



Replies to the information requested in the appendix

**Article 151**

In addition to the detailed information already provided in the 19<sup>th</sup> report (pages from 2 to 19), we provide the following clarifications:

**1. Measures available to young people who have not yet entered the labour market:**

**Granting the insertion bonus** - to graduates of educational institutions and graduates of special schools, aged at least 16 years, who, within 60 days of graduation, register with the employment agencies and are hired full-time for a period longer than 12 months. This premium is equal to 3 times the value of the social reference indicator in force at the date of employment (currently, the value of the social reference indicator is 500 lei). The insertion premium shall be granted in two instalments: 50% of the amount, on the date of employment and 50% after the expiry of the 12-month period of employment.

**Granting subsidies to employers who offer jobs to graduates of educational institutions, regardless of their level, but also to young NEETs.** The subsidy is equal to 2,250 lei and is granted monthly for a period of 12 months for each person in the target group employed with an open-ended employment contract. Employers are required to maintain contractual relations with the employee for at least 6 months after the end of the subsidy period.

**Law no. 72 /2007 on stimulating the employment of pupils and students, with subsequent amendments and completions, regulates the support provided to employers who employ pupils and students during the school/university holidays.** Employers receive, for each pupil/student, a monthly financial incentive equal to 50% of the value of the reference social indicator. The financial incentive is granted at the request of the employer from the unemployment insurance budget, for a maximum period of 60 working days in a calendar year.

**Law no. 335/2013 on the completion of the internship for higher education graduates, with subsequent amendments and completions, regulates the manner of conducting the internship for higher education graduates, by promoting internships that allow university graduates a first contact with the labour market and increase their professional skills in line with the needs of employers.** The employer who concludes an internship contract receives, during the internship contract (6 months), a subsidy of 2,250 lei /month.

**2. Measures available to persons in geographical areas and communities with distinct levels of underemployment (quality) or unemployment (quantity) or experiencing severe or chronic unemployment**

**Mainly, measures to stimulate labour mobility: provided to persons registered as unemployed with the employment agencies and who are employed, according to the law, in a locality other than the one in which they have their domicile or residence.**

**Employment bonus** - granted to registered unemployed people who, according to the law, get employed in a locality at a distance of more than 15 km from the locality where they have their

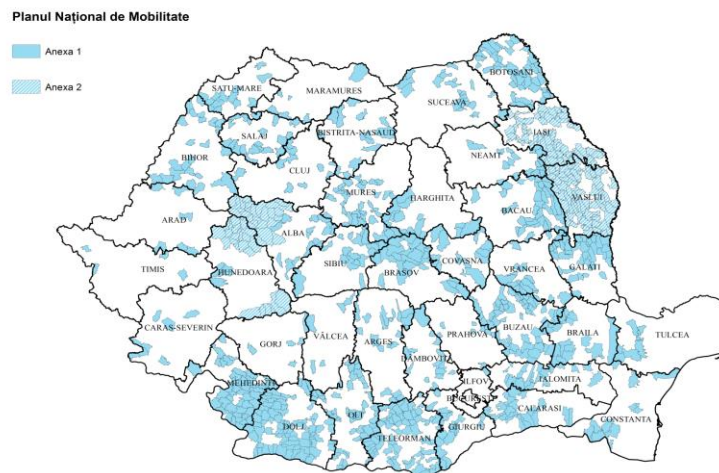


domicile or residence. The amount is calculated at 0.5 lei /km, but not more than 55 lei / day, proportional to the number of days in which the person actually works on the premises of the employer. The employment premium is granted for a period of 12 months.

**Installation bonus** - granted to registered unemployed persons who are employed, according to the law, in another locality at a distance of more than 50 km from the locality where they have their domicile or residence and as a result, change their domicile or establish their residence in the respective locality or in the neighbouring localities. The installation premium is granted in a differentiated amount depending on the family situation of the beneficiary.

The employment and the installation bonuses are granted to persons who have their domicile or establish their new domicile in the areas included in the National Mobility Plan approved by Government Decision no. 903/2016. The mobility plan includes marginalized and high-poverty communities in rural and urban areas.

Fig.1 Areas included in the Mobility Plan



Annual implementation by the National Agency for Employment of the Program specially developed for communities with a large number of Roma ethnics. In this program, the focus is on personalized actions, in particular on work mediation and professional counselling.

Persons employed through the implementation of the Program specially developed for communities with a large number of Roma ethnics

	2015	2016	2017	2018
Number of Roma employed	2654	1825	2614	2250

#### Economic growth indicators

	2015	2016	2017	2018
GDP growth rate percentage change on previous period	3.9	4.8	7.1	4.4

Source: Eurostat

#### Unemployment rates broken down by gender, age and duration



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	2015	2016	2017	2018
<b>Females</b>				
From 15 to 24 years	23.4	21.8	18.6	16.2
From 15 to 74 years	5.8	5	4	3.5
From 55 to 64 years	2.2	2.3	2.3	1.9
<b>Males</b>				
From 15 to 24 years	20.6	19.9	18.1	16.3
From 15 to 74 years	7.5	6.6	5.6	4.7
From 55 to 64 years	4.8	3.9	3.7	3
<b>Total</b>				
From 15 to 24 years	21.7	20.6	18.3	16.2
From 15 to 74 years	6.8	5.9	4.9	4.2
From 55 to 64 years	3.7	3.2	3.2	2.5

Source: Eurostat

*Number of unemployed persons 15+ by sex and duration of unemployment*

	2015	2016	2017	2018
<b>Females</b>				
48 months or over	0	7	0	0
From 1 to 2 months	34.2	31.4	24.9	20
From 12 to 17 months	36.7	31.2	17.1	17.4
From 18 to 23 months	18.5	18.2	10.2	9.5
From 24 to 47 months	39.8	38.6	28.5	21.4
From 3 to 5 months	36	20.3	25	24.4
From 6 to 11 months	43.8	29.2	28.5	19
Less than 1 month	14.1	14.8	20.9	19.2
Total Females	229	190.9	158.9	135.3
<b>Males</b>				
48 months or over	12.3	11.1	7.7	0
From 1 to 2 months	67.5	64.8	52.5	37.6
From 12 to 17 months	62.2	61.5	46.5	45.1
From 18 to 23 months	28.3	33.5	22.8	19.3
From 24 to 47 months	70.3	63.8	49.5	44.4
From 3 to 5 months	56.8	36.4	36.6	32
From 6 to 11 months	76.6	54.1	53.2	40.8
Less than 1 month	20.9	13.5	21.5	18.3
Total Males	394.9	338.9	290.4	244.4

Source: Eurostat

*Number of unemployed persons 15-24 years by sex and duration of unemployment*

	2015	2016	2017	2018
<b>Females</b>				
48 months or over	0	0	0	0
From 1 to 2 months	9.1	7.4	0	0
From 12 to 17 months	9.3	9.8	0	0



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From 18 to 23 months	0	0	0	0
From 24 to 47 months	7.6	0	7.1	0
From 3 to 5 months	12.3	6.7	6.9	7.7
From 6 to 11 months	15.9	10.6	10.8	0
Less than 1 month	0	0	6.6	0
Total	62.3	50.2	48.4	40.1
<b>Males</b>				
48 months or over	0	0	0	0
From 1 to 2 months	13.7	12.9	10.6	8.1
From 12 to 17 months	12.6	14.1	11.4	11.4
From 18 to 23 months	0	0	0	0
From 24 to 47 months	14.1	10	8.8	9.1
From 3 to 5 months	15.4	10.8	9.5	10.1
From 6 to 11 months	18.7	15.6	15.4	10.5
Less than 1 month	0	0	6.6	0
Total	85.9	74.9	68.6	60.7

Source: Eurostat

*Public expenditure on passive and active labour market measures as a share of GDP*

	2015	2016	2017	2018
Expenditure on passive measures as a share of GDP	0.18	0.14	0.12	0.10
Expenditure on active measures as a share of GDP	0.03	0.02	0.02	0.03

*Participants in active measures and persons employed through Public Employment Services support and measures*

	Type of measure	2015	2016	2017	2018
A	Number of people included in measures to stimulate employment (employment mediation, information and professional counselling, personalized assistance to young people at risk of social marginalization, business consulting)	993,409	752,391	660,700	594,505
B	Total persons employed	354,029	288,589	300,474	282,921
1	Employed through job matching services	309,303	254,956	272,917	261,666
1a	employed through job matching for an indefinite period	578,739	174,146	197,918	199,741
1b	employed through job matching for a fixed term period	226,094	80,810	74,999	61,925
2	Employed through training	11,646	11,742	11,873	11,158
3	Completing the income of the unemployed who get a job before the expiration of the unemployment benefit period	16,923	16,973	15,861	13,998



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3a	100% for graduates	16,034	828	628	13,998
3b	30% for other type of unemployed persons	31,417	16,145	15,233	x
4	Activation premium for unemployed persons not receiving benefits	-	-	27,129	7,706
5	Granting subsidies to employers for providing jobs to persons over 45 years or single supporters of single-parent families, total of which:	15,779	17,962	22,414	23,289
5a	unemployed over 45 years	15,494	17,744	22,176	23,008
5b	single supporters of single-parent families	285	218	238	281
6	Granting subsidies to employers for providing jobs to young NEETs	-	-	1,318	2,165
7	Granting subsidies to employers for providing jobs to long term unemployed	-	-	76	165
8	Granting subsidies to employers for providing jobs to persons that have 5 years until retirement	328	300	496	505
9	Stimulating the mobility of the work force, total, as of which:	1,291	1,106	1,879	2,076
9a	Employment Bonus	497	411	1,200	1,057
9b	Installation Bonus	794	695	258	277
9c	Relocation Bonus	-	-	421	742
10	Granting subsidies to employers for providing jobs to graduates of educational institutions	5,923	4,898	4,780	4,346
11	Graduates receiving an employment bonus	3,627	2,544	2,571	x
	Graduates receiving the insertion bonus	-	-	-	1,280
12	Granting subsidies to employers for providing jobs to persons with disabilities	142	141	156	167
13	Consulting and assistance services for starting an independent activity or for starting a business (no. Employed persons)	109	100	53	46
14	Temporary employment in public works of community interest	-	-	-	
14	Granting subsidies based on solidarity contracts	372	297	143	116
15	Other active measures	6,316	3,280	29	87
16	Subsidies granted to employers who employ higher education graduates based on Law no. 335/2013 on professional internships for higher education graduates	49	55	74	100



17	Subsidies granted to employers who employ pupils and students based on Law no. 72/2007 regarding the stimulation of the employment of pupils and students	1,635	2,527	2,358	1,925
19	Law no. 279/2005 on apprenticeship at work	129	167	431	3,364

Source: National Employment Agency

The evolution of unemployment registered in the records of National Employment Agency, by the main components, is already presented in **Annex 1** of the 19<sup>th</sup> report (also attached to this letter).

The evolution of the number of participants in the active incentive measures provided for by the legislation, as well as of the persons employed as a result of the implementation of the annual programs is already presented in **Annex 2** of the 19<sup>th</sup> report (also attached to this letter).

The performance levels planned in the management contracts and the actual figures for 2015-2018 are presented in **Annex 3** of the 19<sup>th</sup> report (also attached to this letter).

The table below shows the expenditure on active and passive measures financed from the unemployment insurance budget in the period 2015-2018 as percentage of the GDP.

Million lei

	2015	2016	2017	2018
GDP	723.073,91	759.887,60	856.700,00	949.600.00
Total share of active and passive measures in GDP	0.16	0.11	0.09	0.08
Share of active measures in GDP	0.03	0.02	0.03	0.03

## Article 152

Legislation prohibiting all forms of discrimination in employment in particular on grounds of gender, race, ethnic origin, sexual orientation, religion, age political opinion, disability:

- **Law no. 53/2003 of 24 January 2003, the Labour Code**, republished, with subsequent amendments and completions, provides in Article 5 the following:

”(1) Within the labour relations, the principle of equal treatment towards all employees and employers works.

(2) Any direct or indirect discrimination against an employee based on criteria of sex, sexual orientation, genetic characteristics, age, nationality, race, colour, ethnicity, religion, political choice, social origin, disability, situation or family responsibility, membership or trade union activity, is prohibited.

(3) Represents direct discrimination the acts and deeds of exclusion, distinction, restriction or preference, based on one or more of the criteria provided in par. (2), which have as purpose or



effect the non-granting, restriction or removal of the recognition, use or exercise of the rights provided in the labour legislation.

(4) Represents indirect discrimination the acts and facts apparently based on other criteria than those provided in par. (2), but which produce the effects of direct discrimination."

Art.159 (3) of the same act states that when setting and providing the wage, any discrimination based on sex, sexual orientation, genetic characteristics, age, national affiliation, race, colour, ethnicity, religion, political option, social origin, disability, family situation or responsibility, trade union affiliation or activity shall be prohibited.

- **Law No. 76/2002 of 16 January 2002 on the unemployment insurance system and employment stimulation** in article 4 para (1) stipulates that: "In the application of the provisions of this law, any kind of discrimination based on political, racial, nationality, ethnic origin, language, religion, social category, beliefs, sex and age are excluded."

- **G. O. no. 137/2000 on preventing and sanctioning all forms of discrimination**

Art. 2. - (1) In accordance with the ordinance herein, discrimination encompasses any difference, exclusion, restriction or preference based on race, nationality, ethnicity, language, religion, social category, beliefs, sex or sexual orientation, age, handicap, non-contagious chronic disease, HIV infection, belonging to a disfavored category, as well as any other criterion aiming to or resulting in the restriction or elimination of the recognition, use or exercise, in conditions of equality, of human rights and fundamental liberties or of rights granted by law in the political, economic, social and cultural field or in any other domains of public life (2) The instruction to discriminate a person on any ground provided by paragraph (1) is considered to be discrimination in accordance with the ordinance herein. (3) In accordance with the ordinance herein, the provisions, criteria and practices apparently neutral that disadvantages certain persons toward other persons, on the ground of criteria provided under paragraph (1) are considered to be discriminatory, excepting the case when these provisions, criteria and practices are objectively justified by a legitimate aim and the ways of reaching that aim are adequately and necessary. (4) Any active or passive behavior that generates effects liable to favor or disadvantage, in an unjustified manner, a person, a group of persons or a community, or that subjects them to an unjust or degrading treatment, in comparison to other persons, groups of persons or communities, shall trigger contraventional liability, unless it falls under the incidence of criminal law. (5) Any behavior that on the ground of race, nationality, ethnicity, language, religion, social category, beliefs, sex or sexual orientation, belonging to a disfavored category, age, handicap, refugee or asylum seeker status any other criterion aiming to create a humiliating, hostile, degrading or offending atmosphere constitute harassment and it's contraventionally sanctioned. (6) Any difference, exclusion, restriction or preference based on two or more criteria provided under the paragraph (1) constitutes aggravating circumstance to the establishment of the contraventional liability unless one or more of its components does not fall under the incidence of criminal law. (7) In accordance with the ordinance herein, any adverse treatment as a reaction to a petition or a case law regarding the infringement of non-discrimination and equal treatment principle constitutes harassment and it's contraventionally sanctioned. (8) The provisions of the present ordinance can not be interpreted as a restraint of the right to freedom of expression and opinion and the right to information. (9) Measures taken by public authorities or by legal entities under private law in favor of a person, a group of persons or a community, aiming to ensure their natural development and the effective achievement of their right to equal opportunities as opposed to other persons,



groups of persons or communities, as well as positive measures aiming to protect disfavored groups, shall not be regarded as discrimination under the ordinance herein. (10) In accordance with the ordinance herein, the elimination of all forms of discrimination shall be achieved by means of: a) prevention of any discrimination deeds, by the establishment of special measures, including positive measures, aiming to protect disfavored persons when they do not enjoy equal opportunities; b) mediation, by solving on amiable terms the conflicts resulting from the commitment of a discrimination act/deed; c) sanction of the discriminatory behavior provided under paragraphs (1)-(7). (11) The discriminatory behavior provided under the paragraphs (1)-(7) shall trigger contraventional, civil or penal liability according to the law in force.

Art. 6.- In accordance with the ordinance herein, conditioning the participation of a person in an economic activity or his free choice and exercise of a profession on his belonging to a race, nationality, ethnicity, religion, social category, on his beliefs, sex or sexual orientation, age or his belonging to a disfavored category shall constitute contravention.

Art. 7. - In accordance with the ordinance herein, discrimination of a person on account of race, nationality, ethnicity, religion, social or disfavored category respectively on account of beliefs, sex or sexual orientation of that person in a labour and social protection relation, except for the cases provided by law, with respect to: a) the conclusion, suspension, modification or cease of the labour relation; b) the establishment and modification of job-related duties, of the work place or of the wages; c) the granting of social rights other than the wages; d) the professional training, improvement, conversion or promotion; e) The enforcement of disciplinary measures; f) The right to join a trade union and to access to the facilities it ensures; g) Any other conditions related to the carry out of a job, in accordance with the law in force.

Art. 8. - (1) In accordance with the ordinance herein, the refusal of any legal or natural entity to hire a person on account of the applicant's race, nationality, ethnicity, religion, social or disfavored category, beliefs, sex or sexual orientation shall constitute contravention, excepting for the cases provided by law. (2) In accordance with the ordinance herein, conditioning the filling in of a position in any job advertisement or contest by the employer or employer's representative, on account of the applicant's race, nationality, ethnicity, religion, social or disfavored age, sex or sexual orientation or beliefs, shall constitute contravention, except for the situation provided under Art. 2 paragraph (9). (3) Natural or legal entities involved in mediating and distributing work places shall ensure the equal treatment of all applicants, their free and equal access to opportunities to consult the supply and demand of the labour market, to consulting on opportunities to obtain a job or a qualification, and shall refuse to support the employers' discriminatory requirements. All information related to the race, nationality, ethnicity sex or sexual orientation of applicants for a job or any other private information shall be confidential.

Art. 9. - Discrimination committed by employers against their employees, with regard to the social facilities granted on account of the employees' belonging to a race, nationality, ethnic group, religion, social or disfavored category, age, sex or sexual orientation or beliefs shall constitute contravention.

Regarding any specific measures taken to counteract discrimination in employment of migrants and refugees, during the mentioned period, The National Council for Combating Discrimination carried out a series of training programs for magistrates, civil servants and other key categories in the field of non-discrimination and human rights.





Regarding exploitation, forced labour or modern slavery Art. 4 (1) of the Labour Codes clearly states that Forced labour shall be prohibited and Art. 265 (2) states that employing a person who is illegally staying in Romania fully knowing s/he is a victim of trafficking in human beings, is punishable by imprisonment.

To combat trafficking in human beings the National Agency against Trafficking in Human Beings (ANITP) was established.

In 2007, within ANITP was set up the SIMEV database - Integrated System for Monitoring and Assessment of victims of trafficking in persons, which includes several categories of indicators for different perspectives of analysis of the phenomenon at national level and for policy development. According to the statistical data registered in SIMEV, in the period 2015-2018 the percentage of victims of trafficking in persons exploited for labour exploitation was 14% of the total identified victims. Most of the victims trafficked for labour exploitation are male adults (unofficial translation).

<b>Victims of trafficking in persons registered in the period 2015-2018</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Total number of victims	<b>880</b>	<b>756</b>	<b>662</b>	<b>497</b>
Victims trafficked for labor exploitation	<b>180</b>	<b>132</b>	<b>79</b>	<b>100</b>

The legal framework in the field of human trafficking includes international legal instruments and the most relevant European documents relating to trafficking in persons ratified by Romania, or which have an impact on trafficking in persons as well as national normative acts. The main national normative acts by which the crimes of human trafficking, trafficking in minors are incriminated and by which the measures of assistance and protection of victims are regulated are:

- Law no. 678/2001 on preventing and combating trafficking in persons, as subsequently amended and supplemented;
- Law no. 286/2009 on the Criminal Code, as subsequently amended and supplemented;
- Law no. 135/2010 on the Code of Criminal Procedure, as subsequently amended and supplemented;
- The Order of the Minister of Internal Affairs and Administrative Reform, of the Minister of Labor, Family and Equal Opportunities, of the Minister of Education, Research and Youth, of the Minister of Public Health, of the President of the National Authority for the Protection of Child's Rights, of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice and of the Minister of Justice no. 335/2007/2881/2007/1990/2007/1072/2007/266/2008/A6.880/2008/409/C/2008/2353/C/2008 for the approval of the National Mechanism for the Identification and Referral of Victims of Trafficking in Persons (MNIR).

MNIR was improved within the project "Trafficking in human beings - victim-centered approach", implemented between March 2017 and July 2019, by reviewing the identification and referral procedures and developing and supplementing them with new procedures: the procedure for conducting the risk assessment, the procedure for granting the recovery and reflection period, the procedure for assisted voluntary repatriation (unofficial translation).

Monitoring the activity of the economic operators in the professional fields with high fluctuation of the labor force (construction, agriculture, wood - processing industry, tourism, etc.) is one of the specific objectives of the National Strategies against Trafficking in Persons (2012-2016 and 2018-



2022). In order to achieve this objective, within the Action Plans for the implementation of the National Strategies, it was established as activity „Performing periodic inspections to prevent or identify situations of trafficking in persons for the purpose of labor exploitation”.

#### Article 15§1

In addition to the detailed information already provided in the 19<sup>th</sup> report (pages from 48 to 56), we provide the following clarifications:

In Romania, children with special educational needs have access to different forms of education and can be included, depending on the type and degree of disability, either in special schools or in mainstream schools, integrated in special groups/classes or individually. Children/pupils/ young people with learning difficulties/ disorders, with integration and adaptation problems, as well as those with mild or moderate deficiencies/ disabilities can be enrolled in groups/ classes integrated in mainstream education. Special and specially integrated education is organised at all levels of pre-university education, depending on the type and degree of disability. Through its educational policy, the Ministry of Education and Research ensures equity in education, both in terms of equal access to all forms of education and in terms of the quality of education for all children, without any discrimination.

#### *Legal framework:*

- The National Law of Education 1/2011, with subsequent amendments and completions;
- Government Decision No. 655/2016 on the approval of the National Strategy “A society without barriers for people with disabilities 2016-2020” and of the Operational Plan regarding its implementation;
- Regulation on the organisation and functioning of special and specially integrated education, approved by Minister Order No. 5573/2011.
- The methodology regarding the organisation of educational support services for children, pupils and young people with special educational needs integrated in mainstream schools, approved by Minister Order No. 5574/07.10.2011, amended by Minister Order No. 5036/2015, which regulates the organisation of educational support services, establishes the beneficiaries of these services and describes the features of the educational support services.
- Minister Order No. 5086/ 31.08.2016 on the approval of the methodology on home schooling and on the establishment of groups/classes in hospitals.
- Minister Order No. 5555/07.10.2011 on the approval of the Regulation on the organisation and functioning of the County/Bucharest City Centres for Resource and Educational Assistance.
- Joint Order of Minister of Labour, Family, Social Protection and Elderly, of Minister of Health and of Minister of Education on the approval of the methodology regarding the evaluation and integrated intervention in order to determine de degree of disability of the disabled children and to provide educational and professional orientation for children with special educational needs, as well as in order to enable and rehabilitate children with disabilities and/or with special educational needs.



- Government Decision No. 564/2017 regarding the manner of granting the rights of children with special educational needs enrolled in the pre-university education system, with subsequent amendments and completions.
- Minister Order No. 6134/21.12.2016 on the prohibition of the school segregation in pre-university schools.
- Specific procedures, performed and submitted annually to school inspectorates, on ensuring equal opportunities for students with visual impairments/ hearing impairments/ autism spectrum disorders/ specific learning disabilities who take national exams.

At the same time, students with disabilities can benefit from complementary procedures and techniques to facilitate learning, regulated by the following legal provisions:

- Art. 53 of Law No. 1/2011, with subsequent amendments and completions, provides that for special education must be curricula, school programs, psycho-pedagogical programs, textbooks and alternative teaching methodologies, adapted to the type and degree of disability, approved by the Ministry of Education. Thus, by Minister Order No. 3622/2018, with subsequent amendments and completions, the framework curricula for special preschool, primary and secondary education were approved.
- By Minister Order No. 5573/07.10.2011, published in the Official Journal of Romania No. 787/07.11.2011, was approved the Regulation on the organisation and functioning of special and special integrated education, which, by Art. 19, provides that during schooling, children with SEN have access to all educational and psycho-intellectual, medical and social recovery resources, to other specific intervention services, necessary and available in the community or in specialized units, including those of special and special integrated education.
- By Minister Order No. 5061/26.09.2017, published in the Official Journal of Romania No.773/29.09.2017, the methodology on ensuring the approval of teaching aids in order to be used in pre-university education was approved and by Minister Order No. 5062/26.09.2017, published in the Official Journal of Romania No. 769/28.09.2017, the methodology on regulating the use of teaching aids in pre-university education units was approved. Pursuant to the provisions of Art. 7 of Minister Order No. 5062/2017, the teaching aids submitted for approval/endorsement must specify the level (for example, the group/class/ age/ study group to which they are addressed, etc.) and explicitly address the types of teaching activities (for example: remedial activities, activities for students with special educational needs, activities for students with high ability, etc.) and other activities aimed at developing key-competencies and multidisciplinary/ transdisciplinary competencies.
- By Minister Order No. 3124/20.01.2017, published in the Official Journal of Romania No. 117/10.02.2017, the methodology on providing the necessary support to students with learning disabilities was approved. Pursuant to the provisions of Art. 19 of Minister Order No. 3124/2017, with the prior agreement of the school board of directors and on the recommendation of the specialist, for each case, students with specific learning disabilities can use compensatory materials and tools, including assistive technology and will benefit from adapted assessment during the semesters. In addition, Art. 20 and Art. 21 of Minister Order No. 3124/2017 specify the compensatory and exemption measures that can be provided to students with specific learning disabilities.



Considering the continuous need to train teachers so as to adapt the teaching process to the needs of students, within the project “*Relevant Curriculum, open education for all*”, financed from the European Social Fund, which will provide training for 55000 teachers in the primary and lower secondary education, a special module for teaching the new national curriculum was also provided, with an emphasis on learning activities adapted to students with disabilities and/or with special educational needs.

Based on the existing data in the computer application *Integrated Information System of Education in Romania*, we communicate the information regarding the number of schools that educate students with disabilities and/ or with special educational needs:

School Year	Number of Schools			Students with SEN		
	Mainstream Schools	Special Schools	Total	Mainstream Schools	Special Schools	Total
2015-2016	7867	140	8007	50264	4327	54591
2016-2017	7264	141	7405	51061	5061	56122
2017-2018	6710	170	6880	46554	5679	52233
2018-2019	6093	179	6272	41654	5985	47639

By Governmental Ordinance no. 51/2017 for the amendment and completion of Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities, republished, with subsequent amendments and completions, mainstream education was regulated as the first option in organizing the education of children with disabilities.

Failure to comply with this obligation constitutes a contravention and is punishable by a fine.

#### Article 15§2

The information on progress made in ensuring persons with disabilities have access to employment on the open labour market, including recent non-discrimination measures and measures to promote employment, figures on the number of persons with disabilities in employment and the number of unemployed and up-dated information concerning obligations on the employer to take steps in accordance with the requirement of reasonable accommodation to ensure effective access to employment of persons with disabilities was already provided in the 19<sup>th</sup> report (pages from 56 to 64).

Compared to the detailed information already provided in the 19th report, we make the following additions:

According to the Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities, republished, with subsequent amendments and completions, persons with disabilities may be employed.

At the end of 2017, there were 25.89% of persons with disabilities employed, of which, in the public system, 28.52% of the total number of persons with disabilities employed, according to their professional training.



Also Law no. 448/2006 regulates the obligation of public authorities and institutions, legal entities, public or private which have at least 50 employees, to employ persons with disabilities in a percentage of at least 4% of the total number of employees.

According to the information provided by the Ministry of Public Finance, which monitors and controls compliance with these provisions, at the end of 2017, 11.42% of people with disabilities were employed in entities with more than 50 employees, and at the end of 2018, their percentage was of 20.32%.

## Article 20

In addition to the detailed information already provided in the 19<sup>th</sup> report (pages from 67 to 75), we also mention:

Law no. 202 of 19 April 2002 on equal opportunities and equal treatment for women and men, as subsequently amended and supplemented, is the framework law governing measures to promote equal opportunities and treatment for women and men, in order to eliminate all forms of discrimination based on sex, in all public life spheres in Romania. We mention, briefly, the provisions of Law no. 202/2002, focused on the principle of equal pay for men and women:

- Article 4 let. f) stipulates that *“work of equal value means the remunerated activity which, following the comparison, based on the same indicators and the same units of measurement, with another activity, reflects the use of similar or equal professional knowledge and skills and the submission of a quantity equal or similar intellectual and/or physical effort ”*;
- Article 7 para. (1) let. c) establishes that *“by equal opportunities and treatment between women and men in labor relations is meant non-discriminatory access to: equal income for work of equal value”*;
- Among the obligations established to the employer at art. 8, let. c), he has the obligation *“to permanently inform the employees, including by posting in visible places, about the rights they have regarding the compliance of equal opportunities and treatment between women and men in the labor relations”*;
- According to art. 9, it is forbidden to discriminate through the use by the employer of practices that disadvantage persons of a certain sex, in connection with labor relations, relating, inter alia, to the establishment of remuneration;

In 2018, women's gross hourly earnings in EU were on average 14.8% below those of men and the lowest gender pay gap was recorded in Romania - 3%.

**Regarding the rules on shifting the burden of proof in cases where pay discrimination is alleged on grounds of sex, G. O. no. 137/2000 on preventing and sanctioning all forms of discrimination states in art.20, paragraph 6 that the interested person has the obligation to prove the existence of facts from which it may be presumed that there has been direct or indirect discrimination and it shall be for the respondent to prove that the facts does not constitute discrimination. In front of the Steering Board any proof can be pleaded, inclusively the video and audio evidence or statistical data.**

Also, **Law no. 202 of 19 April 2002 on equal opportunities and equal treatment for women and men in Article 30, para. (1) provides the right of the employee “if they are considered discriminated on the grounds of sex, to file intimation/complaints to or against the employer, if directly involved, and to seek the support of the trade union organization or employee representatives for resolving the situation at work”** and according to para. (2) the employee *“has the right both to notify the*



*competent institution and to file an application to the competent court in whose territorial district he has his domicile or residence, respectively to the section/panel for labor disputes and social security rights within the court or, as the case may be, the administrative contentious court, but not later than 3 years from the date of committing the act”;*

**Article 35 para. (1)** of the same law states that *“the burden of proof lies with the person against whom the intimation/complaint was filed or, as the case may be, the request for summons, for facts that allow to presume the existence of direct or indirect discrimination, which must prove non-violation of the principle of equal treatment between women and men”*, and according to par. (2) trade unions or human rights NGOs *“may, at the request of discriminated persons, represent/assist in administrative proceedings these persons”*.

## Article 24

In addition to the detailed information already provided in the 19<sup>th</sup> report (pages from 75 to 82), we provide the following clarifications:

Chapter V section 2-5 Art. 58-80 of the Labour Code regulate dismissal, respectively the conditions under which and individual or collective dismissal can occur, the rights of dismissed employees enjoy, the protective measure in case of dismissal as well as the prevention of dismissal.

As mentioned in the report, according to Art. 60(1a) of the Labour Code, dismissal may not be decided during temporary disability, as certified by a medical certificate according to the law.

The rules applying in case of permanent disability are presented in art. 64 of the Labour Code (page 77 the 19th report).

Article 80 of the Labour Code provides the information regarding the compensation for termination of employment in case of dismissal due to temporary absence from work due to illness or injury, as well as an up-dated description of national law and practice as regards compensation and reinstatement in case of unlawful dismissals. This information can be found in the 19th report at page 82.

According to Art. 78-80, labour courts can check and sanction illegal dismissals (tribunals - labour and social insurance sections). In such cases employees enjoy gratuity, and the burden of proof falls on the employer which is obliged to present supporting evidence until the last day in court, or lose the right to present them later on. If the dismissal was groundless and illegal, the court will annul it and shall demand the employer to compensate the employee with an amount equal to the indexed, increased and updated wages and other rights the employee would have benefited from had he not been dismissed. Furthermore at the request of the employee the court that annulled the dismissal can reinstate the parties to the situation prior to the dismissal. If the dismissal was done for financial reasons the law states that the court (if requested) checks if the elimination of the workplace of the employee had a real and serious cause.

We would like to mention that the activity done by independent authorised workers, individual and family companies are not covered by the provisions of the labour legislation **unless they themselves hire workers**.