of the Charter, alongside other features present in the legislation and practice of States Parties, such as the use of *erga omnes* clauses and extension mechanisms. These features are typically found in comprehensive sectoral bargaining systems with high coverage, usually associated with stronger labour protections.

At the same time, the Committee notes that some States Parties provide for the possibility of deviations from higher-level collective agreements through what may be termed opt-out, hardship, or derogation clauses. The Committee applies strict scrutiny to such clauses, based on the requirements set out in Article G of the Charter. As a matter of principle, the Committee

considers that their use should be narrowly defined, voluntarily agreed, and that core rights must be always protected. In any event, derogations must not become a vehicle for systematically weakening labour protections.

Promotion of collective bargaining

In a targeted question, the Committee asked for information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining). The Committee also asked for information on the measures taken or planned to address those obstacles, their timeline, and the outcomes expected or achieved in terms of those measures.

The report states that the previous Law on Social Dialogue (Law No. 62/2011), adopted in 2011, introduced more stringent representativeness requirements, abolished national-level bargaining, weakened sectoral negotiations, and placed greater emphasis on the enterprise level. The shift from a centralised to decentralised bargaining system led to a marked decrease in collective bargaining coverage, which fell to 45% in 2019, and had a negative impact on wages and working conditions. The Government further refers to other factors inhibiting collective bargaining, such as trade unions weakness or the emergence of new forms of work organisation.

According to the Government, Law No. 367/2022 marks a new chapter in the country's industrial relations, through measures such as facilitating unionisation, enabling sectoral and multi-employer bargaining, broadening the rights to information and consultation, extending the right to strike, and supporting trade unions. Notably, Law No. 367/2022 contains less stringent representativeness requirements and redefines the composition of sectors for collective bargaining purposes. In addition, work is underway on an Action Plan for the Promotion of Collective Bargaining, and dedicated funding has been ring-fenced to strengthen the capacity of social partners to engage effectively in collective bargaining. These measures, among others, are intended to give effect to the EU Directive on Adequate Minimum Wages. While the implementation of these measures will take time, there are early signs of revitalisation, including the conclusion of a sectoral collective bargaining agreement in the banking sector, covering approximately 22,000 workers.

The Committee has previously expressed concern about the negative impact of Law No. 62/2011 on collective bargaining in Romania, as also acknowledged by the Government in its present report. Law No. 367/2022 seeks to remedy some of that damage, notably by fostering multi-employer bargaining (Conclusions 2022). The Committee notes that Law No. 367/2022 has strengthened the key role of trade unions by providing that elected staff representatives may negotiate collective agreements only in the complete absence of trade unions in the enterprise, thus addressing one of the grounds for its previous conclusion of non-conformity under Article 6§2 of the Charter (Conclusions 2022).

ETUC and BNS, in their joint comments, state that amendments to the Law No. 367/2022 adopted at the beginning of 2024 (Emergency Ordinance No. 156/2024) have permanently restricted collective bargaining in state-owned enterprises by unilaterally abolishing the possibility of granting collectively negotiated benefits such as salary increases, bonuses, and incentives. By annulling or suspending acquired rights, this legislation undermined collective bargaining in breach of national and international standards, including Article 6§2 of the Charter. ETUC and BNS submit that more than 1.5 million workers are affected by these amendments.

In its reply, the Government emphasises that, in accordance with Law No. 367/2022, collective bargaining in the public sector takes place within the limits of budgetary allocations established by the law. Accordingly, the binding nature of collective agreements does not apply where legal provisions to the contrary exist. The Government further notes that the State has a margin of appreciation under international law to adopt measures in the general interest aimed at ensuring budgetary and financial stability.

The Committee recalls that it has previously held (in the context of the private sector) that direct state intervention in the collective bargaining process is a very serious measure which could only be justified according to the relevant conditions laid down in Article 31 of the 1961 Charter (Conclusions XII-1 (1991)). The Committee has also stated that, while certain limitations on the right to collective bargaining of public workers may not be incompatible with the Charter, where a general agreement has been concluded and duly adopted by the authorities, any unilateral interventions into its terms may only be justified with reference to Article 31 of the 1961 Charter (Conclusions XI-1, Spain (2000)). The Committee considers that the justifications advanced by the Government are general in nature and not sufficient to demonstrate that the conditions of Article G of the Charter are met (see *mutatis mutandis Matica Hrvatskih Sindikata v. Croatia*, Complaint No. 116/2015, decision on the merits of 21 March 2018, §§ 89-90). The Committee also notes that the Government's intervention represents a regressive measure in relation to the Law No. 367/2022. The Committee therefore considers that the situation in Romania is not in conformity with Article 6§2 of the Charter on the ground of the suspension by decree of already negotiated collective agreements with workers of state-owned companies.

Self-employed workers

In a targeted question, the Committee asked for information on the measures taken or planned to guarantee the right of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, to bargain collectively.

The report states that Law No. 367/2022 formally recognises the concept of the independent worker and their right to join a trade union. This inclusion acknowledges the existence of subordinate relationships in certain forms of self-employment, such as day labourers, sports professionals under specific contracts, and workers in cooperatives, thereby extending collective bargaining rights to these categories. While Law No. 367/2022 does not explicitly extend collective bargaining rights to all self-employed individuals, it does recognise certain categories of self-employed workers who operate under conditions of economic dependence or subordination. By acknowledging these relationships, the law provides a framework for these workers to engage in collective bargaining through union membership.

The Committee also notes, based on other sources, that the BNS has recently launched the Digital Platform Workers' Union, the first trade union organization in Romania established specifically for workers engaged through digital platforms (*Eurofound Platform Economy Database*). Members of the union will benefit from representation in their relations with digital platforms and intermediaries, the promotion of their interests within social dialogue at the national level, collective bargaining on working conditions, and assistance and representation before authorities and employers.

Conclusion

The Committee concludes that the situation in Romania is not in conformity with Article 6§2 of the Charter on the ground of the suspension by decree of already negotiated collective agreements with workers of state-owned companies.

Article 6 - Right to bargain collectively

Paragraph 4 - Collective action

The Committee takes note of the information contained in the report submitted by Romania.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 6§4 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion (Conclusions 2022), the Committee held that the situation in Romania was not in conformity with Article 6§4 of the Charter on the ground that the police are denied the right to strike. The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions, including the previous conclusion of non-conformity as related to the targeted questions.

Prohibition of the right to strike

In its targeted questions, the Committee asked States Parties to indicate the sectors where the right to strike is prohibited as well as to provide details on relevant rules and their application in practice, including relevant case law. According to the report, Article 170 of Law No. 367/2022 on Social Dialogue prohibits judges, prosecutors, military personnel and personnel with special status in the Ministry of National Defence, the Ministry of Internal Affairs, the Ministry of Justice and in the institutions under their authority including the National Penitentiary Administration, the Romanian Intelligence Service, the Foreign Intelligence Service, the Special Telecommunications Service and personnel employed by the foreign armed forces stationed on the territory of Romania from exercising the right to strike. Article 170 of the Law on Social Dialogue also refers to a residual category of "other categories of personnel who are prohibited from exercising this right by law".

The Committee recalls that the imposition of an absolute prohibition of strikes to categories of public servants, such as police officers, prison officers, firefighters or civil security personnel, is incompatible with Article 6§4, since such an absolute prohibition is by definition disproportionate where an identification of the essential services that should be provided would be a less restrictive alternative (Matica Hrvatskih Sindikata v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114; see also Conclusions XVII-1 (2006), Czech Republic). While restrictions to the right to strike of certain categories of civil servants, whose duties and functions, given their nature or level of responsibility, directly affect the rights and freedoms of others, the public interest, national security or public health, may serve a legitimate purpose in the meaning of Article G (Confederation of Independent Trade Unions in Bulgaria (CITUB), Confederation of Labour "*Podkrepa*" and European Trade Union Confederation (CES) v. Bulgaria, Complaint No. 32/2005, decision on the merits of 16 October 2006, §45), a denial of the right to strike to public servants as a whole cannot be regarded as compatible with the Charter (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, §113, citing Conclusions I (1969), Statement of Interpretation on Article 6§4). Allowing public officials only to declare symbolic strikes is not sufficient (Confederation of Independent Trade Unions in Bulgaria (CITUB), Confederation of Labour "*Podkrepa*" and European Trade Union Confederation (CES) v. Bulgaria, Complaint No. 32/2005, decision on the merits of 16 October 2006, §§44-46).

The Committee therefore concludes that the restrictions to the right to strike imposed under Article 170 of Law No. 367/2022 on Social Dialogue go beyond what may be considered justified under the conditions set out in article G of the Charter.

Police officers are prohibited from striking by Law No. 360/2002 on the Statute on Police, although the national report notes that the police have the possibility to defend its social and economic interests through the National Police Corps by resorting to conciliation and mediation.

Concerning police officers, an absolute prohibition on the right to strike can be considered to be in conformity with Article 6§4 only if there are compelling reasons justifying it in the specific national context in question (European Confederation of Police (EuroCOP) v. Ireland, Complaint No. 83/2012, decision on the admissibility and merits of 2 December 2013, §211). Where restrictions to the right to strike of police officers are so far reaching as to render the right to strike ineffective, such restrictions go beyond those permitted by Article G of the Charter. This includes situations where police officers may exercise the right to strike, but only provided certain tasks and activities continue to be performed during the strike period, defined extensively so as to render the exercise of the right to strike ineffective (Conclusions 2022, North Macedonia).

The Committee recalls that it previously found that the situation was not in conformity with the Charter on the grounds that the police are denied the right to strike (Conclusions 2022).

As there has been no change to the situation the Committee concludes that the situation is not in conformity with Article 6§4 on the grounds that members of the police are denied the right to strike.

The right to strike of members of the armed forces may be subject to restrictions under the conditions of Article G of the Charter, if the restriction is established by law, and is necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health or morals. This includes a requirement that the restriction is proportionate to the aim pursued. The margin of appreciation accorded to States in terms of the right to strike of the armed forces is greater than that afforded to States Parties in respect of the police (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, § 114-116).

Having regard to the special nature of the tasks carried out by members of the armed forces, the fact that they operate under a system of military discipline, and the potential that any industrial action disrupting operations could threaten national security, the Committee considers that the imposition of an absolute prohibition on the right to strike may be justified under Article G, provided the members of the armed forces are have other means through which they can effectively negotiate the terms and conditions of employment, including remuneration (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, §117; Confederazione Generale Italiana del Lavoro (CGIL) v. Italy, Complaint No. 140/2016, decision on the merits of 22 January 2019, §152; European Organisation of Military Associations (EUROMIL) v. Portugal, Complaint No. 199/2021, decision on the merits of 11 September 2024, §100).

The Committee concludes that the situation is not in conformity with the Charter on members of the armed forces do not have the right to strike and it has not been established that are other means by which members of the armed forces can effectively negotiate their terms and conditions of employment, including remuneration.

Restrictions on the right to strike and a minimum service requirement

In its targeted questions, the Committee asked States Parties to indicate the sectors where the right to strike is restricted and where there is a requirement of a minimum service to be upheld, as well as to provide the details on the relevant rules and their application in practice, including the relevant case law.

The report states that Article 173 of Law No. 367/2022 on Social Dialogue, which provides that a minimum level of service of one third of the activity must be maintained to prevent putting at risk the life and health of citizens and to secure safe operation in the following sectors: sanitary and social assistance, telecommunications, public radio and television, energy supply, nuclear operative unit, railway transport, public transport and sanitation and gas, electricity, water and heat supply.

The report also confirms that pursuant to Law No. 145/2019 on the Penitentiary Police Statute, prison officers have the right to strike provided that the maintenance of at least one third of the activity is ensured and the rights of the detainees and the security of the detention places are observed.

According to the report Article 171 of Law No. 367/2022 on Social Dialogue, provides that persons employed in air, road or sea transportation are prohibited from striking from the moment of departure on the mission until its completion.

The Committee recalls that, while a comprehensive ban on strikes in certain essential sectors, particularly when they are extensively defined, such as “energy”, “health” a comprehensive ban on strikes is not deemed proportionate, to the extent that such comprehensive ban does not distinguish between the different functions exercised within each sector (Matica Hrvatskih Sindikata v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114), restricting strikes in specific sectors essential to the community may be deemed to serve a legitimate purpose where such strikes would pose a threat to the rights and freedoms of others or to the public interest, national security and/or public health (Matica Hrvatskih Sindikata v. Croatia, Complaint No. 116/2015, decision on the merits of 21 March 2018, §114; Conclusions I (1969), Statement of Interpretation on Article 6§4).

The Committee therefore considers that the requirement of a minimum service during these sectors is in conformity with Article 6§4 of the Charter in combination with Article G of the Charter.

Prohibition of the strike by seeking injunctive or other relief

The Committee has asked the States Parties to indicate whether it is possible to prohibit a strike by obtaining an injunction or other form of relief from the courts or another competent authority (such as an administrative or arbitration body) and if the answer is affirmative, to provide information on the scope and number of decisions in the past 12 months.

In the report, the Government states that the court may, upon an employer’s application, determine whether the strike is unlawful and if it reaches that conclusion may order the termination of the strike. The report also states that the strike may end by the decision of an arbitration tribunal, which can intervene during the collective dispute.

The report does not provide any information as to the number of decisions in the last 12 months.

Conclusion

The Committee concludes that the situation in Romania is not in conformity with Article 6§4 of the Charter even taking into account the possibility of subjecting the right to collective action to restrictions under Article G, on the grounds that:

- the police are denied the right to strike;
- members of the armed forces are denied the right to strike and it has not been established that are other means by which members of the armed forces can effectively negotiate the terms and conditions of employment, including remuneration.

Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

The Committee takes note of the information contained in the report submitted by Romania.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 20 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Labour rights”).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The Committee recalls that the right to equal pay without discrimination on the grounds of sex is also guaranteed by Article 4§3 and the issue is therefore also examined under this provision for States Parties which have accepted Article 4§3 only.

Women’s participation in the labour market and measures to tackle gender segregation

In its targeted question the Committee asked the report to provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical) as well as information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women’s participation in a wider range of jobs and occupations.

Under Article 20 States Parties should actively promote equal opportunities for women in employment, by taking targeted measures to close the gender gap in labour market participation and employment. They must take practical steps to promote equal opportunities by removing *de facto* inequalities that affect women's and men's chances. The elimination of potentially discriminatory provisions must therefore be accompanied by action to promote quality employment for women.

States must take measures that address structural barriers and promote substantive equality in the labour market. Moreover, the States should demonstrate a measurable progress in reducing the gender gap in employment.

In its assessment of national situations, the Committee examines the evolution of female employment rates as well as the gender employment gap and considers whether there has been a measurable progress in reducing this gap. The Committee notes, that according to Eurostat in 2025 the female employment rate in the EU 27 stood at 71.3%, up from 70% in 2023, compared to 81% and 80.3% for males, respectively, revealing a gender employment gap of around 10%.

As regards the measures taken to promote greater participation of women in the labour market and to reduce gender segregation the report refers to National Strategy for Employment 2021-2027 and the Action Plan, that contain measures that aim to reduce the gender employment gap. It further refers to Education and Employment Program.

According to the report, Romania’s employment policies focus on supporting job seekers and subsidising jobs for groups with limited access to the labour market, mainly through employment agencies. These are based on Law no. 76/2002 on unemployment insurance and employment incentives, which prohibits discrimination based on politics, race, nationality, ethnicity, language, religion, social status, beliefs, sex, or age.

The Education and Employment Program (EEP) complements these measures, in line with EU recommendations and national forecasts. Its priorities include tailored actions to improve access to jobs for youth and women and promoting flexible work to reduce the effects of economic crises on employment.

The report highlights the National Agency for Employment (NAE), which implements Law no. 76/2002. It targets women with limited labour market access, such as graduates, unemployed women over 45, those near retirement, and young women at risk of exclusion. The agency offers job matching, guidance, and training, promoted through media, social networks, job fairs, and local offices.

The Committee notes from Eurostat that in 2023 the female employment rate stood at 59.4% in 2023 and 59.2% in 2025. The Committee notes that the gender employment gap amounted to 18.8% in 2023 and 18.6% in 2025. The Committee considers that the gender employment gap is very high and there has not been any measurable progress in reducing it. Therefore, the situation is not in conformity with the Charter.

Effective parity in decision-making positions in the public and private sectors

In its targeted question, the Committee asked the national report to provide information on measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors; the implementation of those measures; progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.

Article 20 of the Revised European Social Charter guarantees the right to equal opportunities in career advancement and representation in decision-making positions across both public and private sectors. To comply with Article 20, States Parties are expected to adopt targeted measures aimed at achieving gender parity in decision-making roles. These measures may include legislative quotas or parity laws mandating balanced representation in public bodies, electoral lists or public administration.

The Committee underlines that the effectiveness of measures taken to promote parity in decision-making positions depends on their actual impact in closing the gender gap in leadership roles. While training programmes for public administration executives and private sector stakeholders are valuable tools for raising awareness, their success depends on whether they lead to tangible changes in recruitment, promotion, and workplace policies. States must demonstrate measurable progress in achieving gender equality by providing statistical data on the proportion of women in decision-making positions.

In its assessment of national situations, the Committee examines the percentage of women in decision-making positions in parliaments and ministries and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE that 32.5% of the members of Parliaments were women in the EU27 in 2023 and 32.8% in 2025.

The Committee notes that in 2022, the National Agency for Equal Opportunities (NAEO) adopted the National Strategy for Equal Opportunities and Treatment between Women and Men and the Prevention and Combating of Domestic Violence for the period 2022–2027 (approved by Government Decision no. 1547/2022). This strategy aligns with EU requirements for the programming of European funds and is structured around two pillars.

Pillar I focuses on equal opportunities and treatment between women and men. Key actions over the past two years include expanded awareness campaigns and seminars during the Equal Opportunities Week. These covered topics such as the promotion of women in decision-making positions and actions to support work-life balance.

In addition, Romania is preparing to adopt the first National Plan for the Economic and Political Empowerment of Women for 2025–2029, developed through a European project on gender mainstreaming in public policy and budgeting. The Plan sets out four priority areas two of which provide for ensuring parity in economic and political decision-making and reducing gender-based violence at work and in public spaces through improved legislation and awareness campaigns in media, education, and public life.

Romania has a legal framework supporting women's access to decision-making roles. According to Article 21 of Law no. 202/2002 on Equal Opportunities and Treatment between Women and Men state institutions are required to promote gender balance in leadership. Article 22 requires political parties to adopt positive measures to ensure balanced candidate representation. However, stakeholders report limited enforcement of these provisions. Progress has been made in the public sector, where the share of women in the Romanian civil service rose from 54% in 2009 to 69% in 2023.

According to EIGE, in 2023 women made up only 19.1% of the members of parliament and 22.4% in 2025, compared to 32.8% in the EU 27. As regards the proportion of women as ministers, it stood at 9.1% in 2023 and 10% in 2025, considerably lower than the EU average.

The Committee considers that there are persistent gender imbalances in decision-making positions in Romania and there has not been a sufficient measurable progress. Therefore, the situation in Romania is not in conformity with Article 20.

Women's representation in management boards of publicly listed companies and public institutions

In its targeted question the Committee asked the national report to provide statistical data on the proportion of women on management boards of the largest publicly listed companies and on management positions in public institutions.

The Committee considers that Article 20 of the Charter imposes positive obligations on States to tackle vertical segregation in the labour market, by means of, inter alia, promoting the advancement of women in management boards in companies. Measures designed to promote equal opportunities for women and men in the labour market must include promoting an effective parity in the representation of women and men in decision-making positions in both the public and private sectors (Conclusions 2016, Article 20, Portugal). States must demonstrate a measurable progress achieved in this area.

In its assessment of national situations, the Committee examines the percentage of women on boards and in executive positions of the largest publicly listed companies and considers whether a measurable progress has been made in increasing their share. The Committee notes from EIGE that the percentage of women on boards of large publicly listed companies amounted to 33.2% in 2023 and 35.1% in 2025 in the EU 27. As regards the percentage of female executives, it stood at 22.2% in 2023 and 23.7% in 2025.

According to the report, the gender distribution in decision-making roles was relatively balanced. Out of 669 leadership positions, 341 (51%) were held by women. The Committee notes from EIGE that the representation of women on the boards of the largest listed companies increased amounted to 20.2% in 2023 and 25.2% in 2025, which is significantly below the EU average. Romania has no mandatory national gender quotas for company boards. In 2023, there were no women on the board of the central bank of Romania. As regards the female executives, the Committee notes that there has been a declining trend at 30% in 2023 and 24.3% in 2025.

The Committee considers that with no measurable progress in representation of women on boards of the largest publicly listed companies and a declining trend in female executives, the situation is not in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Romania is not in conformity with Article 20 of the Charter on the grounds that:

- female employment rate remains low and no measurable progress has been made;
- insufficient measurable progress has been made in promoting the effective parity in decision-making positions;
- no measurable progress has been made in promoting the representation of women on boards of the largest listed companies.