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EUROPEAN SOCIAL CHARTER

19th National Report on the implementation of
the European Social Charter
submitted by

THE GOVERNMENT OF ROMANIA

Article 1, 9, 15§1, 15§2, 18§3, 18§4, 20, 24 and 25

for the period 01/01/2015 - 31/12/2018

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CYCLE 2020

ON THE IMPLEMENTATION

OF THE EUROPEAN SOCIAL CHARTER (REVISED)

SUBMITTED BY

THE GOVERNMENT OF ROMANIA

for the period 1 January 2015 - 31 December 2018

on the Group 1 of articles of the European Social Charter (Revised)

“Employment, Vocational Training and Equal Opportunities”: 1, 9, 15 (para. 1 and 2), 18
(para. 3 and 4), 20, 24 and 25

Pursuant with the provisions of article C of the European Social Charter (Revised) and of article 21 of the European Social Charter, on the measures adopted for the implementation of the accepted provisions from the European Social Charter (Revised), ratified on 7 May 1999

Article 1 - Right to work

Paragraph 1 Policy of full employment

Employment situation

According to the National Institute of Statistics data¹, in 2015-2018, the employment rate of the population (aged 20-64) in Romania increased by 3.9 percentage points. Thus, in 2015, employment rate of the population aged 20-64 was 66.0%, an increase by 0.3 percentage points compared to the previous year. The employment rate for the age group 20-64 continued in 2016 the upward trend which started in 2013 against the background of an accelerated economic growth, reaching 66.3%. The upward trend reported for the employment rate of the population aged 20-64 was maintained in the forthcoming years, reaching 68.8% in 2017 and 69.9% in 2018, respectively. The value of 69.9% of the employment rate meant a 0.1 percentage points difference from the 70% target assumed at national level under the Europe 2020 Strategy. The value of 69.9% is the highest level reached by this indicator in the past 10 years, higher the values reported during the pre-crisis period (2007-2008).

As regards the evolution of the employment rate by gender, during the period of 2015-2018, the employment rate both for men and women had seen positive developments compared to the values reported for previous years. Compared to 2014, in the period of 2015-2018 the employment rate for men increased by 4.9 percentage points, as follows: 74.7 in 2015, 75.0 in 2016, 77.3 in 2017 and 78.9 in 2018, while the employment rate for women increased by 3.3 percentage points during the same period, with the following values reported: 57.2 in 2015, 57.4 in 2016, 60.2 in 2017 and 60.6 in 2018.

In the period of 2015-2018, there was still a significant difference in the labour force participation rate between women and men. 2017 marked a reversal of the negative growth trend, as this was the first years when the employment rate among women increased more than the employment rate among men, leading to a decrease by 0.3 percentage points in the difference in the labour force participation rate between women and men (17.1 in 2017 vs. 17.6 in 2016).

In 2015, the unemployment rate² reached 6.8% (identical as for the previous year), and in the forthcoming period it started decreasing, reaching the following values: 5.9 in 4.9%, 4.2% in 2016, 4.9 in 2017 and 4.2 in 2018.

The gender unemployment gap was maintained, as follows: in 2015 1.7 percentage points (7.5% among men compared to 5.8% among women), in 2016 - 1.6 percentage points (6.6% among men compared to 5.0% among women), in 2017 - 1.6 percentage points (5.6% among men compared to 4.0% among women) and in 2018 - 1.2 percentage points (4.7% among men compared to 3.5% among women).

The gap by area of residence was also maintained in 2015-2018, reaching 0.4 percentage points in 2015 (7.0% in urban areas compared to 6.6% in rural areas), 0.7 percentage points in 2016 (6.3% in rural areas compared to 5.6% in urban areas), 0.9 percentage points in 2017 (5.4% in

¹Mainly from the Household Labour Force Survey (AMIGO).

²According to the international methodology developed by the International Labour Organisation.

rural areas compared to 4.5% in urban areas) and 0.9 percentage points in 2018 (4.7% in rural areas compared to 3.8% in urban areas).

By age groups, the highest unemployment rate was reported among young people aged 15-24, more specifically 21.7% in 2015, 20.6% in 2016, 18.3% in 2017 and 16.2% in 2018.

The long-term unemployment rate³ showed a slight decrease. In 2015, the long-term unemployment rate was 3.0%, and the incidence of long-term unemployment⁴ was 43.9%; for young people (aged 15-24), the long-term unemployment rate⁵ was 13.1%, and the incidence of long-term unemployment among young people was 60.6%. In 2016, the long-term unemployment rate was maintained at 3.0%, and the incidence of long-term unemployment was 50.0%; for the age group 15-24, the long-term unemployment rate was 13.0%, and the incidence of long-term unemployment among young people was 63.1%. In 2017, the long-term unemployment rate was 2.0%, and the incidence of long-term unemployment was 41.4%; for young people (aged 15-24), the long-term unemployment rate was 11.1%, and the incidence of long-term unemployment among young people was 60.4%. In 2018, the long-term unemployment rate was 1.8%, and the incidence of long-term unemployment was 44.1%; for the age group 15-24, the long-term unemployment rate was 9.3%, and the incidence of long-term unemployment among young people was 57.2%.

Employment policy

In 2001, the Ministry of Labour and Social Protection (MLSP)⁶ initiated the development of strategic/planning documents aiming at increasing the employment levels in Romania.

- The first National Action Plan for Employment (NAPE), adopted by Government Decision no. 759/2002 was developed in line with the Employment Guidelines for 2001 and it included actions to be implemented in the short-term by Romania, so as to increase employment and reduce unemployment, support lifelong learning, develop a more efficient and flexible labour market, combat discrimination and social exclusion. NAPE was developed under a PHARE technical assistance project.
- The second National Action Plan for Employment 2004-2005, adopted by Government Decision no. 588/2004 was developed in line with the revised EES and with the Employment Guidelines approved for 2001 and it was structured according to the three interdependent strategic objectives: full employment, enhance labour quality and productivity, strengthen social cohesion and inclusion, and to the 10 Guidelines.
- At the same time, the first strategy in the field - the National Employment Strategy 2004-2010 was developed and was adopted by GD no. 1386/2004.

³Unemployed for one year and longer.

⁴Persons unemployed for one year and longer as a percentage of total unemployment.

⁵Unemployed for six months and longer.

⁶Ministry of Labour, Social Protection and Elderly - at that time.

- A national system based on the development of an interinstitutional coordination network to provide regular reports by the institutions involved was developed to monitor the implementation of the national plans.
- A new strategic framework, with an integrated vision and a strong implementation and monitoring mechanism was put in place with the adoption of GD no. 1071/2013 approving the National Employment Strategy (NES) 2014-2020 and the Action Plan 2014-2020 for the implementation of the national strategy.

Consequently, the current strategic framework for employment consists in NES 2014-2020, whereby MLSP placed among its strategic priorities, as specific objectives: to increase employment among young people, and to extend the active life of the elderly; to improve the occupational structure and the labour market participation of women and persons from vulnerable groups; to reduce employment in subsistence agriculture and to facilitate the relocation of such human resources to non-agricultural activities; to develop highly-qualified human resources with skills aligned to the labour market requirements.

The NES 2014-2020 monitoring system relies on data obtained from the Household Labour Force Survey (AMIGO)⁷ and on other relevant statistical research carried out by the National Institute of Statistics, on the administrative data provided by the National Agency for Employment (NAE), by the Ministry of Education and Research (MER), by the National Qualifications Authority (NQA), and on other administrative data collected by the ministries/institutions in charge with the implementation of the actions included in the Action Plan.

Two working bodies were created for the monitoring and evaluation of the strategy implementation: an Interministerial Committee (including representatives of social partners) and a Working Group within MLSP. In order to follow up the implementation of NES 2014-2020, each organisation in the Interministerial Committee in charge with specific measures/actions must submit the Working Group relevant information so as to enable MLSP to aggregate and process such information. MLSP submits the processed information to the Monitoring Interministerial Committee to track the progress made with the various tasks included in the Strategy and any possible deviations.

The results of the analysis undertaken by the Interministerial Committee are communicated to all decision-makers involved in the implementation of the Strategy, and the institutions may submit suggestions or corrective actions.

As regards youth employment, currently, the strategic document in this field is the Youth Guarantee Implementation Plan 2017-2020.⁸ This strategic document continues the actions and the programmes implemented through the Youth Guarantee Implementation Plan 2014-2015 developed following the Council Recommendation to the Commission and the Member States on establishing a Youth Guarantee, but it also proposes new reforms and initiatives.

⁷Presented in the first part of the document.

⁸ [Approved by Memorandum by the Government of Romania in July 2017.](#)

Among the results of the implementation since the plan was adopted until the end of the first quarter of the current year, we mention the following:

- in terms of early intervention and back-to-work measures

- 121,504 young people under 25 years old identified and registered in the integrated database within the National Agency for Employment
 - 38,815 young people under 25 years old (as of 31.12.2017);
 - 36,650 young people registered in the SPO database, INTESPO project (01.01.-31.12.2018);
 - 46,039 young people registered in the SPO database, INTESPO project (01.01.-31.03.2019).
- 111,330 students informed during 2,632 information sessions, delivered as part of campaigns aimed to stimulate employment or vocational training/education, organized as part of a partnership with CNDIPT, school inspectorates, schools and local employment agencies
 - 55,014 students informed (2017);
 - 49,453 students informed (01.01.- 31.12.2018);
 - 6,863 students informed (01.01.- 31.03.2019);
- 11,069 young people included in the “Second Chance Programme for Primary Education”
 - 5,237 trainees for the 2017-2018 school year;
 - 5,832 trainees for the 2018-2019 school year;
- 19,270 young people included in the “Second Chance Programme for Lower Secondary Education”
 - 9,193 trainees for the 2017-2018 school year;
 - 10,077 trainees for the 2018-2019 school year;
- Approximately 73,879 young people included in the “Money for High School” National Social Protection Programme
 - 33,016 student beneficiaries for the 2017-2018 school year;
 - An estimated number of 40,863 students for the 2018-2019 school year.

- in terms of labour market integration measures

- Pursuant to the provisions of Law no. 279/2005 on apprenticeships, republished, further amended and supplemented:
- 660 apprenticeship contracts:
 - 81 apprenticeship contracts (2017);
 - 500 apprenticeship contracts (01.01.-31.12.2018);

- 79 apprenticeship contracts (01.01.-31.03.2019).
- **Pursuant to the provisions of Law no. 335/2013 on internships for higher education graduates, further amended and supplemented:**
 - 102 graduate beneficiaries of internships during the first 4 months since graduation:
 - 55 graduate beneficiaries of internships (2017);
 - 47 graduate beneficiaries of internships (01.01.-31.12.2018);
 - 4 graduate beneficiaries of internships (01.01.-31.03.2019);
- **Pursuant to the provisions of Law no. 76/2002 on unemployment insurance benefits and incentives for labour, further amended and supplemented**
 - 177,868 young people under 25 years old have accessed the active measures provided by the National Agency for Employment during the first 4 months since getting registered in the NAE database:
 - 86,678 young people under 25 years old (2017);
 - 76,850 young people under 25 years old (01.01.-31.12.2018);
 - 14,340 young people under 25 years old (01.01.-31.03.2019);
 - 93.933 young people under 25 years employed during the first 4 months since getting registered in the NAE database
 - 46,372 young people under 25 years old (2017);
 - 41,233 young people under 25 years old (01.01.-31.12.2018);
 - 6,328 young people under 25 years old (01.01.-31.03.2019);
 - 152.862 young NEETs benefiting from information and career counselling services-
 - 75,002 (2017);
 - 65,824 (01.01 -31.12 2018);
 - 12,036 (01.01 -31.03 2019);
 - 11.154 young NEETs included in vocational training courses, among whom 9,208 during the first 4 months
 - 5,945 (2017);
 - 5,209 (01.01 -31.12 2018);
 - 351 (01.01 -31.03 2019);
 - 348 young NEETs benefiting from mobility premiums, including long-term unemployed.
 - 157 young NEETs (2017);
 - 143 young NEETs (01.01.-31.12.2018);
 - 48 young NEETs (01.01.-31.03.2019);

- 92 young NEETs benefiting from the installation allowance during the first 4 months since getting registered in the NAE database, including long-term unemployed
 - 29 young NEETs (2017);
 - 45 young NEETs (01.01.-31.12.2018);
 - 18 young NEETs (01.01.-31.03.2019);
- 2.303 young NEETs benefiting from the back-to-work allowance during the first 4 months since getting registered in the NAE database
 - 1,379 young NEETs (2017);
 - 571 young NEETs (01.01.-31.12.2018);
 - 353 young NEETs (01.01.-31.03.2019);
- 401 young NEETs benefiting from the relocation allowance relocation the first 4 months since getting registered in the NAE database
 - 120 young NEETs (2017);
 - 171 young NEETs (01.01.-31.12.2018);
 - 110 young NEETs (01.01.-31.03.2019);
- 3,783 young people employed by providing subsidies to employers in order to be hired as graduates
 - 1,408 young graduates (2017);
 - 2,238 young people (01.01.-31.12.2018);
 - 137 young graduates (01.01.-31.03.2019);
- 3.721 young NEETs employed by providing subsidies to employers
 - 1,271 young NEETs (2017);
 - 2,072 young NEETs (01.01.-31.12.2018);
 - 7 young disabled NEETs (01.01.-31.12.2018);
 - 13 young NEETs sole providers of single-parent families (01.01-31.12.2018);
 - 356 young NEETs (01.01.-31.03.2019);
 - 2 young disabled NEETs (01.01.-31.03.2019);
- 266 young people risking social exclusion hired as a result of being provided with customized support, by concluding solidarity contracts and providing specific services, including provisions of subsidies to their employers
 - 143 young people (2017);
 - 116 young people (01.01.-31.12.2018);
 - 7 young people (01.01.-31.03.2019);

MMPS and NAE enter an annual management performance contract (CPM) to monitor the indicators associated to the employment measures implemented by the Public Employment Service. The legal grounds are:

- Article 99 h) of Law no. 76/2002 on the unemployment insurance system and incentives for employment, as subsequently amended and supplemented, which provides that: “MMFPSPV determines the management performance indicators and levels, based on which an annual management performance contract is entered into with National Agency for Employment”, and
- Article 7 (1) of Law no. 202/2006 on the organisation and operation of the National Agency for Employment, republished, as subsequently amended and supplemented, which provides that: “With a view to achieving the quantitative and qualitative indicators resulting from the quantification of the measures laid down in the Government Strategy for employment, hereinafter referred to as ‘management performance indicators’, the Minister of Labour, Family, Social Protection and the Elderly and the Chairperson of the National Agency for Employment shall enter an annual management performance contract, with the prior endorsement of the Management Board of the National Agency for Employment.”

Before entering the management performance contract, the MMPS and NAE negotiate the level of the management performance indicators. After signing this contract, the NAE Chairperson enters management performance contracts with the executive directors of the county employment agencies, stipulating the levels of the indicators in question, considering the county’s economic development, number of unemployed, administrative capacity, etc.

The indicators are defined considering the targets and objectives (whose achievement require inputs from the county employment agencies) laid down in reference strategic documents of the government in the field of employment and training, as well as the overall economic and social county context.

On average, 10 management performance indicators⁹ were determined for each implementation year, whose achievement is also presented in the annual performance reports of NAE¹⁰, available on the website of the Public Employment Service.

Changes in legislation

Between 2015 - 2018, the employment laws were successively amended, thus:

After a review of administrative data on the provision of career information and counselling¹¹, which revealed the prominent role these services play in the work of the Public Employment

⁹ Sub-indicators are defined for some indicators.

¹⁰ http://193.169.6.21/files/Raport%20activitate_2018.pdf,
<http://193.169.6.21/files/RAPORT%20DE%20ACTIVITATE%202015.pdf>,
<http://193.169.6.21/files/RAPORT%20DE%20ACTIVITATE%202016.pdf>

¹¹ The data presented in the Report on the implementation of the National Employment Programme for 2015 show that 61,479 persons were employed due to the provision of career information and guidance services, representing 140.96% of the 2015 target (43,615 persons). Also, 12.15% of the 506,185 that received career information and counselling were employed, of which 102 disabled, representing 13.77% of the total number of persons of this target group employed nationwide (741 disabled persons).

Service, Expeditious Ordinance of the Government no. 60/2016¹² introduced profiling of job seekers as a component of these services.

Thus, starting from the assumption that the quality of career information and counselling significantly influences the outcomes of other types of measures aimed at increasing job seekers' employability and considering that an individual action plan is developed as part of these services (based on which, depending on the individual profile, future customised interventions are determined), a work procedure was developed for profiling job seekers registered with county or Bucharest City employment agencies¹³. The procedure ensures a beneficiary-centered approach and meets the need to segment the various categories of unemployed, such as to provide them with tailor-made support.

In this context, Law no.76/2002, as subsequently amended and supplemented, introduced the requirement to profile job seekers in terms of their employability as: "easy to employ", "averagely difficult to employ", "difficult to employ" and "very difficult to employ".

At the same time, the amendment provided that persons profiled as "difficult" and "very difficult" to employ qualify for guidance services during their social and workplace integration, for not more than 3 months, with the employer's agreement. Such services are provided by dully licenced public or private suppliers.

In the same period, it was necessary to amend the labour mobility laws, given the needs of a domestic labour market marked by gaps between the labour supply and demand (in numbers, qualifications and territorial distribution), furthered by the effects of emigration on the active population, on the backdrop of a negative demographic trend. Faced with these challenges, the Government of Romania reformed the labour mobility incentives measures by two regulations amending and supplementing Law no. 76/2002, as subsequently amended and supplemented: Expeditious Ordinance of the Government no. 60/2016 approving the "mobility package", which mainly includes amendments to the granting and amount of mobility allowances provided for in Article 74 (employment allowance) and Article 75 (installation allowance) of Law no. 76/2002, as subsequently amended and supplemented, and Expeditious Ordinance of the Government no. 6/2017¹⁴, introducing a new incentive - the relocation allowance.

Thus, three types of incentives were put in place, meant to encourage labour from certain areas to tap into employment opportunities from other areas, namely:

- **Employment allowance** - tax-free subsidy paid out monthly for 12 months to registered unemployed who take up jobs further than 15 km from their place of domicile or residence,

¹² Expeditious Ordinance of the Government no. 60 of 28 September 2016 amending and supplementing Law no. 76/2002 on the unemployment insurance system and incentives for employment, published in the Official Gazette of Romania no. 773/ 04.10.2016.

¹³ Order of the Chairperson of the National Agency for Employment no. 184/2016.

¹⁴ Expeditious Ordinance of the Government no. 6 of 18 January 2017 amending and supplementing certain regulations and laying down measures for the implementation of investments financed from public funds, published in Official Gazette of Romania no. 62/25.01.2017.

calculated at 0.5 lei/km, but not more than 55 lei/day, pro-rata to the number of days effectively worked at the new employer;

- **Installation allowance** - tax-free subsidy granted to registered unemployed¹⁵ who take up a full-time job for at least 12 months further than 50 km from their place of domicile or residence and, as a result, relocate to the new or neighbouring community. The amount of installation allowance differs depending on the situation of the beneficiary or his/her family and is paid out in two instalments (50% of the total amount at the time of relocation and 50% of the total amount when completing 12 months in employment);
- **Relocation allowance** - tax-free subsidy paid out monthly for no more than 36 months to registered unemployed who take up a full time job for at last 12 months further than 50 km from their place of domicile or residence and, as a result, relocate to the new or neighbouring community. The relocation allowance represents 75% of the amount allocated to living costs in the new domicile or residence, but not more than 900 lei, provided that the net monthly income of the persons in question (single or with families) does not exceed 5,000 lei/month.

In terms of the target group of the new mobility package, it was explicitly regulated that the *employment allowance* and *installation allowance* would be granted to persons that reside in or relocate to the areas included in the National Mobility Plan, a Plan that is approved and updated by Government Decision,¹⁶ on the proposal of the MMPS.

The tax-free 500 lei *back-to-work allowance* is another targeted measure established by the Government of Romania for registered unemployed that do not receive unemployment benefits, provided that they take up full time employment for a minimum of 3 months. This allowance is meant to provide adequate support to this disadvantaged group, with a view to creating equal opportunities in access to employment.

Moreover, the incentives granted to employers hiring job seekers were adjusted. Thus, based on the evaluation of the outcomes of the 2015 National Employment Programme (approved by the Minister of Labour, Family, Social Protection and the Elderly), it was deemed that insufficient incentives were granted to employers that hire school leavers, disabled school leavers, unemployed aged over 45, single-parent unemployed, unemployed who, within 5 years from being hired, meet the requirements for early or old age retirement (laid down by Law no.

¹⁵ The installation allowance is also granted for at last 36 months to Romanian citizens who have exercised their right to free movement of workers in the European Union and European Economic Area, in compliance with the legal requirements.

¹⁶ Government Decision no. 903/2016 approving the National Mobility Plan lists the administrative units confronted with severe poverty and marginalisation problems that are eligible for the measures laid down in the mobility package (employment and installation allowances), namely: administrative units with above-average and severe marginalization levels, that is levels 3 and 4 in rural areas; certain administrative units in pilot areas where integrated programmes financed from EU and national funds are implemented to improve the local population's social and economic situation; poorly developed administrative units, according to the human development index; administrative units where more than 10% of the residents aged 18-62 are registered unemployed and more than 10% of the residents aged 18-62 receive the minimum guaranteed income and family allowance, as identified from the data of the National Agency for Employment and the National Agency for Payments and Social Inspection in September 2016.

76/2002, as subsequently amended and supplemented), given that the amounts granted, calculated in relation to the Reference Social Indicator, were not motivating for the employers.

Consequently, the Government of Romania increased the incentive for such employers, revising¹⁷ Law no.76/2002, as subsequently amended and supplemented, such as to grant nominal amounts as incentives, thus:

- employers who employ school leavers on indefinite term, full-time contracts receive 900 lei per month for each employed school leaver, for 12 months;
- employers who employ disabled school leavers on indefinite term, full-time contracts receive 900 lei for each employed school leaver, for 18 months;
- employers who employ unemployed over 45 years of age, long-term unemployed, young NEETs or unemployed single parents on indefinite term, full-time contracts receive 900 lei per month for each employed person of these categories, for 12 months, provided that the employment or service relations continue for at least 18 months;
- employers who, as required by law, have met their obligation to employ disabled persons pro rata to their total number of employees, as well as employers who are not subject to this legal requirement, if they hire disabled persons on indefinite term contracts and maintain the employment or service relations for at least 18 months;
- employers who employ on full-time unemployed who, within 5 years from being hired, meet the legal requirements for early or old age retirement, receive 900 lei per month throughout the duration of employment until the employee meets the retirement requirements.

Also, a regulation was introduced to equalise the subsidy granted to employers that hire school leavers, irrespective of the level of education, according to National Education Law no. 1/2011, as subsequently amended and supplemented.

In 2017, the regulations on the unemployment insurance system were amended in compliance with the new provisions of the Tax Code¹⁸ - elimination of unemployment insurance contributions and contribution to the guarantee fund for payment of salary debt, introduction of the 2.25% insurance contribution on labour and determination of tax payers that owe this contribution.

To tackle the labour shortage, in 2018, the Government of Romania revised again the active employment policies¹⁹, mainly by increasing the incentives paid from the unemployment insurance budget to employers that hire persons from more-difficult-to-employ groups.²⁰ It is

¹⁷ Expeditious Ordinance of the Government no. 60/2016, published in Official Gazette of Romania no. 773/04.10.2016.

¹⁸ Expeditious Ordinance of the Government no. 95 of 6 December 2017, published in Official Gazette of Romania 991/13.12.2017 amending and supplementing Law no. 76/2002 on the unemployment insurance system and incentives for employment and amending Law no. 200/2006 on the establishment and utilisation of the Guarantee Fund for payment of salary debts.

¹⁹ Expeditious Ordinance of the Government no. 60/2018 amending and supplementing certain regulations in the field of employment, published in Official Gazette no. 577/2018.

²⁰ Employers who: employ school leavers on indefinite term (incentive paid monthly for 12 months for each hired school leaver); employ disabled school leavers on indefinite term; employ on indefinite term unemployed aged over

expected that the increased subsidies will be reflected in the wages paid by the beneficiary employers, so that the vacancies may become more attractive for the workforce in Romania and abroad. The revised regulations provide for a monthly subsidy of 2,250 lei.

Similarly, the subsidy for employers who enter apprenticeship contracts was increased to 2,250 lei/month for the entire duration of the apprenticeship contract (6 months/12 months/24 months/36 months, depending on the level of qualification required for the occupation in question, namely 1, 2, 3 or 4). The same amount was granted for the entire duration of the internship (6 months) to employers who enter internship contracts with university graduates.

Also, according to the revised regulations, employers who hire young persons at risk of social marginalisation that benefit from individualised social support based on a solidarity contract receive a monthly amount equal to the base salary agreed at the time of employment of such young persons, but not more than four times the value of the Reference Social Indicator in force at the time of hiring.

Moreover, with a view to providing adequate support (meant to facilitate their return to work) to registered unemployed who are not cashing-in unemployment benefits, the *back-to-work allowance* was increased. This allowance, in amount of 500 to 1,000 lei, is granted for a minimum of 3 months to such unemployed who get a full-time job.

The legal framework instated by Law no.76/2002 on the unemployment insurance system and incentives for employment brings about a number of measures aimed both at incentivising and boosting employment, as well as at preventing unemployment and affording protection to the unemployed under the unemployment insurance system.

The National Agency for Employment (NAE) implements Law no 76/2002 on the unemployment insurance system and incentives for employment as subsequently amended and supplemented, which provides for a generous package of active employment measures addressed to all job seekers registered with NAE (its territorial agencies). The measures, equally addressed to individuals and employers, are implemented without any discrimination on gender, religion, ethnicity, etc. grounds. The employment incentives are provided to employers for hiring certain employment-disadvantaged group, such as: persons over 45 years of age, disabled, school leavers/graduates, young NEETs, long-term unemployed, young at risk of social marginalisation, etc. All the employment services and incentives offered/provided by NAE are free of charge.

To ensure more motivating employment policies and support for less employable persons, including the geographic mobility of the unemployed, the employment laws implemented by NAE were subject to a series of amendments in the reporting period.

45, employ on indefinite term unemployed over 45 years of age, single parent unemployed, long-term unemployed or young NEETs (incentive paid monthly for 12 months for each person hired from the above-mentioned categories, provided that employment or service relations continue for at least 18 months); as required by Law, have met their obligation to employ disabled persons pro rata to their total number of employees, as well as employers who are not subject to this legal requirement, if they hire disabled persons on indefinite term contracts and maintain the employment or service relations for at least 18 months; employers who employ on full-time unemployed who, within 5 years from being hired, meet the legal requirements for early or old age retirement (incentive paid monthly, throughout the duration of employment, until the employee meets the retirement requirements).

The amendments were mainly aimed at:

- A new approach to career information and counselling, by the introduction of profiling of classification of job seekers in several categories (levels) of employability: easy to employ, averagely difficult to employ, difficult to employ and very difficult to employ. As part of this service, persons profiled as “difficult” and “very difficult” to employ receive guidance services during their social and workplace integration, for not more than 3 months, with the employer’s agreement. Such services are provided by dully licenced public or private suppliers; before the adoption of the amendments to the regulations, the procedure for profiling/segmenting registered job seekers was piloted and the procedure was approved by Order no. 184/13.04.2016 of the NAE Chairperson. After Article 58 of Law no. 76/2002 MC was amended, the profiling procedure was updated and approved by Order no. 11/2018 of the Chairperson, published in the Official Gazette).
- Ensuring a more motivating framework for geographic mobility, by increasing the employment and installation allowances, but also by a new approach (employment allowances correlated to distances, installation allowances that also consider the relocation of spouses and children).
- Changing the amount of and manner of granting the employment allowance - the allowance is calculated at 0.5 lei/km, but not more than 55 lei/day, pro-rata to the number of days effectively worked at the new employer. The employment allowance is paid out monthly for 12 months to registered unemployed who, pursuant to the law, take up jobs further than 15 km from their place of domicile or residence;
- Changing the amount of and manner of granting the installation allowance - granted to registered unemployed who, pursuant to the law, take up a job further than 50 km from their place of domicile or residence and, as a result, relocate to the new or neighbouring community. The amount of installation allowance differs thus:
 - a) 12,500 lei to registered unemployed who, pursuant to the law, take up a job in a different location and, as a result, change domicile;
 - b) 15,500 lei to persons accompanied by family members who also change domicile;
 - c) where both spouses meet the requirements for chasing-in the installation allowance, one will receive 12,500 lei and the other 3,500 lei;
 - d) where persons who meet the requirements for chasing-in the installation allowance are provided by the employer or local or central authorities with housing or reimbursement of expenses from private or public funds, such persons receive each an installation allowance in amount of only:
 - 3,500 lei for the situations provided for at points a) and c);
 - 6,500 lei for the situation provided for at point b).
- the installation allowances provided for under points a), b) and c) are paid out in two instalments: 50% of the total amount at the time of relocation and 50% of the total amount when completing 12 months in employment;
- the installation allowance provided for under point d) is paid out in one instalment.

- the installation allowance is also granted for at least 36 months to Romanian citizens who have exercised their right to free movement of workers in the EU and EEA, in the amounts and in compliance with the requirements provided for by law.
- Defining the eligible group for the mobility allowances (employment allowance and installation allowance) such as to ensure that all the registered unemployed that reside in or relocate to the areas included in the National Mobility Plan, a Plan that is approved and updated by Government Decision on the proposal of the MMFPSPV;
- Granting a relocation allowance to unemployed who take up a job further than 50 km from their place of domicile or residence. This allowance represents 75% of the amount allocated to rent and utilities, but not more than 900 lei per month for 36 months. It is granted to persons whose net monthly income (single or with families) does not exceed 5,000 lei/month. The relocation allowance is not granted where the employer or local or central authorities provide housing or reimbursement of expenses from private or public funds.
- Increasing the subsidies granted to employers, by the payment of a lump-sum, giving up the correlation with the Reference Social Indicator. Moreover, these subsidies are to be granted for employing new categories, namely long-term unemployed and young NEETs, thus:
 - employers who employ school leavers on indefinite term contracts receive 900 lei per month for each employed school leaver, for 12 months, irrespective of the level of education (initially, the subsidy was differentiated by education level, from 500 to 750 lei);
 - employers who employ disabled school leavers on indefinite term contracts receive 900 lei for each employed school leaver, for 18 months (initially, the subsidy was 500 lei);
 - employers who employ unemployed over 45 years of age, long-term unemployed, young NEETs or unemployed single parents on indefinite term, full-time contracts receive 900 lei per month for each employed person of these categories, for 12 months, provided that the employment or service relations continue for at least 18 months (initially, the subsidy was 500 lei and did not include long-term unemployed and young NEETs);
 - employers who, as required by law, have met their obligation to employ disabled persons pro rata to their total number of employees, as well as employers who are not subject to this legal requirement, if they hire disabled persons on indefinite term contracts and maintain the employment or service relations for at least 18 months;
 - employers who employ on full-time unemployed who, within 5 years from being hired, meet the legal requirements for early or old age retirement, receive 900 lei per month throughout the duration of employment until the employee meets the retirement requirements (compared to 500 lei currently);

In 2018, the subsidies presented were increased to 2.250 lei.

- Back-to-work incentive for off-the-dole unemployed -500 lei activation allowance granted to unemployed registered for at least 30 days if they take up a full-time job for more than 3 months after the time of their registration with the employment agencies. In 2018, the

allowance was increased to 1000 lei and granted in two instalments: at the time of and 3 months from starting work.

- Incentives for school leavers aged at least 16 who, within 60 days from leaving school, register with employment agencies and take up a full-time job for more than 12 months - a labour market entry allowance equal to 3 times the Reference Social Indicator in force at the time of their employment. The allowance is paid out in two equal instalments: at the time of and 12 months from starting work. The employment allowance and the sum equal to the unemployment benefit (entitlements until the end of the legal period, if the beneficiary got a job) were eliminated with the introduction of this labour market entry allowance.
- Note: the incentives are paid out pro rata with the time worked by the employees in the above-mentioned categories, as well as for the annual leave.
- Changing the amounts of incentives granted for apprenticeships (Law 279/2005 MC) and internships for graduates (Law 335/2013), thus:
 - The monthly amount granted to an employer for each apprentice under contract, for the entire duration of the contract, to 2,250 lei (approximately 475 euro).
 - The monthly amount granted to an employer for each graduate under an internship contract, for the entire duration of the contract. The incentive is 2250 lei.
 - Aiming to tackle long-term unemployment, NAE was designated by law as contact point for long-term unemployed (SLD). With a view to integrating SLD, the territorial agencies of NAE enter employment contracts within 18 months from registration as unemployed.

The favourable development of the Romanian economy led lately to a reduction in the unemployment rate.

The registered unemployment rate calculated by NAE at the end of December 2018 was 3.31%, a historic low in the last 25 years. The unemployment continued to decrease throughout 2018, atypical for an economy with seasonal work. In 2018, the average number of unemployed was 310,067, whilst the average number of unemployed on the dole was 59,178 (19.1% of the total average number of unemployed).

The evolution of unemployment registered in the records of NAE, by the main components, is presented in *Annex 1*.

It should be noted that, against the backdrop of the changes made to laws such as to increase the incentives granted to employers and job seekers/unemployed, more persons took up a job due to geographic mobility subsidisation and incentivisation in 2018. Thus:

- In 2018, 30,753 persons were employed under scheme of subsidies granted to employers pursuant to Law no. 76/2002, as subsequently amended and supplemented, that is 5 % more than in 2017 (29,383 persons),
- 2,076 persons received mobility packages, that is 10% more than in 2017(1.879 persons),
- In 2018, there were almost 8 more apprentices than in 2017, that is 431 persons in 2017 vs. 3,364 persons in 2018,

- The number of university graduates in internships for whom subsidies were requested pursuant to Law no. 335/2013 increased from 71 in year 2017 to 100 in 2018.

At the same time, it should be mentioned that Romanian language and basic maths skills programmes were delivered to 396 persons.

For the period 2015-2018, the National Training Plan provided the following training targets:

- 2015: 44,650 persons planned to receive training;
- 2016: 44,626 persons planned to receive training;
- 2017: 41,942 persons planned to receive training;
- 2018: 37,511 persons planned to receive training.

The table below show the number of persons that received training in the period 2015-2018:

Year	Unemployed	Persons beneficiary of free services, other than unemployed	Persons beneficiary of free skills assessment services	Persons beneficiary on-the-job training in apprenticeships	Persons that do not qualify for free services	Total
2015	40371	632	184	129	2086	43,402
2016	26264	573	161	167	140	28,975
2017	23598	244	78	431	1712	26,063
2018	22011	205	55	3364	2477	28,112

Reasons for the low participation in vocational programmes:

- Decrease in the numbers of active population, according to the workforce balance;
- Continuous decrease of the unemployed stock;
- Decrease in the number of university graduates registered with the Agency;
- High share (more than 50% in some counties) of poorly educated (less than 8 forms) unemployed and job seekers (beneficiaries of Law no. 416/2001);
- During the reporting period, as required by the procedure for profiling very hard to employ persons (most registered unemployed are in this category), training services could not be recommended, since the beneficiaries did not meet the minimum education requirements for entering qualification programmes;
- Decreased interest of unemployed aged over 50, in particular women, to participate in training programmes;
- Impossibility to include seasonal unemployed (a significant part in the total unemployment) in training programmes, either for having been included in training programmes in previous winters or because they did not remain registered long enough;

- Cost-benefit ineffectiveness of training for unemployed that meet the access criteria, but already hold several qualifications;
- Lack of EU funded projects in which unemployed were motivated to participate by the subsidies received after completion of the programme, which was reflected in lowered interest for programmes that did not provide the same benefits;
- CRFPA's difficulties in organising a sufficiently large number of training programmes, delivered as close as possible to the residences of registered unemployed, to avoid transport costs that the unemployed cannot cover and wait for reimbursement;

Reasons for the low participation of beneficiaries of free training, others than unemployed:

- Prisoners failed to meet either the educational or legal (not longer than 9 months until the last day of the sentence, a requirement that was eliminated to allow prisoners to participate in training programmes throughout their time in prison) requirements for enrolling in the training programmes. For these reasons, the prisons could not select as many trainees from among the prisoners as planned;
- Difficulties in identifying trainers prepared to teach in prisons;
- Lack of applications by the local units of the National Prisons Administration.

Reasons for the low participation in the free skills assessment and certification services

- Low number of assessment centres;
- Difficulties in identifying potential beneficiaries of assessment and certification of skills for occupations for which authorised assessment centres do exist;
- Lack of applications from registered unemployed, motivating that they do not have all the specific skills comprised in a qualification;
- Job seekers prefer to participate in training programmes, because they do not have all the skills included in the occupational standard of the occupation/qualification.
- The cumbersome process and high costs of authorising assessment centres, as well as the low number of potential beneficiaries, limit the interest to authorise/re-authorise assessment centres.

Aspects on participation in apprenticeship programmes

Before the laws were amended and the subsidy for employers of apprentices was increased by OUG 60/2018 amending and supplementing certain employment regulations, companies, in particular those with few employees, refused to employ apprentices, deeming this measure as unattractive for the following reasons:

- Uncertainty of operation for the entire duration of the apprenticeship contract;
- Need for high investment in physical and human resources for implementing apprenticeship programmes, without any guarantee that those completing the qualification would stay on;

- Lack of experts meeting the requirements of the Apprenticeship Law for being appointed as apprenticeship coordinators;
- Extra financial effort for the employer to pay the apprenticeship coordinator and the need to relieve him/her of other tasks during the apprenticeship programme;
- The tasks and responsibilities of the apprenticeship coordinator seen to be too many and too complex, requiring much work, in particular in terms of developing the apprenticeship training programme as a component of the apprentice's work plan, considering that the coordinator is not familiar with the adult training regulations;
- Small employers do not have a human resources department capable of filling-in the paperwork required by law to receive the subsidy;
- Employers prefer skilled, experienced workforce, more so in the case of companies with few employees;
- Interest of job seekers for training programmes financed from EU funds, where they received incentives and food.

After the entering into force of OUG 60/2018 amending and supplementing certain employment regulations, whereby the incentive paid to employers that enter apprenticeship contracts was increased from 1,125 lei/month to 2,250 lei/month, the number of apprentices increased to 3364 in 2018 from 431 in 2017.

The share of expenditure on active measures in the total unemployment insurance budget increased from 24.69% in 2017 to 27.13% in 2018.

The trends in the number of participants in active incentivisation measures provided for by law and in the number of persons hired as a result of the annual programmes are presented in **Annex 2**.

The number of persons included in employment incentivisation measures is continuously falling, following the same trend as the registered unemployment figures.

The MMPS continuously monitors the effectiveness of the measures put in place by the SPO, based on the annual management performance contract agreed between the ministry of labour and the chairperson of NAE.

This contract sets forth qualitative indicators, such as: rate of filling of vacancies notified by employers and registered by NAE; employment rate of all the job seekers registered with NAE, rate of participation of unemployed in active measures; rate of young persons under 25 years of age who, in the first 4 months from registration, take up a job, participate in a training programme, enter an apprenticeship contract or an internship contract in the total number of registered persons aged under 25, etc.

These indicators are targets and are valued quarterly, half-yearly and yearly. The annual report on the implementation of the management performance contract is submitted for approval to the minister of labour and social protection. The specific work of the NAE is evaluated on this same occasion.

The performance levels planned in the management contracts and the actual figures for 2015-2018 are presented in **Annex 3**

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

Paragraph 2 - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)

1. Prohibition of discrimination in employment

Anti-discrimination regulations

- Government Ordinance no. 137 of 31 August 2000, republished, on the prevention and sanctioning of all forms of discrimination;
- Law no. 202/2002 on equal opportunities and treatment between men and women, republished, as subsequently amended and supplemented;
- Law no. 53/2003, republished - Labour Code, as subsequently amended and supplemented;
- Law no. 76/2002, as subsequently amended and supplemented; according to Article 4 (1), any kind of discrimination on criteria such as politics, race, nationality, ethnic origin, language, religion, social category, beliefs, gender and age is prohibited in the implementation of this Law.

Regarding the types of work places/activities from which foreigners are excluded because such jobs involve exercising public authority, we quote the provisions of Article 16 (3) and (4) of the Constitution of Romania, republished, as subsequently amended and supplemented:

(3) Access to public, civil, or military positions or dignities may be granted, according to the law, to persons whose citizenship is Romanian and whose domicile is in Romania. The Romanian State shall guarantee equal opportunities for men and women to occupy such positions and dignities.

(4) After Romania's accession to the European Union, the Union's citizens who comply with the requirements of the organic law have the right to elect and be elected to the local public administration bodies.

Regarding the burden of proof, Article 20 (6) of Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination provides 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.

Both the Court and NCCD interpret the provisions on the reversal of the burden of proof according to the applicable international standards and directives.

Article 272 of the Labour Code provides that the burden of proof in the labour disputes is on the employer, which shall submit the evidence for its defence by the first day of appearance.

Regarding the request for information on cases of workplace discrimination, including specifics of their nature and outcomes, sanctions imposed on employers and compensations awarded to employees:

➤ *Example from the NCCD case law:*

The Company Assystem Romania paid a 20,000 lei fine imposed on it by the National Council for Combating Discrimination (NCCD), after it compelled a female employee that had sued the company to tear papers by hand. The former employee of Assystem Romania who was tasked with tearing paper by hand won the lawsuit in first instance. The judges rejected the Company's application to set aside NCCD's decision and obliged it to pay the former employee 3,000 lei court charges. On 4 December 2013, the National Council for Combating Discrimination (NCCD) unanimously decided that "compelling a person to manually destroy documents deemed confidential, as a result of a lawsuit against the employer, which the person in question had won, is discrimination, harassment and breach of the right to dignity".

➤ *Example from the Court case law:*

An employee of the Community Assistance Department from Iasi will have to be paid moral damages in amount of 10,000 euros, after the Iasi Court of Appeal determined that he had been humiliated at the workplace. A. H. obtained the sentence after a number of lawsuits against the Community Assistance Department (DAC) of Iasi. A. H. has been an employee of this Department (subordinated to the Iasi City Court) since 2009. Following a conflict with persons from the management of the Department, in 2014, A. H. was fired from his position as driver. Then followed the first lawsuit filed by A. H., in which he asked the judges to annul the dismissal decision and reinstate him on the position. At the end of 2016, based on a final court decision, A. H. was reemployed, but, as shown in a decision by the Iasi Court of Appeal, he was harassed by his superiors. Thus, after returning to work, A. H. was not employed as driver, as the court had ordered, but he was not assigned a vehicle. However, he was assigned administrative tasks in one of DAC's centres, including washing the courtyard, painting fences or lawn mowing. Furthermore, A. H. was assigned different working hours than his co-workers

and, at one point, he was allegedly humiliated by his supervisors, when he was not permitted to come in at work with cakes, which he wanted to give to his co-workers for his birthday. Also, L. M., the Director of the entity, allegedly prohibited his subordinates to talk to A. H., and if any employee did talk to him, then they would be asked what about. In the lawsuit in which Henea asked to be awarded moral damages, the Court heard several witnesses, some of whom supported Henea's accusations and some of whom denied them and siding with the DAC management. In a recent final decision, the Court of Appeal ruled that: "The Court acknowledges the emotional and moral trauma suffered by the plaintiff in his professional and family life, with disturbance of the emotional balance and thus the infliction of moral damages. The effects of the psychological harassment perpetrated by the employer with direct consequences on workplace stability were not only manifest at the time of infliction but were perpetuated for the entire period after the events in question, until it may be possible to see a psycho-social-professional rehabilitation of the plaintiff". According to the Court judgment, the DAC management showed that A. H. allegedly had a bad attitude in relation to the management. "It was not demonstrated that the undersigned, through our representatives, ever compelled the plaintiff to do work involving digging trenches, cutting grass, painting fences or planting trees", shows the reasoning of the Judgment issued by the Iasi Court of Appeal.

2. Prohibition of forced labour

Work of prisoners

The main national regulations on the work of prisoners are:

- Law no. 254/2013²¹, (Chapter V - "Rights of convicts" - Article 78, Chapter VI. "Work performed by persons convicted to prison sentences" - Article 83 - Article 88),
- Government Decision no. 157/2016²² approving the rules for implementation of Law no. 254/2013 on the serving of prison sentences and detention measures ordered by judicial bodies during the criminal trial (Chapter VI. "Work performed by prisoners" - Article 173 - 186),
- The Instructions on the organisation of work done by prisoners of 25.09.2017²³, which, among others, regulate: the planning, organisation and contracting of workforce; procedure and criteria for selection and allocation to workplaces; keeping records of the work performed by prisoners and related rights; calculating the number of days worked and days deducted from the sentence due to working or participating in education and/or training programmes; calculating the income obtained from work by prisoners; settling disputes in the performance of agreements for using prisoners at work.

²¹ on the serving of prison sentences and detention measures ordered by judicial bodies during the criminal trial, Official Gazette, Part I no. 514 of 14 August 2013.

²² Official Gazette, Part I no. 271 of 11 April 2016.

²³ Official Gazette, Part I no. 904 bis din 17 November 2017.

- In essence, the body of applicable regulations indicates that work is a right, and not an obligation for convicted persons. Work is remunerated, and convicts are protected by labour laws and can contribute to the social security system.
- The services agreements are entered into by the prison, represented by the director, and the client of the services and are subject to negotiation. Templates for services agreements between prisons and companies are presented in Annexes 1a and 1b of the above-mentioned Instructions.
- Decision no. 500165/2017 of 25 September 2017 of the Director General of the National Administration of Prisons approving the Instructions on the organisation of work done by prisoners.

Also, according to Article 78 *Right to work* of Law no. 254/2013 “convicts may be asked to work based on” several criteria, occasion on which „the prisoners selected to work sign a **commitment** that states the rights, obligations and prohibitions set forth by law and applicable during the time of carrying out work and that is kept on the individual record. The commitment (...) also includes provisions on the possibility to enter an insurance contract and contribute to the state social insurance system, pursuant to Article 87 (2) of the Law” (Rules for implementation of Law no. 254/2013 on the serving of prison sentences and detention measures ordered by judicial bodies during the criminal trial²⁴ - Article 174 (3) and (4).

➤ Specifically, regarding the **remuneration of work performed by prisoners**, we provide the following unexhaustive list of provisions:

Law no. 254/2013²⁵	
ART 86	<p><u>Payment for work performed</u></p> <p>(1) The income received by prisoners for their work shall not be deemed to be wages and shall not be taxed according to the regulations on the taxation of natural persons’ income.</p> <p>(2) The income may not be lower than the minimum guaranteed national gross wages, in correlation with the working hours.</p> <p>(3) Work performed pursuant to <u>Article 83</u> (1) c) - e) shall not be remunerated.</p>
ART 87	<p><u>Allocation of revenue</u></p> <p>(1) The income provided for in <u>Article 86</u> shall be cashed-in by the administration of the prison where the convict is held and allocated thus:</p> <p>a) 40% of the income to the prisoner, who may use 90% of it while serving the prison sentence and 10% shall be deposited on his/her name with the State Treasury and cashed in at the time of release from prison;</p> <p>b) 60% of the income to the prison administration, representing own income, recorded and used according to the regulations on public finances.</p>

²⁴ H.G. no. 157/2016 of 10 March 2016 approving the Rules for implementation of Law no. 254/2013 on the serving of prison sentences and detention measures ordered by judicial bodies during the criminal trial.

²⁵ Law 254/2013 on the serving of prison sentences and detention measures ordered by judicial bodies during the criminal trial.

	<p>(2) The prison administration shall be required to inform the prisoner that he/she may enter a contract to contribute to the national social security scheme from the income received for the work rendered while serving the prison sentence. The contribution to the national social security scheme may be paid from the 90% share provided for at (1) a) and allocated to the convict.</p> <p>(3) Where the prisoner was ordered to pay civil damages that were not paid up by the time of arrival in the prison, 50% of the share provided for at (1) a) shall be used to make good the loss caused to the claimant.</p> <p>(4) If the prisoner gives up his/her 40% share to the prison, the work shall be deemed unremunerated and the number of days served for worked days shall be calculated pursuant to <u>Article 96 (1) b)</u>.</p>
Rules for implementation of Law no. 254/2013, approved by H.G. no. 157/2016²⁶	
ART 175	<p>(3) The rates for the work to be carried out shall be negotiated between the prison administration and the client, and may not be lower than the minimum guaranteed national gross wages, in correlation to the working hours set forth in the contract. The rates may also be agreed in the contract based on work output timing tests carried out in the presence of representatives of both contracting parties.</p>
ART 183	<p>Income from services and manufacturing carried out independently by the prison</p> <p>(1) The income from the provision of services shall be cashed in in lei.</p> <p>(2) The income from the provision of services may not be lower than the minimum guaranteed national gross wages, in correlation to the working hours and, as applicable, the delivery of the timed work, as determined in output timing tests carried out in the presence of representatives of both contracting parties. The services contract shall state whether the work is based on timed workloads. [...]</p>
ART 184	<p>Allocation of income</p> <p>(1) The income earned by prisoners for their work shall be cashed-in by the administration of the prison where the convict is held and allocated pursuant to <u>Article 87 (1)</u> of the Law.</p> <p>(2) The money representing the 90% share of the income allocated to prisoners shall be recorded in the individual accounting sheet and may be used while serving the prison sentence, pursuant to <u>Article 70 (4)</u> of the Law.</p> <p>(3) The money representing the 10% share of the income allocated to prisoners shall be recorded in the individual accounting sheet and shall be kept on their name with the State Treasury, o be cashed in at the time of release from prison.</p> <p>(4) Where the prisoner was ordered to pay civil damages that were not paid up by the time of arrival in the prison, the 50% share of the 90% share allocated to the prisoner pursuant to <u>Article 87 (1) a)</u> of the Law shall be used to make good the loss caused to the claimant, in compliance with the provisions of the Code of Civil Procedure.</p>

²⁶Government Decision no.157/2016 approving the Rules for implementation of Law no. 254/2013 on the serving of prison sentences and detention measures ordered by judicial bodies during the criminal trial.

Decision of the Director General of ANP no. 500165/2017²⁷	
ART 9	(3) The services contracts shall be negotiated on terms that are as advantageous as possible for the prison. Depending on the quantity of work, the contracts shall include clauses on: number of prisoners needed, working hours, rate per time or product unit. The negotiated hourly rate may not be lower than the minimum national gross wages.
ART 53	(1) Prisoners shall be remunerated for work performed based on a services contract independently or pursuant to <u>Article 83</u> (1) f) of the Law. (3) For activities carried out independently by the prison, the prisoners shall be remunerated at the rate of the minimum national gross wages , in correlation to the working hours and, as applicable, the delivery of the timed work.
ART 54	(2) Based on the indicators listed below, the personnel and payroll officer shall calculate the income from services rendered , thus: a) average number of prisoners employed per work team - calculated as the ratio of effectively worked hours to the total number of working hours in a month plus overtime, including overtime in holidays; b) total income from services rendered - calculated by adding up the values of all work notes and represents the value of the work performed by the prisoners; c) average gross income generated by one prisoner - calculated as the ratio of the total income from services rendered obtained in one month to the average number of prisoners used per work team; d) average gross hourly income generated by a prisoner - calculated as the ratio of the total income from services rendered in a month to the effectively worked hours; e) minimum national gross hourly wages - determined by government decisions; f) wages index - calculated as the ratio of the average gross hourly income generated by a prisoner to the minimum national gross hourly wages or as the ratio of the average gross income per prisoner to the minimum national gross wages; g) gross monthly income - calculated by multiplying the negotiated hourly rate with the number of hours worked in a month.
ART 55	The moneys due to the prisoners employed in remunerated work shall be calculated at the negotiated hourly rates or at the rate of the minimum national hourly wages, of which 40% shall be allocated to the prisoner and 60% to the prison administration, the later representing own income, recorded and used according to the regulations on public finances.
ART 56	(1) The moneys due to the prisoners employed in the provision of services shall be calculated at the negotiated hourly rates, considering the number of worked hours. (2) Where work output is timed, the income due to prisoners shall be calculated based on the negotiated rates per unit of time or unit of output, considering the achievement of output targets. The work output targets shall be determined in work timing tests carried out in the

²⁷ Decision of the General Director no. 500165/2017 approving the Instructions on the organisation of work performed by prisoners held in the facilities of the National Administration of Prisons.

	<p>presence of representatives of both contracting parties and recorded in a report indicating the name of work operation, time measured per unit of output and the rate per unit of output.</p> <p>(3) Where the timed work is remunerated at a negotiated hourly rate, the income due to prisoners shall be calculated considering the total number of hours worked, depending on the achievement of output targets. If the work may be broken down by operation, unit of measurement or quantity of output, the consolidated report presented in <u>Annex no. 12</u> shall be prepared, attached to and permanently accompany the list of individual prisoners taken out to work, in order to keep daily track of the work carried out, hours worked (granted) and money due to each prisoner.</p> <p>(4) Where timed work is paid at different rates by unit of measurement, the money due to prisoners shall be calculated based on the units of measurement achieved. To keep track of the work performed, the head of the workplace shall use the template provided in <u>Annex no. 13</u> to fill-in a consolidated report for each prisoner. The consolidated report shall be attached to the list of individual prisoners taken out to work.</p> <p>(5) Where prisoners work in teams on any particular operation that cannot be broken down by activities, the average number of hours worked by each individual shall be calculated by dividing the total number of hours worked by the team to the number team members. The average number of hours worked by each prisoner shall be calculated at the end of each month or on the completion of the work order, as well as on release from prison, transfer to another facility, transfer to detention and pre-trial custodial centres of the Ministry of Internal Affairs for investigation purposes or for a suspension of the serving of the sentence or when the number of the team members changes.</p>
<p>ART 57</p>	<p>(1) In the case of prisoners employed for independent operations of the prison and paid the minimum national gross wages, the money due shall be calculated at the minimum national gross wages hourly rate, considering the total number of hours worked.</p> <p>(2) Where work is timed, the money due to prisoners shall be calculated at the minimum wage hourly rate, considering the total number of hours worked and the delivery of the timed production output.</p> <p>(3) Where work is timed and can be broken down by operation / unit of measurement / quantity of output, the consolidated report presented in <u>Annex no. 12</u> shall be prepared and attached to the list of individual prisoners taken out to work, in order to keep daily track of the work carried out, hours worked (granted) and money due to each prisoner. The standard times required for carrying out each operation or making a unit of product shall be determined based on work output timing tests carried out in the presence of a board designated by the facility director and recorded in reports.</p>
<p>ART 62</p>	<p>(1) The work carried out by persons detained pursuant to <u>Article 83, (1) a), b) and f)</u> of the Law shall be remunerated at different rates by type of activity, but no less than the minimum national wage.</p> <p>(2) The remuneration due to a person interned in an educational or detention centre shall be distributed thus: 50% to the inmate, who may use the share allowed for by law while serving the correction time, and 50% to the centre or prison administration, to be cashed-in, accounted for and used as provided for by the relevant public funds regulations.</p> <p>...</p>

➤ Regarding the working hours of prisoners, we provide the following unexhaustive list of provisions:

Law no. 254/2013	
ART 85	<p>Working time/hours</p> <p>Prisoners shall work the hours provided for by the labour laws.</p>
Rules for implementation of Law no. 254/2013, approved by H.G. no. 157/2016	
ART 181	<p>Working time</p> <p>(1) The working time shall be 8 hours per day and not more than 40 hours per week, except where otherwise provided by the labour laws.</p> <p>(2) Women who are pregnant or have and care for children up to 1 year old may not work in noxious or harmful environments and may not be required to work more than 8 hours a day.</p> <p>(3) Prisoners over 60 years of age, old age or grade III incapacity pensioners may only perform work on their request.</p> <p>(4) Overtime beyond the standard weekly working hours shall only be permitted with the prisoner's agreement, except where otherwise provided for by the labour laws.</p>
ART 182	<p>Night work</p> <p>(1) Night work may be carried out by prisoners' written agreement. Night work is work carried out between 22 - 06 hours, irrespective of the number of hours.</p> <p>(2) Women who are pregnant or have and care for children up to 1 year old may not do night work.</p>
ART 314	<p>(2) In the case of the underage, the working hours shall be 6 hours per day and 30 hours per week. Underage may not work nights or do hard, harmful or hazardous work. Their working day may not be extended beyond 6 hours.</p>
Decision of the General Director of ANP no. 500165/2017 ²⁸	
ART 40	<p>(7) Working time shall be the number of hours allocated for prisoners' participation in paid work and shall be determined considering the applicable regulations on working hours, specifics of work carried out, season and distance from the workplace to the detention facility. The working times shall be determined jointly by the director of the detention facility and the representative of the client and be stated in the contract. The parties shall be required to take the organisational measures needed to ensure compliance with the working time.</p>
ART 50	<p>ARTICLE 50</p> <p>(6) Paid work carried out between 22⁰⁰ and 06⁰⁰ hours, irrespective of the duration, shall be deemed night work, for which prisoners shall be entitled to the corresponding legal rights.</p>

²⁸ Decision no.500165/2017 of the Director General approving the Instructions on the organisation of prisoners held in the facilities of the National Prisons Administration.

ART 61	(2) Underage detainees may work up to 6 hours per day and not more than 30 hours per week.
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➤ Regarding **other working conditions and social protection (work accidents, unemployment, health and retirement age)** we provide the following unexhaustive list of provisions:

Law no. 254/2013	
ART52	(6) Should a prisoner die as a result of a work accident or occupational disease developed whilst serving a prison sentence, the prisoner's heirs shall receive survivor benefit, pursuant to the law.
ART83	(4) The prisoner who, whilst serving a prison sentence, becomes incapable of working as a result of a work accident or occupational disease shall receive an invalidity pension , pursuant to the law. (5) The relevant health and safety at work regulations shall equally apply to convicted prisoners. (6) Diplomas, certificates or any other documents attesting the learning of a trade, qualification or requalification whilst serving a prison sentence shall be recognised pursuant to the law.
ART84	Work in special cases Convicts who are pregnant or have given birth whilst serving a prison sentence and are caregivers to children up to one year of age may not do night work nor may they work in places that are harmful, dangerous or pose a hazard to their health hazardous places.
ART87	(2) The prison administration shall be required to inform the prisoner that he/she may enter a contract to contribute to the national social security scheme from the income received for the work rendered while serving the prison sentence. The contribution to the national social security scheme may be paid from the 90% share provided for at (1) a) and allocated to the convict.
ART163	(7) The prison administration shall be required to inform the underage prisoner that he/she may enter a contract to contribute to the national social security scheme from the income received for the work rendered while serving the prison sentence. The contribution to the national social security scheme may be paid from the 90% share provided for at (6) a) and allocated to the underage prisoner.
Rules for implementation of Law no. 254/2013, approved by H.G. no. 157/2016	
ART106	Medical examination Within 72 hours from arrival, the prison physician shall carry out a full clinical examination of the prisoner, including any required paraclinical investigations, such as to determine his/her health status, medical and food requirements and work capacity within not more than 21 days. All findings shall be recorded in the medical sheet. [...]

ART112	(8) Working prisoners shall be provided with personal protective equipment by the administration of the place of detention. Natural or legal persons employing prisoners for work where protection equipment is required shall be required to provide such equipment.
ART115	(5) Should a prisoner die as a result of a work accident or occupational disease developed whilst serving a prison sentence, the prison administration shall inform the persons and entities set forth in <u>Article 52</u> (1) of the Law, as well as the Territorial Labour Inspectorate.
ART159	(3) Within 72 hours from arrival, the prison physician shall carry out a full clinical examination of the prisoner, including any required paraclinical and laboratory investigations, such as to determine the following within not more than 21 days: ... c) work capacity.
ART175	<p>Contract-based work</p> <p>(1) Prisoners shall be employed for work pursuant to <u>Article 83</u> (1) a) of the Law based on a services contract entered into by the prison director as provider and the client for the work, hereinafter referred to as the <i>client</i>.</p> <p>(2) The names or personal data of prisoners who are to carry out the work shall not be nominated in the services contracts.</p> <p>(3) The rates for the work to be carried out shall be negotiated between the prison administration and the client and may not be lower than the minimum guaranteed national gross wages, in correlation to the working hours set forth in the contract. The rates may also be agreed in the contract based on work output timing tests carried out in the presence of representatives of both contracting parties.</p> <p>(4) Where the client fails to comply with statutory or contractual provisions regarding the employment of prisoners for work, the director of the detention facility shall request the client to take compliance measures within 24 hours. If the required measures are not taken within the 24 hours deadline, the director may order the partial or total withdrawal of the prisoners for a limited unlimited period of time.</p> <p>(5) The client shall be required to provide: equipment, plant and materials, work management, food serving areas, drinking water, required technical assistance, training, health and safety, toilets and, if applicable, facilities required for workplace guarding and supervision. The internal regulations developed by the National Administration of Prisons shall apply for notifying, investigating, registering and reporting vents involving prisoners.</p> <p>(6) In as much as possible, the prison director shall be required to enter contracts that are as advantageous as possible, charging the client with covering the cost of health and safety measures, transport of prisoners, guards, supervision personnel, food and hygiene materials to the workplaces.</p> <p>(7) The provisions of <u>Article 174</u> shall apply accordingly.</p>
ART181	(2) Women who are pregnant or have and care for children up to 1 year old may not work in noxious or harmful environments and may not be required to work more than 8 hours a day.

	<p>(3) Prisoners over 60 years of age, old age or grade III incapacity pensioners may only perform work on their request.</p> <p>(4) Overtime beyond the standard weekly working hours shall only be permitted with the prisoner's agreement, except where otherwise provided for by the labour laws.</p>
Decision of the General Director of ANP no. 500165/2017	
ART6	<p>(4) Prisoners may only be employed for contract-based or volunteer work (in case of calamities) or in other cases, pursuant to <u>Article 83 f)</u> of the Law, after contracts are entered into by the prison, represented by the facility director, as provider, and the client for the workforce.</p> <p>(5) Prisoners shall be employed for work in compliance with the procedure and criteria for work selection and allocation, ensuring security measures depending on the imprisonment regime, preparing the workplace organisation and operation documents, preparing and equipping workplaces, ensuring health and safety, preparing work records and awarding the compensations due for the work rendered.</p>
ART12	<p>(1) The services contracts shall stipulate the client companies' obligation to provide at their expense all the health and safety and emergency training and measures for the prisoners and security and supervision personnel.</p> <p>(2) The prison health and safety officer shall monitor the workforce client's compliance with all the legal health and safety requirements and, when he/she identifies breaches of regulations, shall inform the prison director.</p> <p>(3) During the work carried out at workplaces, the individual/collective health and safety training sheets shall be kept by the head of the workplace.</p>
ART61	<p>(1) Persons convicted to an educational custodial sentence in an educational or detention centre or who are continuing to serve the educational sentence in a prison may, in compliance with the labour regulations, carry out work that is suitable to their physical development, skills and knowledge, if by doing so their health, development, education or training are not jeopardised, only with the physician's agreement.</p> <p>(3) Committed underage persons may not work nights or at hard, harmful or dangerous workplaces.</p>
<p>ANNEX 1C</p> <p><u>ARTICLE 5</u></p> <p>(2) The client undertakes:</p> <p>... d) to ensure drinking water sources, food service areas, toilets, hygiene-sanitary materials and, if necessary, spaces for storing individual protective equipment and any facilities required for guarding prisoners at the workplace;</p> <p>...</p> <p>h) to ensure, pursuant to the law, the health and safety conditions, as well as the food and personal protective equipment for the prisoners, guards and supervisors, depending on the nature and characteristics of the effective work;</p> <p>...</p>	

o) to provide transport of prisoners who are victims of work accidents to the infirmary of the detention facility or the nearest hospital;

...

s) to ensure, pursuant to the law, **health and safety conditions**, as well as the food and personal protection equipment for the prisoners, guards and supervisors, depending on the nature and characteristics of the effective work;

Domestic work

The provisions of Article 108-110 of Law no. 53/2003 - Labour Code, republished, as subsequently amended and supplemented, regulate home-based work. Thus, those employees who perform at their domicile the duties specific to the position they hold are considered home-based workers. They set their own work schedule, in order to fulfil their job duties. The employer has the right to check the activity of the home-based worker, under the conditions established by the individual labour contract.

The individual contract for home-based work shall be concluded only in written form and shall contain, in addition to the elements provided for in Article 17 (3) of the Labour Code, the following:

- a) the express indication that the employee works at home;
- b) the program when the employer has the right to check the activity of the employee and the concrete way of carrying out the said check;
- c) the obligation of the employer to ensure transport to and from the domicile of the employee, as the case may be, of the raw materials and materials that they use in their activity, as well as of the finished products that they make.

At the same time, the home-based employee enjoys all the rights recognized by the law and by the collective labour contracts applicable to the employees whose work place is at the employer's headquarters. Other specific conditions regarding home-based work can be established through collective labour contracts and/or individual labour contracts, in accordance with the legislation in force.

Last but not least, Law no. 81/2018 stipulates the manner in which the employee performs the activity in the telework regime, through which the employee, on a regular and voluntary basis, fulfils their job, occupation or profession specific duties, in a place other than the workplace organized by the employer, at least one day a month, using information and communication technology. The teleworkers organize their work program in agreement with the employer, in accordance with the provisions of the individual labour contract, the internal regulation and/or the applicable collective labour contract, within the law.

In Romania, the prohibition of forced labour is regulated in Article 42 of the Constitution and Article 4 of the Labour Code. Romania also ratified the International Labour Organization Conventions no. 29 - regarding forced or compulsory labour (ratified in 1957), respectively Convention no. 105 on the abolition of forced labour (ratified in 1998).

Regarding the existence of forced labour in the domestic environment, with the authorized natural persons and in the individual and family enterprises, we make the following clarification:

According to the provisions of EOG no. 44/2008 regarding the conduct of economic activities by authorized natural persons, individual and family businesses, amended and supplemented

- “the authorized natural person can carry out the activities for which he/she is authorized, alone or together with maximum 3 employees, with an individual labour contract, concluded and registered under the Law;
- the individual enterprise can employ no more than 8 employees, third parties, with individual labour contract concluded and registered under the conditions of Law;
- The family enterprise cannot employ third parties with a work contract.

The labour inspectors within the thematic or unexpected controls regarding the identification of the undeclared work control the way in which the authorized natural persons, the individual companies and the family enterprises respect the legal provisions regarding the conclusion of the individual labour contracts. “For non-compliances to the Labour Code, the labour inspectors enact mandatory measures and hand down contravention sanctions”.

Also, in Law no. 53/2003 - Labour Code, republished and subsequently amended and supplemented, is established in Article 260 1 letter f that the provision of work by a person without the conclusion of an individual labour contract constitutes a contravention and is sanctioned with a fine from 500 lei to 1000 lei.

The situation of the sanctions applied to the natural persons detected to have worked without the conclusion of an individual labour contract, for the period 2015-2018 is the following:

INDICATORS	Year	Year	Year	Year
	2015	2016	2017	2018
no. of sanctions applied to the natural persons found to perform an activity without individual labour contract, of which:	1594	996	785	1107
- fines	161	86	75	134
the value of the fines applied (lei)	109.000	44.700	51.810	148.150

With regard to "domestic work", the major impediment in carrying out inspections is related to the fact that labour inspectors can only enter the home of the natural person that uses this type of work only on the basis of the owner's consent or of a special permit issued by the competent authority.

3. Other aspects of the right to earn one's living in an occupation freely entered upon ***Minimum periods of service in the Armed Forces***

The compulsory military service, as a full-service / reduced service conscript, is suspended as of January 1, 2007, according to Law no. 395/2005 regarding the interruption in time of peace of the compulsory military service and the transition to the military service on a voluntary basis, as subsequently amended and supplemented.

During the state of war, the state of mobilization, as well as during the state of siege, the execution of military service becomes mandatory, under the conditions of the Law.

Also, according to the provisions of Article 41 1 of Law no. 80/1995 regarding the Status of military personnel, as subsequently amended and supplemented, the persons who are to become military personnel as a result of graduating a military educational institution for training officers, military masters or non-commissioned officers, upon admission to the institution, conclude with the Ministry of National Defence contracts with a duration of 8 years from their appointment in the first position.

By way of exception, the aviation steering personnel conclude contracts with the ministry for a period of 12 years from their appointment to the first position.

The persons who are to become military personnel as a result of graduating a training course for officers, military masters or non-commissioned officers, conclude contracts with the ministry for a period of 4 years, before completing the course.

In the event that, before the expiry of the established period, the military personnel terminate the contract by resignation, they are obliged to reimburse the living and training expenses during the schooling, pro-rata to the contract period remaining unfulfilled.

The same obligation to reimburse the living and training expenses during the schooling is incumbent on the military personnel if they are retired by the Ministry of National Defence, according to Article 85 1 i) - l), Article 87 and 88 of the Statute, before the expiry of the first contract.

Contracts may also be terminated upon agreement of both parties if the military personnel are retired in order to be appointed in a civilian, public service, with the mention of them being retired or upon request, for well-founded reasons. In these cases, the parties have no obligations to each other.

The rules for reimbursement by the military personnel of the living and training expenses during the schooling are established by the Order of the Minister of National Defence no. M 111/2011, as subsequently amended and supplemented, the fundamental act being published in the Official Gazette of Romania, Part I, no. 909 of 21 December 2011.

Privacy at work

The Romanian labour legislation is based on the observance of certain principles within the framework of the working relations. Thus, the employees are guaranteed in accordance with

the provisions of Article 3, in conjunction with those of Article 4 of Law no. 53/2003 - Labour Code, republished, as subsequently amended and supplemented, rights such as:

- the right to work, which cannot be restricted;
- the right of the person to freely choose his/her job and the occupation, profession or activity to be performed;
- the right of persons to work or not to work, as the case may be, in a particular job or profession, whatever they may be;

Any individual labour contract concluded with the violation of the aforementioned rights is void. At the same time, we mention that forced labour is forbidden.

Last but not least, Article 39 e) of Law no. 53/2003 - Labour Code, republished, as subsequently amended and supplemented, provides the right of the employee to dignity in work.

Regarding the interferences in the personal or private life that can be associated or resulted from the working relationship, Law no. 81/2018 regarding the regulation of the telework activity provides:

ARTICLE 2

For the purposes of this law, the terms and expressions below have the following meanings:

- a) telework- the form of work organization by which the employee, on a regular and voluntary basis, fulfils their specific duties for the position, occupation or profession that they hold, in a place other than the work place organized by the employer, at least one day per month, using information and communication technology;
- b) teleworker - any employee who carries out their activity under the conditions stipulated under a).

ARTICLE 3

(1) The telework activity is based on the agreement of the parties' will and is expressly provided in the individual labour contract once it is concluded for the newly hired staff or in an addendum to the existing individual labour contract.

(2) The refusal of the employee to consent to the activity of telework cannot constitute a reason for unilateral change of the individual labour contract and cannot constitute a reason for any disciplinary sanction.

ARTICLE 4

(1) In order to fulfil their duties, the teleworkers organize their work program in agreement with the employer, in accordance with the provisions of the individual labour contract, the internal regulation and/or the applicable collective labour contract, within the law.

(2) At the request of the employer and with the written agreement of the full-time teleworker, he/she may perform extra work.

(3) The employer is entitled to verify the activity of the teleworker, under the conditions established by the individual labour contract, the internal regulation and/or the applicable collective labour contract, under the conditions of the Law.

ARTICLE 5

(1) The individual labour contract is concluded and modified, as the case may be, for the employees who carry out the telework activity, under the conditions provided by Law no. 53/2003 - Labour Code, republished, as subsequently amended and supplemented.

(2) In the case of telework activity, the individual labour contract contains, in addition to the elements provided for in Article 17 (3) of Law no. 53/2003, republished, as subsequently amended and supplemented, the following:

- a) the express indication that the employee works in the telework regime;
 - b) the period and/or the days in which the teleworker performs his/her activity at a work place organized by the employer;
 - c) the place(s) where the telework activity takes place, agreed by the parties;
 - b) the program when the employer has the right to check the activity of the teleworker and the concrete way of carrying out the said check;
 - e) the way of highlighting the working hours provided by the teleworker;
- (...)

ARTICLE 6

(1) The teleworker shall benefit from all the rights recognized by the law, by the internal regulations and the collective labour contracts applicable to the employees who have the work place at the employer's headquarters or domicile.

ARTICLE 11

It constitutes a contravention and the following actions are sanctioned:

- a) non-observance of the provisions of Article 5 (2) a) regarding the obligation to expressly stipulate in the individual labour contract or in the addendum to it the provision of an activity in telework regime, with a fine of 10,000 lei for each person;
 - b) carrying out the activity in telework regime without complying with the provisions of Article 3 (1), with a fine of 5,000 lei;
 - c) non-observance of the provisions of Article 4 (2), with a fine of 5,000 lei;
 - d) conclusion of the individual labour contract without stipulating the clauses provided for in Article 5 (2) b) - j), with a fine of 5,000 lei;
- (...)

Paragraph 3 - Free placement services

According to Article 1 (1) of Law no. 202/2006 on the organization and operation of the National Agency for Employment, as subsequently amended and supplemented, National Agency for Employment is a public institution of national interest, with legal personality, under the authority of the Ministry of Labour and Social Protection.

As the invoked Law states, subordinated to the National Agency for Employment are the county employment agencies and the Bucharest municipality employment agencies, decentralized public services.

The county and Bucharest municipality employment agencies are decentralized public services, constituted at county level, as well as at the level of the municipality of Bucharest, which mainly have the following tasks: ensure the registration of the job seekers and the unemployed, under the conditions of the Law; ensure registration of vacancies communicated by employers according to the Law; advise and guide job seekers and connect employers with job seekers in order to establish labour or work relations; accredit, under the conditions of the Law, the specialized service providers in order to stimulate employment; provide information and advisory services for persons wishing to work in the Member States of the European Union and in the States signatory of the Agreement on the European Economic Area, as well as in other countries with which Romania has concluded treaties, conventions, agreements and arrangements.

In order to carry out their tasks, with the approval of the board of directors, local employment agencies, own professional training centres, as well as work places, units without any legal personality will be created under the county and the Bucharest municipality employment agencies.

Regarding the legal provisions invoked, the specialized services aimed at increasing the chances of employment of job seekers, among them those regarding the advising and orientation of job seekers and those through which the employers are connected with the job seekers in order to establish employment or work relations, are provided, as expressly stated by the legal provisions invoked, by the county and the Bucharest municipality employment agencies, as well as in accordance with the legal provisions in this matter by the local employment agencies and work points, which are units without legal personality constituted under the county and the Bucharest municipality employment agencies.

The following table summarizes the situation of the personnel employed in the National Employment Agency, including the county agencies, the local agencies and the work points, for the reference period, being presented summary data for the entire country regarding the employees who work directly with the employed:

National Agency for Employment	2015	2016	2017	2018
Total number of staff employed	2,078	2,085	2,055	1,973
Number of employees working directly with the public	1,432	1,464	1,444	1,381

Number of employees performing advisory and information activities	719	726	724	674
Number of persons employed related to the number of unemployed	636	518	506	472
Number of job seekers	838,067	700,193	680,206	609,408

Regarding the accreditation of the specialized service providers for the stimulation of employment, this is carried out according to the provisions of Law no.76/2002, as subsequently amended and supplemented, and as provided by the accreditation criteria of the specialized service providers for stimulating employment, approved by Government Decision no.277/2002, as subsequently amended and supplemented.

As provided by Article 2 (1) of the accreditation criteria invoked, the specialized services for the stimulation of employment consist of:

- a) information and advisory services
- b) labour mediation services in the internal market.

The specialized services for the stimulation of the workforce are provided by the county or the Bucharest municipality employment agencies or by other service providers from Romania or from the Member States of the European Union or of the European Economic Area, accredited under the conditions stipulated by the criteria of such accreditation or, as the case may be, subject to the notification procedure.

Providers of specialized services that stimulate employment can be legal persons from the public or private sector or natural persons authorized to carry out an independent activity, according to the Law.

The accreditation of the service providers is done by the National Agency for Employment, through the county employment agencies and respectively of the Bucharest municipality employment agencies, in whose territorial area they have their headquarters or, as the case may be, their domicile/residence.

Providers of specialized services that stimulate employment from the Member States of the European Union and from the European Economic Area for which, for the provision of these services, it was not necessary to obtain an accreditation or authorization under the legislation of the state of origin, thus not being subject to conditions of accreditation or authorization in the case of the performance of these activities in Romania, are subject to the same accreditation conditions as the suppliers from Romania, with the exception of the employment service providers who intend to provide such cross-border services across Romania, on a temporary or occasional basis, and which in case of their activity in Romania are subject to the notification procedure.

The providers of specialized services for the stimulation of employment from the Member States of the European Union and in the European Economic Area who have been subjected to such a condition in the state of origin or provenance are not subject to accreditation.

The providers accredited under the conditions of the Law, can provide specialized services for stimulating employment, financed from the unemployment insurance budget, based on

contracts concluded with the county employment agency or a Bucharest municipality employment agency, as a result of the selection made, according to the procedures provided by the legislation in force regarding public procurement.

The accredited specialized service providers for the stimulation of employment have the obligation to communicate on a monthly basis to the employment agencies in whose radius they have the headquarters, the data regarding the number of the unemployed mediated and employed.

Paragraph 4 - Vocational guidance, training and rehabilitation

The National Agency for Employment is concerned with improving the services provided to persons with disabilities and therefore promotes a project in partnership with the National Authority for the Disabled, through which it aims to support the facilitation of the insertion on the labour market of persons with disabilities.

The general objective of the project is to ensure the access of persons with disabilities, on an equal basis with others, to the physical, informational and communicative environment in order to increase the chances of employment and the share of persons with disabilities employed on the free labour market.

The specific objectives of the project are: to stimulate the employment of disabled job seekers who benefit from information and professional counselling services, labour mediation or vocational training from the employment agencies by granting subsidies to the employers; supporting disabled job seekers registered with the Public Employment Services (SPO), in accessing and using assistive technologies and devices and access technologies in order to increase the employment chances; providing support to employers for making jobs accessible in order to increase the employment rate of the disabled job seekers and benefit from information and professional counselling services, labour mediation or vocational training from the employment agencies.

Article 9 Right to vocational guidance

1. Career Guidance and Counselling Centres (CCOC)

At the level of the state or private higher education institutions from Romania, the Career Counselling and Guidance Centres, called CCOC, are functioning as structures without legal personality and are regulated by the Order of the Minister of National Education (OMEN) no. 650/2014 for the approval of the Framework Methodology regarding the organization and functioning of career counselling and guidance centres in the Romanian higher education system.

In accordance with Article 3 of OMEN no. 650/2014, "CCOC fundamentally aims to provide new employment opportunities for the young people in the educational system, through counselling and career guidance activities aimed at:

- a) orientation and counselling of the pupils/students so that they are able to optimally plan and manage their own educational path;
- b) the reduction of the university dropout caused by vocational reasons or career orientation, as well as by personal reasons or reasons related to the adaptation to the university environment;
- c) facilitating the relationship between the student and the labour market, so that they know the real needs and challenges of the labour market;
- d) increasing the employability of the students in the studied fields."

Also, this order regulates through Article 4, the activity of the CCOC, which implies: "1. informing, guiding and advising pupils in the final years of high school/students by offering the following services:

- a) educational and vocational counselling;
 - b) psychological counselling and evaluation;
 - c) career counselling;
 - d) development of materials intended for information, guidance and counselling;
- 2. actions related to increasing the degree of insertion in the labour market of students and graduates, by offering services such as:*
- a) sessions for preparing the employment portfolio, simulating the employment interview;
 - b) organization of company presentations;
 - c) training sessions for the development of students' transversal competences;
 - d) conducting periodic studies and analyses regarding university dropout, integration of graduates into the labour market, impact of counselling and vocational guidance services, as well as proposing measures to improve them;
 - e) development and application of specific instruments for the purpose of monitoring labour market insertion;
 - f) participations in activities organized by the alumni;

3. informing and advising students about educational and occupational routes available within the university curriculum, of the system of transferable credits at university level, in accordance with the National Register of qualifications in higher education and the National Qualifications Framework, through specific means such as presentation sessions such as "Open Doors Day", educational fairs, thematic visits, etc.;

4. informing and advising students on educational and occupational routes within higher education institutions, for higher education cycles. "

Also, in accordance with Article 6 of OMEN no. 650/2014, the CCOC management presents annually to the board of directors a report on the services offered, which is then published on the website of the higher education institutions.

Monitoring

In addition to the regulatory role, the Ministry of National Education (MEN) is considering a continuous process of monitoring the number of pupils, students and graduates advised within the CCOC. Therefore:

- in 2016-2017, 38,784 pupils, 48,227 students and 14,663 graduates were counselled;
- in 2017-2018, a number of 27,486 pupils, 32,523 students and 10,040 graduates were advised;
- for the year 2018-2019 the monitoring process is not completed, it is to be finalized after 15 September 2019.

Support measures

Measures implemented by the MEN:

1. Competition for projects financed from the institutional development fund

Supporting the Career Guidance and Counselling Centres (COCC) by streamlining their activities regarding the transition from education to active life in order to increase the number of university and non-university tertiary education graduates finding a job.

According to the Order regarding the methodology of using the fund for the institutional development of the state universities, starting with year 2017, the universities can submit projects aimed at the functioning of the Career Guidance and Counselling Centres subordinated to the universities.

2. Grant schemes

As part of the competitive grant scheme, Summer Bridge Programs from the secondary education project (Romania Secondary Education - ROSE), financed by a loan from the IBRD, were organized activities to support the familiarization of high school students with the university environment, by carrying out 20 grants for 127 programs out of 640 possible, in 8 universities (total value of 2.6 million Euros). The grants are intended to support universities to carry out courses or other relevant activities, especially at the university campus level, aimed at high school students, especially the disadvantaged ones.

Within the projects financed from the Scholarship Grants Scheme of the ROSE project, the vocational counselling, guidance and coaching advising activities are carried out, as well as visits/documentation trips, training stages.

Guides are being developed for the implementation of the pedagogical, support and extracurricular activities of the high schools that are beneficiaries of the grants: Guide on developing social and emotional skills; Guide on personal development and coaching; Guide on vocational counselling and guidance.

Grant schemes and Learning Centres:

Non-Competitive Grant Scheme developed through the ROSE Project (60 grants in implementation): The 60 non-competitive grants contracted out of 313 possible ones will finance remedial programs, coaching and personal development activities, guidance and

support activities (tutoring), activities for developing social and emotional skills, vocational counselling and career guidance, workshops in specific areas, study visits or awareness campaigns, for students in the 1st year, especially those at risk.

Competitive Grants Scheme - Learning Centres run through the ROSE Project (12 projects contracted out of 24 possible ones, under implementation). These grants are aimed at creating and operating learning centres, as an additional support mechanism for students in a risk situation.

The Law of national education no.1/2011, as subsequently amended and supplemented promotes “an education oriented on values, creativity, cognitive capacities, volitional capacities and action capacities, fundamental knowledge and knowledge, skills and abilities of direct utility in the profession and in society”, and the educational ideal of the Romanian school consists in “the free, integral and harmonious development of human individuality, in the formation of the autonomous personality and in assuming a system of values that are necessary for the fulfilment and personal development, for the development of the entrepreneurial spirit, for the active citizen participation in society, for social inclusion and for employment on the labour market”.

Thus, during the period of 1 January 2015 - 31 December 2018, the Romanian educational system has benefited from amendments and supplements of the national curriculum, from the point of view of the key competences, including in the field of school counselling and guidance. Thus, at the secondary school in the school years 2015-2016, 2016-2017, were enforced the framework plans approved by OMEN no. 3638/2001 in which the curricular area Counselling and Guidance has allocated one hour per week and school programs approved by OMEC no. 5268/2006 (1st-8th grades). These curricula will currently only apply for the eighth grade (for the 2019-2020 school year). These programs had and have the following objectives:

1. Developing self-awareness and a positive attitude towards oneself;
2. Development of interrelation skills in various contexts;
3. Development of skills for using information in the learning process;
4. Acquiring career exploration and planning skills
5. Exercising the management skills of a quality lifestyle.

Since the 2017-2018 school year, MEN has progressively approved and implemented, starting with the 5th grade, new framework plans for secondary education and since 2017 new school programs for the disciplines in the framework plan, grades 5th-8th.

According to OMEN no. 3590/2016 regarding the approval of the framework plans of the secondary education, as subsequently amended and supplemented, there is in the common body of the Curricular Area for counselling and guidance, the discipline of Counselling and Personal Development for the 5th-8th grades (discipline to which 1 hour per week was allocated). Thus, through OMEN no. 3393/2017 were approved the school programs for the secondary education, programs that are applied since the 2017-2018 school year. The program ensures continuity with the issues addressed in the discipline Counselling and Personal Development, in the preparatory grade and in the first and second grades. Also, the program

contributes to the development of the skills in the training profile of the secondary school student, such as: the skill of learning how to learn by assessing personal skills for self-knowledge and career choice; the spirit of initiative and entrepreneurship; social and civic skills, by manifesting the availability for civic participation and for enhancing diversity. In particular, the discipline Counselling and Personal Development contributes to the achievement of the training profile from the perspective of five dimensions of the student's personality development, aiming at: self-knowledge skills, social and emotional skills, learning management skills, career management skills and adoption of a healthy lifestyle. The general skills covered by this discipline are:

1. Adopting positive attitudes towards oneself and a healthy and balanced lifestyle
2. Harmonious relationship with others in school and extracurricular contexts
3. Reflecting on the motivation and effectiveness of strategies for learning progress
4. Making decisions related to the continuation of studies and careers through the use of information about oneself, education and occupations.

At the secondary level, the discipline Counselling and Personal Development is compulsory, with 1 hour per week, for all the students included in the Romanian state education system and authorized/accredited private one, being held by teachers with the status of form master. This compulsory discipline also benefits students who, regardless of citizenship or status, have attended classes in a school from another country or with education providers that organize and carry out activities in Romania corresponding to educational systems from other countries, and which I acquire the quality of pupil in Romania, after the recognition or equivalence of the studies followed abroad.

Between 1 January 2015 and 31 December 2018, the school counselling activity was and is regulated by OMECTS 5555/2011, as subsequently amended and supplemented. This is achieved through the county centres of resources and educational assistance (CJRAE)/Centre of the Municipality of Bucharest for Resources and Educational Assistance (CMBRAE), which coordinates, monitors and evaluates, at the county level/of the municipality of Bucharest, the activity of the County Centre for Psycho-Pedagogical Assistance (CJAP)/the Bucharest Municipality Centre for Psycho-Pedagogical Assistance (CMBAP) and of the psycho-pedagogical assistance offices, of the centres and inter-school speech therapy offices, collaborate with the school centres for inclusive education in order to provide specialized educational services, coordinate, monitor and evaluate specialized medical services.

The psycho-pedagogical assistance offices operate in pre-university education units and provide psycho-pedagogical assistance to 800 pupils or 400 preschool children. Within the County Centres for Psycho-pedagogical Assistance (CJAP)/the Centres of the Bucharest Municipality for Psycho-Pedagogical Assistance (CMBAP), school counsellor teachers are working as teaching staff.

The school counsellor carries out a number of 40 hours/week, of which 18 hours/week for activities of psycho-pedagogical assistance, carried out individually and collectively with the pupils and 22 hours/week for activities of methodological and scientific as well as

complementary training. The school counsellor teacher, beside the teaching activity (department obligation) also has the following tasks:

- the activity of individual or group counselling carried out in the classroom and/or in the school or inter-school office for psycho-pedagogical assistance for different categories of beneficiaries (pre-school children/ pupils, teachers, parents);
- the possibility to propose within the school-based curriculum some optional courses aimed at the personal development of the students; the possibility to propose in the extracurricular activities some programs of school, vocational guidance and for the pupils' career;
- the possibility of developing psycho-sociological studies regarding the school and professional options of the pupils.

The school counsellor collaborates with the teachers, with other specialists, with educational institutions or community representatives. Regarding the class of Counselling and Guidance, the school counsellor can be involved in its development in the following situations: by carrying out the classes specific to the discipline of common body Counselling and Guidance/Counselling and Personal Development, according to the framework plans in force as a form teacher; by carrying out the Counselling and Guidance optional, according to the framework plans in force, to the extent that the school has such a curricular offer (CDS), as part of the departmental obligation.

The services of school counselling and psycho-pedagogical assistance have the mission to help and to propose intervention ways for both the parents and the children. The school counsellor teacher supports the family in understanding the child's difficulties, using its potential in the child's interest and to ensure a harmonious family climate. He/she provides parents with essential information to help them better understand their own children and future career options. The teachers in centres and psycho-pedagogical assistance offices have the following specialized studies: graduate studies with a bachelor's degree with specialization in psychology, pedagogy, special psycho-pedagogy, sociology, social assistance, as well as other specializations, according to the master summary list approved by order of the minister of national education to fill in the positions

The statistical data regarding the number of positions of school counsellors, per school years, which DGETIPG has available by centralizing the data provided by CJRAE/CMBRAE at national level, for the reference period, are the following:

- 2014-2015 - 2205 positions
- 2015-2016 - 2174 positions
- 2017-2018 - 2244 positions
- 2018-2019 - 2277 positions

Career guidance and counselling activities are undertaken with the support of the school counsellors from the County Centre for Educational Resources and Assistance (CREAC)/the Educational Resources and Assistance Centre of the Municipality of Bucharest (BMREAC) and have the role of training high school students including initial vocational education and training (IVET). The lower secondary schools organize and carry out orientation and counselling activities with the pupils of the eighth grade, with an emphasis on raising awareness on the

market requirements and of the possibilities of career and further training through initial vocational training pathways. The guidance and counselling activities are carried out with the support of the school counsellors of the County Centre for Educational Resources and Assistance (CREAC)/the Educational Resources and Assistance Centre of the Municipality of Bucharest (BMREAC).

Each year, the information and counselling of all the eighth-grade pupils regarding the opportunities to continue the studies in high school are organized in a coherent and comprehensive way, according to the specific regulations, approved by the minister of education. Details of career guidance and counselling activities are also indicated and updated annually in the Admission Calendar for vocational education and training, approved annually by order of the Minister of Education.

Each initial vocational and technical education unit organizes annually the "Qualification Week" action, to promote education and vocational training, to present their initial vocational and technical education offer, to inform the eighth graders on the access conditions

At the county level, the County School Inspectorate and the School Inspectorate of the Municipality of Bucharest (CSI/BMSI) organize every year the "Educational Offers Fair", to present the regional/county offer (including the regional education offer), with the involvement of the vocational education and training of schools and employers. In addition, they ensure the visibility of the education offer through written and audio-visual media and in all public events organized for this purpose.

A brochure that includes information on admission to upper secondary education - high school and vocational education (dual education) is prepared each year, with the support of school inspectorates and is sent to secondary schools, being available to all eighth-grade pupils.

For the initial vocational and technical education, the National Centre for the Development of Vocational Education and Training has developed a dedicated website (www.alegetidrumul.ro), providing exhaustive information on education and training with dedicated sections for students /employers/teachers, presentation of the initial vocational and technical education units, additional qualifications and career opportunities, number of places available in vocational education and training at national/regional/local level.

Moreover, within the initial vocational and technical education system, the National Centre for the Development of Vocational and Technical Education contributes to raising the awareness of young students and their parents through career guidance and counselling activities, through the implementation of the project „*Job Orientation - training in businesses and schools*”; this project provides support for students enrolled in the final years of lower secondary education and the first years of the initial vocational and technical education programs to make well-informed decisions when choosing their career path. The target groups also include the teachers and companies involved in the initial vocational and technical education, which must respond to the challenges that are constantly changing on the labour market. The novelty of the teaching approach consists in using the student-centred methods, such as task-based learning, which places students at the centre of their own learning process, setting them clear tasks, such as identifying, exploring, asking questions, finding answers, offering solutions as well as

benefiting and understanding the interrelationships between life and work roles, job opportunities and career building processes. Initially, the project was steered in two schools of a county. By 2019, it has expanded nationwide in all counties, involving over 200 teachers and 10,000 students.

Access to vocational training programs, organized under the conditions of Law no. 76/2002 on the unemployment insurance system and incentives for employment, as subsequently amended and supplemented, is done following the activity of information and vocational counselling through the information and vocational counselling centres within the county employment agencies or the Bucharest municipality employment agencies.

Through information and vocational counselling, a whole range of services is freely provided to people looking for a job, who aim to provide information on the labour market and the evolution of occupations.

At the local level, through career guidance counsellors from the county agencies or from the Bucharest municipality employment agencies, information and counselling actions regarding the career in schools are carried out. These actions are addressed to pupils in the final grades of the pre-university education.

The following table shows the number of information and counselling actions regarding the career carried out in schools, as well as the number of students informed and advised for the period 2015-2018.

Year	Number of career information and counselling actions carried out in schools	Number of pupils informed and advised
2015	1303	55437
2016	1261	53466
2017	1209	55014
2018	1221	49453

The generic name "*From school to professional life, towards the career*" the actions/information and counselling campaigns regarding the career carried out in schools, started by the county employment agencies or the Bucharest municipality employment agencies since as early as 2002, have the purpose of guiding young people to certain vocational training courses, as well as facilitating the insertion of young people on the labour market aiming: presentation of the services offered by the AJOFM to the job seeker graduates, presentation of the conditions in which the graduates can benefit from unemployment benefit from the AJOFM, presenting the measures to stimulate employment implemented by the AJOFM, presentation of job search techniques, information on the labour market and EURES network, information on free vocational training programs, facilities for the unemployed/graduates, job search techniques, presentation of vacancies, distribution of informative materials.

Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community

Legislative changes in the reference period 2015-2018 and new elements in the field of the rights of persons with disabilities:

▫ **Government Decision nr. 655/2016** for the approval of the National Strategy "A barrier-free society for people with disabilities" 2016-2020 and of the Operational Plan on the implementation of the National Strategy "A barrier-free society for people with disabilities" 2016-2020.

The National Strategy „A barrier-free society for people with disabilities” 2016-2020 aims to ensure the implementation of the UN Convention on the rights of persons with disabilities, ratified in Romania by Law no. 221/2010 on the ratification by Romania of the Convention on the rights of disabled persons, adopted in New York by the United Nations General Assembly on December 13, 2006, opened for signature on 30 March 2007 and signed by Romania on 26 September 2007, as subsequently amended and supplemented, hereinafter referred to as the Convention, through sets of coherent, integrated and inter-institutional measures. The strategy aims to promote, protect and ensure the full and equal exercise of all fundamental human rights and freedoms by all persons with disabilities, and promote respect for their intrinsic dignity. The strategy aims to become a unifying framework for all the directions of action in the field of disability, including through the implementing of operational programs subsequent to the Partnership Agreement 2014 - 2020. The general objectives of the Strategy are the following:

1. Promoting accessibility in all areas of life to ensure the exercise of human rights and fundamental freedoms to persons with disabilities.
2. Ensure full participation of persons with disabilities in all areas of life.
3. Eliminate discrimination and ensure equality for persons with disabilities.
4. Ensure access of persons with disabilities to an open, inclusive and accessible work environment, both in the public and private sector, as well as effectively ensuring their access to support services to increase employment on the labour market.
5. Promoting education and professional training favourable for inclusion at all levels and lifelong learning for persons with disabilities.
6. Promotion and protection of rights of persons with disabilities to decent life conditions, for the continuous improvement of the quality of their lives.
7. Ensuring equal access for persons with disabilities to quality health services and facilities, which pay attention to gender specific issues, at a reasonable cost and as close as possible to the communities they live in.
8. The substantiation of policies for persons with disabilities based on information and statistical and research data collected from all fields of activity.

The strategy focuses on 8 lines of action aiming at the implementation of the Convention in Romania. These are the following: accessibility, participation, equality, employment, education and training, social protection, health and statistics and data collection.

□ **Law no. 8/2016** on the establishment of mechanisms provided for by the Convention on the Rights of Persons with Disabilities

The law sets up the following:

- The Monitoring Council for the implementation of the Convention, hereinafter referred to as the Monitoring Council, which regularly examines the observance of the exercise of the rights of persons with disabilities within public or private residential institutions intended to serve persons with disabilities, as well as hospitals/psychiatric units. Some of the duties of the Monitoring Council are the following: immediately notifies the competent judicial bodies whenever there are indications that the violation of the rights of persons with disabilities has been committed through criminal acts and submits complains, if it is the case, against the non-prosecution or non-indictment solutions; notifies the authority competent by law to apply disciplinary or contraventional sanctions or to suspend, withdraw and cancel the accreditation of public or private residential institutions, intended to serve persons with disabilities, as well as hospitals/psychiatric units, in cases of violation of the rights of persons with disabilities; receives and analyses death notifications sent by public or private residential institutions, intended to serve persons with disabilities, as well as by hospitals/psychiatric units; investigates whether in cases of death of persons with disabilities, the public or private residential institutions, intended to serve persons with disabilities, as well as hospitals/psychiatric units notify the judicial bodies in order to perform the forensic autopsy, according to the law.

- the Mechanism for coordinating the measures taken for the implementation of the Convention, hereinafter referred to as Coordination mechanism; the National Authority for Persons with Disabilities is appointed as the Coordination Mechanism for the implementation of the Convention.

- the Contact points for the implementation of the Convention, hereinafter referred to as Contact Points; a Contact Point for the implementation of the Convention is established within each of the following ministries: Ministry of National Education and Scientific Research, Ministry of Justice, Ministry of Health, Ministry of Communications and Information Society and Ministry of European Funds. Each Contact Point is responsible for implementing the Convention at the level of respective ministry.

□ **Government Decision no. 798/2016** on the approval of the national interest programme on protecting and promoting the rights of disabled persons "Establishment of social services such as day-care centres, respite centres/crisis centres, and shelter housing for deinstitutionalizing disabled persons accommodated in old institutions and preventing the institutionalization of disabled persons from the community. The program aims to develop social services that lead to the full participation of persons with disabilities in society, having the following general objectives: to increase the quality of life of institutionalized persons with disabilities, to deinstitutionalize and prevent the institutionalization of persons with disabilities, as well as to

develop alternative services to support the independency and the integration of persons with disabilities in the community. The specific objective of the programme: Establishment of social services such as day-care centres, respite centres/crisis centres, and shelter housing in order to prevent the institutionalization of disabled persons and deinstitutionalize disabled persons accommodated in old institutions.

▫ **Government Decision no. 548/2017** for the approval of the conditions to obtain the certificate of professional personal assistant of the disabled persons, the certification procedure and the statute of the professional personal assistant of the disabled persons. The professional personal assistant is defined as the certified according to the present decision, which ensures, through the activity carried out at his domicile, the care and protection of the adult with severe or accentuated disability, based on the latter's individual needs, according to Law no. 448/2006 on the protection and promotion of the rights of disabled persons, recast, as subsequently amended and supplemented. Also, this law establishes the objectives of the professional personal assistant, in the activity of ensuring the care and protection of adults with severe or accentuated disabilities, as follows:

- a) support and encourage the development of their personal autonomy and independence and respect their dignity;
- b) listen and encourage the expression of their opinion;
- c) ensure their integration into his family, applying a treatment equal to that of the other members of the family;
- d) encourage participation in vocational, educational, cultural or sport activities and programmes, programmes to encourage independent living and other programs aimed at the social integration of disabled persons;
- e) provide protection against discrimination, abuse and neglect;
- f) collaborate with other specialists in the interests of the adult disabled person;
- g) comply with the individual rehabilitation and social integration programme and the individual plan of services, with the quality standards, as well as with the recommendations included in the monitoring and control reports.

▫ **Government Emergency Ordinance no. 51/2017** for the amendment and completion of some normative acts, amending and supplementing Law no. 448/2006, which regulates the following issues:

- Ensure education of children with disabilities in the mainstream education system, as the first option;
- Ensure possibility of setting up and functioning day centres, shelter houses, preparation for independent living, respite centres/crisis centres also under the authority of local public administration at the level of municipality, village or city;
- Official recognition of the sign language and the specific language of the deaf-blind person.

□ **Government Emergency Ordinance no. 60/2017** amending and supplementing Law no. 448/2006 on the protection and promotion of the disabled persons' rights, which regulates the increase of the amounts of social benefits and the amendment of art. 78 by:

- supplementing the amount paid monthly to the state budget by public authorities and institutions, legal, public or private persons, who do not employ persons with disabilities. (from 50% of the minimum gross basic salary multiplied by the number of jobs in which no disabled persons were employed, to the minimum gross basic salary multiplied by the number of jobs in which no disabled persons were employed).

- the obligation of public legal persons to organize employment competitions for public positions exclusively for persons with disabilities, a situation which does not exclude the possibility of their participation in all other employment competitions organized by the public institution, in order to stimulate the employment of persons with disabilities.

□ **Government Decision no. 193/2018** on the approval of the national interest programme on protecting and promoting the rights of disabled persons "Establishment of social services for ensuring the disabled youth transition from the special protection system for children towards the protection system for disabled adults" aims to develop social services that lead to the full participation of young people with disabilities in society and as a general objective to increase the quality of life of young people with disabilities from the special protection system for children, to ensure their transition to the protection system for disabled adults and prevent the institutionalization of persons with disabilities from the community, as well as to develop alternative services to support the independency and the integration of persons with disabilities in the community.

□ **Decision of NAPD President no. 877/2018** on the approval of the Methodology for the reorganization of residential centres for adults with disabilities;

□ **Decision of NAPD President no. 878/2018** on the approval of the Methodology for the development of the restructuring plan for residential centres for adults with disabilities.

Paragraph 1 - Vocational training for people with disabilities

As of December 31, 2018, the total number of persons with disabilities communicated to the National Authority for Persons with Disabilities by the general directorates of social assistance and child protection, as well as by local directorates active at sector level in Bucharest, was of 823,956 persons. Out of these, 97.83% (806,048 persons) are in the care of their families and/or live independently (uninstitutionalized) and 2.17% (17,908 persons) are in public residential social assistance institutions for adults with disabilities (institutionalized), coordinated by the National Authority for Persons with Disabilities. Out of the total number of persons with disabilities, 758,955 are adults and 658,001 are children.

As of December 30, 2018, out of the total number of adults with disabilities, 17,908 benefit from residential services in public residential social assistance institutions for adults with disabilities under the methodological coordination of the MLSP-NAPD.

Government Ordinance no. 69/2018 regulates the reorganization and restructuring of public or private residential centres, with a capacity of more than 50 places, taking into account the individual needs of the beneficiaries correlated with the specific quality standards in force.

At the same time, complementary to this action, NAPD has developed the Methodology for the reorganization of residential centres for adults with disabilities, approved by the Decision of NAPD President no. 877/2018 published in: The Official Gazette of Romania, Part I, no. 1013 of November 29, 2018, as well as the Methodology for the development of the restructuring plan, approved by the Decision of NAPD President no. 878/2018 published in: The Official Gazette of Romania, Part I, no. 976 of November 19, 2018.

Also, in the national strategy „A barrier-free society for people with disabilities” 2016-2020, approved by GD no. 655/2016, the deinstitutionalization of persons with disabilities while developing at the same time measures to prevent institutionalization and encourage life in the community are priorities.

The placement of children with disabilities in institutions is a priority on the agenda of Romanian authorities, because, even though the reform has taken important steps, over the time the issue of eliminating or limiting the placement in institutions as a protection measure has been the subject of several recommendations addressed to Romanian authorities by both national and international bodies.

Reducing the number of children placed in large and inadequate institutions remains a priority for the Romanian government in the coming years. The Government has already committed itself to accelerating the deinstitutionalization process and has recognized this as a priority in various strategic documents, including the National Strategy for the Protection and Promotion of Children Rights 2014-2020, the National Strategy for Social Inclusion and Poverty Reduction 2015-2020 and the Partnership Agreement. In accordance with the Social Investment Package and the recommendations of the European Commission „*Investing in children: breaking the cycle of disadvantage*”, ANPDCA has set, among other things, the following priorities for 2014-2020: (i) the closing down of the classic residential centres for child protection and the transfer of children from these centres within the community based services; and (ii) the provision of early and preventive intervention services for children which allow them to exercise their right to be raised and cared for in a family environment and to help them reach their full potential and make full use of their rights.

A general objective set by the National Strategy for the Protection and Promotion of Children Rights 2014-2020²⁹ which must be achieved by 2020 refers to the need "to observe the rights and promote the social inclusion of children in vulnerable circumstances". More specifically, sub-objective 2.5 expresses the need to "continue the transition from institutional childcare to community-based care" by doing the following:

(2.5.2.) "Prohibiting the institutionalization of the young child", with the following expected result: "Young children temporarily or permanently separated from the family benefit from care within family-type services."

²⁹ ANPDCA (2014: 49-50)

(2.5.3.) "Closing down old type institutions and the development of community-based services" with the expected result "All classical institutions closed. At least 25% of the number of children at risk of family separation will no longer enter the special protection system."

Over the last 15 years, the government has made significant progress in reducing the number of children in residential care and in developing family-based care options, but this progress has stopped after 2010. The number of children in residential care (public and private placement centres, including centres for small groups) dropped from a peak of 57,181 in December 2000 to about 15,478 on September 30, 2016.

According to the National Strategy for the Protection and Promotion of Children Rights 2014-2020³⁰: "The restructuring of childcare institutions was carried out in close connection with the attempt to provide family-type alternatives and prevent drop-out. The classic institutions, with a large capacity (between 100 and 400 places), have been restructured, in an attempt to reduce their capacity and made them more flexible, provide more space for each child, in an environment as close to the family environment as possible. Reducing the number of children, through deinstitutionalization, especially by reintegrating children into their natural or extended families, or by placing them with a family or person, made these institutions more "human".

In this regard, the National Authority for the Protection of Children Rights and Adoption has carried out during 2016-2018 a national project called "*Developing the deinstitutionalization plan for children in institutions and ensuring the transition of their care in the community*", financed by the European Social Fund, within the Administrative Capacity Operational Programme.

Its main purpose was to evaluate all classic residential institutions still operating at national level, to give priority to their closure, and to provide solutions, tools and working methods for local authorities to support the transition from institutional-type care provided to children to community care.

The ultimate objective of all the activities carried out was to close down institutions and disseminate the way in which the methodology for closing down these institutions can be adapted to the local needs.

The closure of these centres is a process that needs to be carefully and thoroughly planned, in order to determine:

- (i) The needs of the children currently living in these centres;
- (ii) Care options currently offered in these centres, that could be used after the centres are closed down;
- (iii) Services that could be provided given the available resources;
- (iv) The areas and levels of investments that have to be made;
- (v) Training needs of existing staff and what types of new staff that needs to be hired.

³⁰ ANPDCA (2014: 30)

(vi) Preventive measures that should be taken or increased to reduce the number of children admitted in the residential care system.

Each classical or modular centre will be closed down in accordance with a methodology and a plan that takes into account all these elements (which are particularly important, considering the needs of children) and that also addresses the adequacy of the human, financial and material resources available to the respective institutions.

In this context, significant funding was allocated through the Regional Operational Programme for the closure of the old type institutions, the local authorities having the possibility to submit project proposals to finance the closing down of the classical type institution and the establishment of family-type houses, considered to be a better alternative, closer to the family environment.

In order to fulfil the commitments taken in the National Strategy for Children Rights, the National Authority for the Protection of Children Rights and Adoption has prepared a draft law aiming to amend and supplement the current legal framework in this field.

A significant number of new provisions introduced in the draft law refer to the need to close down the classical residential institutions and to avoid the institutionalization of children as much as possible.

In this regard, one of the most important provisions refers to children less than 7 years old, currently protected in residential institutions. Through the new law, Romania will increase the children age limit up to which the placement of children in residential care is forbidden, from 3 to 7 years old. Thus, Romania will become one of the countries with the most revolutionary approach in this regard.

At the same time, taking into account the recommendations made to Romania regarding the elimination of all the exceptions regarding the institutionalization of "severely disabled children, dependent on specialized care in residential institutions", the new draft law eliminates the exception of institutionalizing children from this category, who are less than 3 years old.

By introducing these new provisions, Romania responds to the numerous recommendations regarding the exclusion of children with disabilities from institutionalization, made by some representatives of civil society, as well as by other international organizations or the Council of Europe Commissioner for Human Rights.

According to national centralized data based on the information provided by the General Directorates for Social Assistance and Child Protection, the number of children living in institutions in the reporting period (1 January 2015 - 31 December 2018) is the following:

	31/12/2014	31/12/2015	31/12/2016	31/12/2017	31/12/2018
<i>Number of children living in</i>	7,974	7,055	6,461	6,018	5,249

<i>Public placement centres</i>					
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Anti-discrimination legislation

Law no. 448/2006 on the protection and promotion of the rights of disabled persons, republished, as subsequently amended and supplemented, states that one of the principles for the protection and promotion of the rights of disabled persons is the prevention and fight against discrimination, and one of the rights of the disabled persons is the right to education.

Thus, according to the provisions of art. 15, disabled persons have a free and equal access to any form of education, irrespective of their age, according to the handicap type, degree and the educational needs thereof. The disabled persons shall be ensured permanent education and professional training throughout their life. The disabled person or, as the case may be, the family or the legal representative shall be the main decision factor in choosing the training form and type, and the educational unit. The education of disabled persons shall be an integral part of the national education system, coordinated by the Ministry of Education, Research and Youth.

Art. 18 of the same law provides that, within the educational process, irrespective of its level, disabled persons shall have the right to:

- a) educational support services;
- b) the endowment with the technical equipment adapted to the handicap type and degree and the use thereof;
- c) the adaptation of the furniture in classrooms;
- d) school manuals and courses in accessible format for the pupils and students with sight deficiencies;
- e) the use of assistive equipment and software in taking exams of any type and level.

At the same time, Law no. 448/2006 provides the obligation for public authorities to take specific measures to ensure access of disabled persons to education units and institutions:

- a) promotion and guarantee of the access to professional education and training of disabled persons;
- b) assurance of domicile school education of immobilized disabled persons during the mandatory schooling period, and of school preparation, irrespective of the place of the disabled person, including through support/itinerant teaching staff;
- c) assurance of access to permanent forms of education, adapting them to the educational needs of disabled persons;
- d) support of the cooperation between the special or mass education units with the family and community, in view of ensuring an educational offer answering the individual needs of disabled persons;

- e) support of the preparation of the teaching staff in view of adapting the educational practices for the disabled pupils in usual education groups or classes;
- f) assurance of the possibility of a sportive activity by any disabled person, and the preparation of the didactic staff in view of appropriation by them of certain specific medical and technical notions;
- g) assurance of support educational services for disabled persons and their families, through experts in the field of special psychological pedagogy;
- h) assurance of access to educational units and institutions.

Also, one of the principles that govern pre-university and higher education, as well as lifelong learning in Romania, is the principle of equity - based on which access to learning is granted without discrimination.

In terms of the support granted to disabled persons in higher education, based on the provisions of art. 76, the Ministry of National Education "establishes measures regarding equal chances for disabled persons, ensuring, where necessary, additional support adapted to the needs of disabled adults, supporting their access to higher education institutions and units".

We also mention the measures implemented by the National Strategy "A barrier-free society for people with disabilities " 2016-2020, approved by G.D. no. 655/2016 of September 14, 2016, published in the Official Gazette of Romania no. 737 bis of September 22, 2016.

Thus, based on the provisions of the present strategy, chapter VII.4. incentives for the companies which employ on an indefinite period disabled graduates of higher education are offered: "an amount equal to 1.5 times the value of the reference social indicator in force on the date of employment, for graduates of higher education".

Moreover, the present Strategy has as the following "General objective: Promote education and vocational training favourable to inclusion at all levels and lifelong learning for disabled persons", with several specific objectives aimed at adapting education to the needs and necessities of disabled persons, in order to ensure their access to all forms of education.

At the same time, the Monitoring instrument for the implementation of the National Strategy "A barrier-free society for people with disabilities" 2016-2020, approved by OMMPS no. 1254/2018 of March 16, 2018, published in the Official Gazette of Romania no. 256 of March 23, 2018, art. 9, regulates: "The activity of monitoring the achievement of the result indicators on the strategic direction of action no. V: Vocational education and training, pursues the general objective: "Promoting inclusive education and vocational training at all levels and lifelong learning for disabled persons". Several effective measures are targeted, as part of the monitoring activity:

„a) Measures for the period 2016-2018:

2.2. Involving people with disabilities and their families as equal partners in the process of adequate development of the education and training offer provided by the community.

b) Measures for the period 2016-2020:

1.2. Ensuring access for persons with disabilities to compulsory education, in adapted forms and contexts, based on the principles of inclusive education, in the communities in which they live.

1.3. Providing sufficient and quality individualized support services at the level of mainstream and special education units.

1.4. Adapting the physical environment of education units and of other spaces with educational role, in order to ensure the access of people with different types of disabilities.

1.5. Facilitating transport of people with disabilities to school or other education and training spaces.

1.7. Promoting the concept of coach, shadow, for the disabled teenagers and young people, by training the education staff on their necessity and role in the education process.

2.1. Development and diversification of teaching methods, adapted learning auxiliaries, such as workbooks, Braille writing texts, augmentative communication, enlarged or simplified texts, assistive electronic learning technologies, special educational software and others.

3.4. Development/revision of the curriculum for pre-university special and specially integrated education.

4.1. Conducting campaigns to promote the right of persons with disabilities to quality education and training, equal to those of others.

c) Measures for the period 2017:

1.1. Improving the legislative framework for the development of an inclusive educational and vocational training system, in all forms and levels of study, and harmonizing the concepts of education regarding persons with disabilities included in the UN Convention and those included in the international classification of functioning, disability and health.

1.8. Developing unitary procedures for monitoring access of persons with disabilities to education and training.

3.5. Introduction in the evaluation/monitoring grid for the activity of the teaching staff of some indicators regarding the application of the principles of inclusive education in the didactic activity.

d) Measures for the period 2017-2019:

1.9. Developing an inter-ministerial methodology for the assessment, monitoring and integrated early intervention for children and young people with disabilities.

e) Measures for the period 2018:

1.6. Introducing the obligatory access of the accompanying person and/or the persons who have the role of coach, shadow etc. in educational units, including university education units."

In addition to those mentioned above, we also point that the Law on national education no. 1/2011, as subsequently amended and supplemented, includes regulations on the access to education of people with disabilities.

In this regard, art. 118, para. (2) of the aforementioned Law stipulates that: In higher education, no discrimination based on age, ethnicity, gender, social origin, political or religious orientation, sexual orientation or other types of discrimination is allowed, except for the affirmative measures provided by law". Also, article 118, paragraph (3) provides that: "Students with physical disabilities have the right to have access ways adapted to their condition, in all academic spaces, as well as to adequate conditions for the normal conduct of academic, social and cultural activities in higher education institutions".

Moreover, according to the provisions of art. 202, para. (1), letter a), the students' activity within the university community is regulated by: "a) the principle of non-discrimination - on the basis of which all students benefit from equal treatment from the higher education institution; any direct or indirect discrimination against the student is prohibited".

As for the participation in the competition for teaching or research positions, according to the provisions of art. 294, para. (2), this can be done without any discrimination: "(2) Romanian or foreign citizens can participate in the competition for a teaching or research position, without any discrimination, according to the law".

Annex 4 - NCCD statistics - discrimination in education.

Education

Inclusive education has been adopted in Romania since the '90s, by respect for diversity, initiation and implementation of access and participation in education and social life for all categories of children. Currently, more than 58% of the children with disabilities participate in mainstream education.

Children/students/young people with disabilities need quality education, based on respect, access to information and equal opportunities, adapted to their needs and bio-psycho-social particularities. Special education, part of the national education system, uses specific documents and tools (education plans, school curricula, psycho-pedagogical intervention programmes, manuals) adapted to the disability type and degree of severity.

School registration is made upon written application by the parent and after assessment and school and career guidance performed by the specialists of the School and Career Guidance Committee, hereinafter called SCGC, according to the proposals of the School and Career Assessment and Guidance Committee Service of the County Educational Resource and Assistance Centres and of the Bucharest Municipality Educational Resource and Assistance Centre, respectively.

The assessment may be performed upon request by the parent/legal guardian/school/education institution/state institution, as appropriate. Pursuant to Art. 97 (1) of the Framework Regulation on the organisation and functioning of the pre-university institutions, approved by Order no. 5079/2016, as further amended and supplemented, "a person acquires the status of student by registration with an education institution". (2) The registration shall be approved by the Board of Directors, pursuant to the legislation in force, to

this regulation and to the regulation of organisation and functioning of that institution, following the written application by the parents, legal guardians or carers”.

New framework plans for special pre-school education, primary and lower secondary education were approved by Order no. 3622/27.04.2018, as further amended and supplemented, for all types and degrees of disability, and they enter into force starting with the academic year 2019-2020. Also, the process of development of the 347 draft curricula for special pre-school education, primary and lower secondary education, part of the above-mentioned framework plans, was finalised. Currently, they are under approval. We should also mention that, for the purposes of equal opportunities for candidates with impairments, in order to improve the organisation and implementation of national examinations in which such students participate, MNE developed for the academic years 2017-2018 and 2018-2019 a special procedure to ensure equal opportunities for students with visual impairments/hearing impairments/autism spectrum disorder/ASD/specific learning disorders: the national assessment for the 8th grade graduates and the national baccalaureate examination.

In the school year 2018-2019, there were 77 inclusive education centres and 4053 mainstream schools integrating children/students with special educational needs (SEN), of which only 51 mainstream schools integrate with group/class of students with impairments. The mainstream education includes a total number of 178 special integrated groups/classes with a total number of 1392 students in special integrated groups/classes. We mention that there are 2065 homeschooled students.

The mainstream schools which integrate individually include a total number of 23532 SEN students who study by the mainstream curriculum and are assisted by support teachers, and a total number of 12646 students with disabilities and school guidance who do not benefit from support teachers. According to the data collected by school inspectorates, there are 160 special education schools with a total number of 25 532 students registered, nationally. Statistics indicate that 27111 students are included in speech therapy provided by the interschool speech therapy centres and by speech therapy practices, at national level. There are 1429 support teachers at national level, a very low number compared to the number of beneficiaries. Also, there are 649 speech therapy teachers at national level, insufficient to cover the number of beneficiaries who need speech therapy.

Article 15 - The right of persons with disabilities to independence, social integration and participation in the life of the community

Paragraph 2 Employment of persons with disabilities

At the end of 2018 there were 758,955 adults with disabilities, of which 314,603 were in the 18-59 age group.

The information on the number of persons with disabilities employed was obtained in March 2018, due to the exchange of information between the Ministry of Public Finance and the National Authority for Persons with Disabilities; on 30 September 2017, the PIN crosscheck indicated the following:

- 45,007 persons with disabilities had a wage-earning activity;
- 19,423 persons with disabilities had other typed of income (including copyright);
- 33,593 persons with disabilities are employed full-time;
- 11,414 persons with disabilities are employed based on a part-time individual employment contract.

The data was provided by the National Centre for Financial Information, and was retrieved from Form 112 'Declaration on obligations of payment towards social security contributions, income tax and register of insured persons'; such information does not capture the total number of persons with disabilities who are employed. Such data focus on persons with severe or marked disability who are exempt from wage taxes, pursuant to the Tax Code. Besides these persons, there are persons with moderate or mild disability who are employed, but are not always willing to register their disability certificate with their employer, because they do not benefit from wage tax exemption.

Anti-discrimination legislation

Law no. 448/2006 on protection and promoting the rights of disabled persons, republished, further amended and supplemented determines that the principles of protection and promoting the rights of disabled persons include prevention and fighting against discrimination as well as providing equal opportunities in terms of job seeking and employment and one of the rights that the disabled persons benefit from is the right to receive employment and an adapted workplace, the right to vocational counselling and upskilling.

Thus, the disabled persons shall be entitled to the creation of all the conditions for choosing and exercising their profession, trade or occupation, to acquire and maintain a job and to be promoted from a professional point of view.

In the achievement of these rights, the public authorities shall take the following specific measures:

- a) promotion of the concept according to which the employed disabled person represents an added value for society and, especially, for the community to which he/she belongs;
- b) promotion of an open labour environment, including and accessible to disabled persons;
- c) creation of the conditions and services necessary for the disabled person to be able to select the form of professional conversion/reconversion and the workplace according to his/her functional potential;
- d) establishment and support of service complexes, formed of authorized protected units and protected dwellings;
- e) initiation and development of forms of stimulating employers, in view of employing and maintaining disabled persons;
- f) granting of support for the organization of a sale market for the labour product of the disabled person;

- g) diversification and support of different social services, e.g. counselling for the disabled person and his/her family, information for employers, assisted employment and the like;
- h) promotion of mediation services on the labour market of disabled persons;
- i) permanent drafting /update of the database, for the highlight of the jobs offer for disabled persons;
- j) development of collaborations with the mass-media, in view of increasing the degree of awareness of the community regarding the potential, skills and contribution of the disabled persons to the labour market;
- k) performance, in collaboration or partnership with legal, public or private persons, of programs and projects having as their object the increase of the occupancy degree;
- l) initiation and support of campaigns related to the awareness of employees on the skills of disabled persons;
- m) initiation of specific programs stimulating the increase of participation on the labour force market by the groups subject to the major risks of social exclusion.

Also, the Law no. 448/2006 imposes an obligation for the public authorities and institutions, legal public or private entities, with at least 50 employees, to hire disabled persons amounting to a number of minimum 4% of the total number of employees.

Public authorities and institutions, legal public or private entities who do not hire disabled persons according to these terms of the law must pay to the state budget an amount which represents the minimum national gross wage multiplied with the number of jobs unoccupied by disabled persons.

Also, according to the law, in order to incentivise employment of disabled persons, public authorities and institution and legal public entities must organize job competitions that are exclusively reserved for disabled persons, in compliance with the legislation in force.

Government Ordinance no. 137/2000 on the prevention and punishment of all forms of discrimination, recast

The principles that all citizens are equal, that privilege and discrimination should be excluded are especially guaranteed in the exercise of the right to work, to freely choose an occupation, to fair and satisfactory working conditions, to protection against unemployment, to equal pay for equal work, to fair and satisfactory wages.

Pursuant to this ordinance, discrimination shall mean any distinction, exclusion, restriction or preference based on race, nationality, ethnicity, language, religion, social status, beliefs, sex, sexual orientation, age, disability, non-contagious chronic disease, HIV infection, association with a disadvantaged group and any other criterion the purpose or effect of which is the restriction, removal of the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms or of the rights recognized by law in the political, economic, social and cultural or any other field of public life.

Article 4 (1) of *Law no. 76/2002 on the unemployment insurance system and incentivising employment*, as subsequently amended and supplemented, excludes any kind of political, race, nationality, ethnic, language, social status, religion, beliefs, gender and age discrimination. Paragraph 2 of the same article provides that the measures and the special rights granted by this law to certain categories of underprivileged persons are not discrimination under paragraph (1).

All persons registered with the territorial employment agencies may benefit from the services provided by Art. 57 (1) letters (a) to (f) and by Law no. 76/2002, as further amended and supplemented, more specifically: career information and counselling (including job profiling), job matching, training, assessment and certification of competences acquired in non-formal and informal learning contexts, consultancy and assistance to begin an independent activity or to start-up a business. The above-mentioned services shall be provided in compliance with the principle of non-discriminatory access.

At the same time, in order to counter the effects of negative stereotypes, Law no. 76/2002, as further amended and supplemented stipulates a specific incentive for employers who “in terms of number of employees, complied with their obligation, pursuant to law, to employ persons with disabilities, as well as for the employers who do not have this legal obligation, if they employ persons with disabilities as permanent workers and maintain their employment or service relationships for at least 18 months.” For each person they employ from the above-mentioned categories, these employers benefit, for a 12-month period, from “the amount of RON 2,250/month, with the obligation to maintain employment or service relationships for at least 18 months”.

Thus, upon request by employers willing to employ persons from the above-mentioned categories, the employment agencies present them with lists of persons on their record who belong to those categories and who have adequate qualifications.

Art. 5 of Law no. 448/2006 defines **reasonable accommodations in the workplace** - all changes made by the employer to facilitate the exercise of the right to work of a person with a disability; it involves changes in the working hours, procurement of equipment, devices and assistive technologies and other similar measures;

It also defines supported employment - the employment option facilitating employment in regular jobs in the competitive labour market and involves provision of support for job-seekers and workplace support, assistive technologies, training, specialisation.

Art. 83 of the law stipulates the rights of the job-seekers or employees with disabilities:

- a) training courses;
- b) reasonable accommodations in the workplace;
- c) counselling prior and during employment, as well as during the probationary period, provided by a counsellor specialised in job-matching;
- d) a paid probationary period of at least 45 working days;

- e) paid notice of at least 30 working days for the dissolution of the individual employment contract by the employer for reasons not attributable to any fault of the employer;
- f) the possibility to work less than 8 hours per day, pursuant to law, in case this is recommended by an evaluation committee.

Measures to encourage the employment of persons with disabilities

The National Strategy “A barrier-free society for people with disabilities”, 2016-2020 and the Operational Plan for its implementation, approved by GD no. 655/2016. One of the action lines is employment, whose overall objective is to ensure the access of persons with disabilities to an open, inclusive and accessible work environment, both in the public and in the private sectors, while ensuring their effective access to support services to increase employment.

The specific objectives are as follows:

- To ensure the access of persons with disabilities to an open, inclusive and accessible work environment;
- To ensure the access of persons with disabilities to training programmes, placement services, entrepreneurship and independent life;
- To promote the valuable contributions which persons with disabilities may bring to the community, by employment.
- To coordinate and monitor the promotion and protection of the right to independent life and to work of persons with disabilities.

Law 76/2002 on the unemployment insurance system and incentivising employment, as further amended and supplemented, stipulates as a priority the enhancement of social inclusion of persons with disabilities are one of the vulnerable target groups, and the National Agency for Employment (NAE) is concerned with their integration in the labour market.

The National Agency for Employment has the obligation to comply with the legal provisions on the social protection of all job-seekers.

Pursuant to Law 76/2002 on the unemployment insurance system and incentivising employment, the National Agency for Employment implements annually the “National Employment Programme” to apply the employment policies and strategies.

Among the objectives of the programme we mention: to ensure equal opportunities in the labour market for all categories of job-seekers and to eliminate any discrimination in employment, to ensure social inclusion of vulnerable groups in the labour market, to provide them the necessary professional skills for employment or returning to employment.

Pursuant to the provisions of Law no. 76/2002 on the unemployment insurance system and incentivising employment, as further amended and supplemented, NAE should foster the employment opportunities for all categories of job-seekers, mainly by:

- career information and counselling;
- job matching;
- training;

- workforce mobility;
- supplementing employee wages.

Also, pursuant to the provisions of the above-mentioned law, NAE fosters employers by subsidising the jobs for persons with disabilities and for graduates with disabilities.

Thus, pursuant to Law 76/2002 on the unemployment insurance system and incentivising employment, as further amended and supplemented, employers who employ graduates with disabilities as permanent workers shall receive monthly, for an 18-month period, the amount of RON 2250 for each such graduate they employ.

Pursuant to Art. 85 (1) and (2) of Law 76/2002 on the unemployment insurance system and incentivising employment, as further amended and supplemented, employers who employ unemployed persons over 45 years old, unemployed single parents, long-term unemployed or young NEETs as permanent workers shall receive monthly, for a 12-month period, the amount of RON 2250 for each such person they employ, provided that they maintain such employment or service relationships for at least 18 months.

The same incentives are granted to for employers who, in terms of number of employees, complied with their obligation, pursuant to law, to employ persons with disabilities, as well as for the employers who do not have this legal obligation, if they employ persons with disabilities as permanent workers and maintain their employment or service relationships for at least 18 months.”

In case they employ young people at risk of social marginalisation, the age limit is 26 years old, and the monthly subsidy granted to employers for each socially marginalised young person employed consists in the payment from the unemployment budget of the base pay as established when the young people were employed, which should not exceed four times the value of the social reference indicator in force on the employment date, until the solidarity contract expires. If the employment of that young person is maintained, the employer shall benefit monthly from 50% of the unemployment benefit the young person would be entitled to if he/she had been laid off. The amount shall be granted to the employer throughout the period when the employment relationships are maintained, but no longer than 2 years.

The number of persons with disabilities registered with the employment agencies in 2015-2018 is as follows:

Year	2015	2016	2017	2018
No. of persons with disabilities registered with CEA, of which:	863	547	683	640
women	384	215	281	156

As for the number of persons with disabilities who were provided counselling for employment in 2015-2018, the information is as follows:

Year	No. of persons with disabilities counselled*

2015	783
2016	510
2017	715
2018	714

*The number of persons with disabilities counselled includes both persons registered during the current year and persons registered during previous years.

1820 persons with disabilities were employed in the period of 2015-2018 due to the implementation of the employment fostering measures by the county employment agencies and by the Bucharest municipality employment agency, as follows:

No.	Type of measure	Achieved 2015	Achieved 2016	Achieved 2017	Achieved 2018
	Total persons with disabilities employed at national level**	741	292	385	402
1	Job matching services	641	185	324	337
2	Career information and counselling services	102	92	-	-
3	Training courses	4	1	3	4
4	Supplementing the income of the unemployed who find employment before their unemployment benefits expire	21	3	6	10
5	Activation bonus for the unemployed who do not receive benefits			31	19
6	Subsidies for employers who hire unemployed over 45 years old or single parents unemployed	-	4	1	1
7	Subsidies for employers who hire young NEETs	-	-	-	1
8	Foster workforce mobility	1	1	2	1
9	Subsidies for employers who hire graduates	10	7	15	11
10	Employment bonus for graduates	10	1	2	1
11	Subsidies for employers who hire persons with disabilities	119	130	156	167

12	Subsidies for employers who hire young people at risk of social marginalisation, based on solidarity contracts	15	26	23	21
13	Other active measures	2	2	-	-

** In order to find employment, a person registered with the National Agency for Employment participates in different active measures, and benefits from a customised package, based on his/her skills, capacities and career level. Thus, a person may be registered for job matching, career information and counselling and training or for one of the subsidy types, but it is only counted once in the total.

GEO no. 60 of 4 August 2017 amending and supplementing Law no. 448/2006 as republished on the protection and promotion of the rights of persons with disabilities, published in: Official Journal no. 648 of 7 August 2017, Public authorities and institutions, private and public legal entities which do not employ a share of 4% persons with disabilities shall pay monthly to the state an amount representing the national gross minimum base salary multiplied by the number of jobs for which they did not employ persons with disabilities.

The National Agency for Fiscal Administration is in charge with monitoring and controlling compliance with these provisions.

The funds collected following the failure to employ persons with disabilities as regulated by Art. 78 of Law no. 448/2006 are revenues to the state budget and are distributed by expenditure items pursuant to the legal provisions in force, under the line “Payments from legal entities for persons with disabilities they did not employ”.

As for the authorised sheltered units (ASU), all 732 authorised sheltered units employed only 1,897 persons with disabilities and 124 persons with invalidity grade III, which means 0.26% of the total persons with disabilities, while the number of persons with disabilities employed in the open market was about 32,000. Therefore, pursuant to the old regulation, the option to purchase goods or services from sheltered units discouraged employers to hire persons with disabilities.

The Emergency Ordinance 60/2017 amended Art. 78 of Law no. 448/2006 on the protection and promotion of the rights of the disabled and eliminated the option that authorities and public and private institutions may purchase goods or services from sheltered units and maintained only the obligation to pay to the state budget in case of failure to employ persons with disabilities.

The goal of GEO no. 60/2017 is to foster the employment of persons with disabilities, both in the public and in the private sector, and this ordinance relies solely on the obligations provided by the Convention on the rights of persons with disabilities (the Convention), ratified by Romania by Law no. 221/2010 - to adopt all adequate legal, administrative and other measures to implement all human rights, including the right to work. We recall here the provisions of Art. 27 of the Convention - the right of persons with disabilities to work, on an equal basis with others in a work environment that is open, inclusive and accessible to persons with disabilities - and we highlight the obligations provided by letter g) of Art. 27 - Employ persons with disabilities in the public sector or by letter j) of the same article: Promote the acquisition by persons with disabilities of work experience in the open labour market.

GEO 60/2017 shifts the focus from the employer to the employee, and the person with disabilities is at the centre of the quota-based employment policy (fewer options for the employer and more opportunities for the person with disabilities).

Pursuant to Law no. 448/2006 on the protection and promotion of the rights of the disabled, recast, as further amended and supplemented, persons with disabilities have the right to work and earn, and they may be employed as follows: in the open labour market; work from home; in sheltered organisations.

Also, GEO no. 60/2017 provides for the obligation of public legal entities to organise employment competitions for the public office only for persons with disabilities, which does not exclude their participation in all other employment competitions organised by the public institution.

Annex 5 - NCCD statistics on discrimination based on disability in the field of employment.

Article 18 Right to engage in a gainful occupation in the territory of other State Parties

Paragraph 3 Liberalising regulations

As regards the national process of harmonising the national legislation with the EU legislation regulating the employment and posting of foreign nationals on Romanian territory, we communicate the following legal amendments passed during the reference period (2015-2018):

To transpose the provisions of Directive (EU) 2016/801 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing and to clarify some of the issues identified in the practice of the institutions in this field, a draft Law amending and supplementing certain legal provisions in the matter of foreigners was developed in 2017 to amend and supplement GEO no. 194/2002 on the regime of foreigners in Romania, recast, as further amended and supplemented, and GD 25/2014 on the employment and posting of foreigners in Romania.

A major objective of Directive (EU) 2016/801 is to facilitate mobility for researchers and students and to ensure that Member States grant foreign nationals an equal treatment to that of their own nationals in certain fields of the social life.

Also, the Directive lays down conditions of entry to, and residence for a period exceeding 90 days in, the territory of the Member States, and the rights, of third-country nationals, and where applicable their family members, for the purpose of research, studies, training or voluntary service, pupil exchange schemes or educational projects and au pairing.

Thus, Law no. 247/2018 amending and supplementing certain legal provisions on the regime of foreigners in Romania provided relevant amendments to GD no. 25/2014 on the employment and posting of foreigners in Romania, as further amended and supplemented.

We present below various legal provisions which were amended by the above-mentioned law, as we assess that these are relevant:

GD no. 25/2014 on the employment and posting of foreigners in Romania, amending and supplementing certain legal provisions on the regime of foreigners in Romania

Article 2(1), letter (f) was amended and shall be phrased as follows:

“f) trainee worker - the foreigner employed on Romanian territory based on the work permit, who holds a degree of higher education or is pursuing a course of study in a third country and who is participates on Romanian territory in a fixed-term training programme for the purpose of obtaining a qualification, and improving his/her linguistic and cultural knowledge;”

A new letter, letter f¹), was included under Article 2 (1) after letter (f), as follows:

"f¹) au pair worker - the foreigner employed temporarily by a host family, as it is defined by Art. 2 letter (o³) of the Government Emergency Ordinance no. 194/2002, as republished and further amended and supplemented, on Romanian territory, to improve his/her knowledge and linguistic skills in exchange for light housework and taking care of children;”

Article 7(2), letter (c) was amended and shall be phrased as follows:

"c) the foreigner whom the employer intends to employ in a vacant job meets the authorisation conditions provided by the legislation in force for holding that job and has no criminal record incompatible with the activity he/she is going to undertake on Romanian territory.”

Article 29 was amended and shall read as follows:

“(2) The quota of foreign workers newly admitted to the labour market shall be established annually by Government Decision, upon proposal by the Ministry of Labour and Social Protection, in line with the workforce migration policy and having regard to the labour market situation in Romania.

(2) The General Inspectorate for Immigration shall submit report quarterly to the Ministry of Labour and Social Protection statistical data on the work/posting permits, on the single permits and on the residence permits which also grant the right to work, as well as on the European Union nationals in dependant employment.”

Article 30 was amended and shall read as follows:

“Upon issuance of the work/posting permits, the employer/beneficiary of services shall pay a fee in RON, equivalent of EUR 100, according to the exchange rate published by the National Bank of Romania on the day of payment. For the issuance of work permits for seasonal workers or when Articles 17 or 18 apply, the employer shall pay a fee in RON, equivalent of EUR 25, according to the exchange rate published by the National Bank of Romania on the day of payment.”

GEO nr. 194/2002 on the regime of foreigners in Romania, recast, as subsequently amended and supplemented

Three new letters, n¹)-n³) shall be introduced after letter (n) of Article 2 and shall read as follows:

n^1) school pupil - the foreigner who was accepted by a public or private pre-university institution, accredited or provisionally authorised, according to law, in the context of a pupil exchange scheme or educational project;

n^2) student - the foreigner who was accepted by a public or private higher institution, accredited or provisionally authorised, according to law, to pursue as a full-time Bachelor, Master's or Doctorate or postdoctoral degree;

n^3) trainee - the foreigner who holds a degree of higher education or is pursuing a course of study in a third country that leads to a higher education degree and who is admitted to the territory of a Member State for a training programme for the purpose of gaining knowledge, practice and experience in a professional environment;”

Article 56 (1) was amended and shall read as follows:

“(1) Foreigners entering Romania for the purpose of employment shall be extended the right to temporary residence for work purposes if they present a full-time individual employment contract registered with the General Registry of Employees, indicating that the wage is at least the minimum gross national base pay. For highly skilled workers, the wage should be at least twice the average gross wage.”

As regards the **number of work/posting permits issued** for foreigners applying for the first time for admission on Romanian territory, we communicate the following data:

Year	No. of work permits issued to foreigners	No. of rejected applications
2015	2540	297
2016	2899	363
2017	4921	550
2018	10532	961

As regards the fee for the issuance of the work/posting permit, we mention that it was reduced at the end of 2018, as follows: EUR 100 (compared to EUR 200 previously) for the permanent/posted/cross-border/trainee worker and EUR 25 for the seasonal worker (compared to EUR 50 previously). These fees are paid by the employer/service beneficiary. Upon issuance of each residence permit (which also grants the right to work), the employed foreigner shall pay a consular fee in amount of EUR 120, and the value of the blank residence permit in amount of RON 259.

As regards the **number of recognised foreign certificates**, professional qualifications and diplomas issued to non-SEE nationals during the reference period, the National Centre for Diploma Recognition under the Ministry of National Education, the competent authority for the academic recognition of studies graduated in non-EU countries for the purposes of access to the labour market in Romania communicated the following data for the reporting period:

Education	2015	2016	2017	2018	Total
Pre-university education	1 564	2 035	4 793	9 265	17 657
Higher education	897	1 159	1 295	1 254	4 605

Article 18 Right to engage in a gainful occupation in the territory of other State Parties
Paragraph 4 Right of nationals to leave the country

No amendments of the national legislation occurred during the reference period.

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

Equal rights

The provisions of Art. 5 of Law no. 53/2003 - the Labour Code, as republished and further amended and supplemented, stipulates that the principle of equal treatment for all employees and employers shall be applied in employment relations. Also, the law invoked above provides that any direct or indirect discrimination against an employee based on sex, sexual orientation, genetic characteristics, age, national affiliation, race, colour, ethnicity, religion, political option, social origin, disability, family situation or responsibility, trade union affiliation or activity shall be prohibited.

Also, the provisions of Art. 39 letter (d) of Law no. 53/2003 - the Labour Code, as republished and further amended and supplemented, stipulates the right of the employee to equal opportunities and treatment.

We also mention that the employment relations rely on the individual employment contract concluded based on the consent of the parties.

The Labour Inspection, the specialised body of the central public administration, controls the enforcement of the labour, employment relations, occupational health and safety legislation, with the main goal to ensure a safe and healthy work environment.

In order to reach the overall objectives in the field of employment relations, the Labour Inspection is in charge with checking the compliance of the principle of equal opportunities and treatment for women and men.

The duty of the Labour Inspection to check the compliance by employers with the principle of equal opportunities and treatment for women and men is stipulated by Law no. 202/2002 recast on equal opportunities and treatment for women and men, as amended and supplemented by Law no. 178/2018 and by Law no. 232/2018;

Generally, the control activity undertaken by labour inspectors pursuant to Law no. 202/2002, recast and further amended and supplemented consists in prevention actions undertaken during other types of inspections as well, and not limited to the petitions filed by employees. The

most frequent issues reported especially by women are related to breaches of legal provision on: maternity, workplace harassment, equal pay for equal work. The verifications performed confirmed mostly the issues reported in the field of maternity protection at the workplace. For the reporting period 2015-2018, the annual number of petitions notifying, among others, aspects related to the labour legislation and to gender discrimination varied between 96-101 petitions.

During the verifications, the labour inspectors check the compliance by the employers with their obligations in the field of equal opportunities and treatment for women and men, more specifically:

- The provision of disciplinary actions in the internal regulations of entities, under the terms and conditions stipulated by law, against employees who, through discrimination, violate the personal dignity of other employees by creating degrading, harassing, hostile, humiliating or offensive working environments, as defined in Article 4 letters a)-e) and Article 11 of the law;
- The information of all employees on the prohibition of harassment and sexual harassment at the workplace, including by displaying in visible places the provisions of the internal regulations prohibiting any act of discrimination on the grounds of sex;
- The inclusion by the employer in the collective bargaining agreement concluded at company level of *clauses* prohibiting acts of discrimination and of clauses on the resolution of notifications/complaints filed by the persons affected by such acts;
- The inclusion by the employer in the collective bargaining agreement concluded at company level of *clauses* prohibiting maternity-related acts of discrimination.

The verifications performed in 2015-2018 pursuant to Law no. 202/2002 recast, as further amended and supplemented had the following results:

INDICATORS	Year	Year	Year	Year
	2015	2016	2017	2018
No. of employers inspected	22,474	21,123	13,403	9835
No. of sanctions applied	44	72	37	38
Value of fines applied (RON)	0	3000	0	3000

The inspections resulted in the following conclusions:

- Many persons are not aware of their rights as provided by the Labour Code, recast, and further amended and supplemented and by Law no. 202/2002, recast, and further amended and supplemented, therefore, most often women seek information in critical moments or after such acts occurred;
- Most often, the territorial labour inspectorate is notified on breaches of labour and equal opportunities rights by employers after such acts occurred;

- The lack of courage of female employees who, when asked to provide written statements on the breaches of legal provisions in the field, provide incomplete or no information;
- The lack of courage of their colleagues who, when asked to provide written information on such discriminatory aspects, refuse cooperation with labour inspectors.
- The internal regulations do not include concrete rules on compliance with the non-discrimination principle, on equal opportunities and treatment for women and men, on the respect of human dignity in employment relations.
- Lack of engagement of only formal engagement of trade union organisations or of employee representatives in these cases of discrimination.
- As regards harassment, the verifications performed by labour inspectors are difficult, because they have no material evidence and most often rely solely on the statements of the harassed person.

Also, having regard to the provisions of Art. 18 letter (c) of Law no. 108/1999 on the establishment and functioning of the Labour Inspectorate, recast, the labour inspector has the obligation “to keep confidential any complaints reporting non-compliance with the legal provisions in the field regulated by this law and not to disclose to the manager of the legal entity and to the natural person or to its legal representative that the inspection was performed following a complaint”.

As regards this obligation to keep confidential the person who filed the complaint, the labour inspectors do not have the necessary tools to perform more in-depth verifications which most often should be investigations targeting those individuals.

Mention should be made that, following the inspections performed pursuant to Law no. 202/2002, the labour inspectors may identify aspects related to a possible direct or indirect gender discrimination, may order measures and may apply sanctions only when there is clear material evidence available.

Sanctions were applied to employers for:

- failure to introduce provisions prohibiting discrimination on the grounds of sex in the internal regulations of the companies;
- failure to apply the legal provisions on maternity protection at the workplace;
- failure to introduce disciplinary sanctions for the employees who do not respect the personal dignity of other employees in the internal regulations of the companies;

In the inspection documents, the labour inspectors ordered measures regarding employer compliance with certain obligations provided by law to promote the principle of gender non-discrimination, such as:

- Employer’s obligation to systematically inform the employees on their rights regarding the equal opportunities and treatment for women and men in employment relations, including by visible display of such information;

- Employer's obligation to introduce provisions prohibiting discrimination on the grounds of sex in the regulations on the organisation and functioning and in the internal regulations of the companies;
- Employer's obligation to introduce disciplinary sanctions for harassment, in compliance with law, in the internal regulations of the companies;
- Employer's obligation to inform the employees on the prohibition of harassment and sexual harassment at the workplace.
- Compliance (as appropriate) with the provisions of Art. 7 (2), Art. 8, Art. 9 (1), Art. 10 (1), (2), (3), (4), (6) and (8) , Art. 11-13, Art. 29 (articles which also provide sanctions).

Such measures ensure information, both of employers on their obligations to promote and respect equal opportunities and treatment for women and men in employment relations, and of employees on their rights in such matters.

Pursuant to Art. 30 of Law no. 202/2002, recast and amended, in case they believe they are discriminated on the grounds of sex, the employees have the right to file notifications/complaints to the employer or against the employer, if the employer is directly involved, and to ask for the support of the trade union organisation or of the employee representatives in the company to solve the situation at the workplace.

Should the employer fail to settle such a notification/complaint by mediation, based on this Law, the employee that presents facts that support the presumption of direct or indirect gender-based workplace discrimination shall be entitled to notify the relevant authorities and file a complaint with the court of justice in whose geographic jurisdiction he/she resides, namely with the division/panel of judges for labour and social insurance conflicts of the court or, as applicable, with the administrative litigations court, but no later than 3 years from the commission of the act.

But the inspections carried out to verify the compliance with the provisions of Law no. 202/2002 on equal opportunities and treatment between women and men, recast, as further amended and supplemented, are not the only awareness-raising actions performed by labour inspectors.

Thus, the representatives of the territorial labour inspectorates in the County Committees and in the Bucharest Municipality Committee for equal opportunities between women and men (CCEO) participated in their working meetings and discussed the topic of equal opportunities and treatment for women and men.

Also, the labour inspectors participated in meetings organised by NGOs, trade union confederations on equal opportunities and treatment for women and men, where participants exchanged information and good practices in the field.

Annex 5 - NCCD statistics on gender discrimination in the field of employment

Equal opportunities:

Law no. 202/2002 on equal opportunities for and treatment of women and men, as further amended and supplemented, is the framework law regulating measures to promote equal

opportunities and treatment for women and men, to eliminate all types of sex discrimination, at all levels of public life in Romania, and labour market measures, participation in decision-making, education, culture and information, to eliminate gender roles and stereotypes, and there are various institutions and authorities in charge with the enforcement of this law, each in their specific field of activity, and Chapter II is dedicated to Equal opportunities and treatment for women and men in the field of labour.

Legislative developments

The Agency for Equal Opportunities between Women and Men (NAEO) was re-established in November 2015, by Law no. 229/2015 amending and supplementing Law no. 202/2002 on equal opportunities and treatment for women and men, as a legal entity, a specialised body of the central public administration subordinated to the Ministry of Labour and Social Protection, promoting the principle of equal opportunities and treatment for women and men so as to eliminate all types of sex discrimination, in all national policies and programmes.

Government Decision no. 177/2016 on the organisation and functioning of the National Agency for Equal Opportunities between Women and Men laid down the main functions and tasks of the agency, more specifically, strategy development, regulation, representation and public authority in the field of domestic violence, with tasks related to the development, coordination and implementation of Governmental strategies and policies on domestic violence.

Other legal amendments occurred during the reporting period:

- Government Decision no. 774/2017 amending the provisions of GD no. 1054/2005 for a more efficient activity of County Committees in the field of equal opportunities between women and men (CCEO), more specifically the CCEO members mandate termination conditions, the representation of member institutions by appointment of alternate members, meeting place and frequency - quarterly or whenever necessary.
- Law no. 178/2018 amending and supplementing Law no. 202/2002 on equal opportunities for and treatment of women and men, published in the Official Journal no. 627 of 19 July 2018, regulating the profession of *“equal opportunities expert”* and *“equal opportunities technician”* and the *“introduction of the possibility of public and private legal entities with more than 50 employees to have in their structure an equal opportunities expert or an equal opportunities technician”*.
- Government Decision no. 365/2018 approving the National Strategy promoting equal opportunities between women and men and preventing and combating domestic violence for 2018-2021 and the Operational Plan for the implementation of the national strategy promoting equal opportunities between women and men and preventing and combating domestic violence 2018-2021 - a programme document using an integrated approach, focused on the two fields of activity, and the goal of the major action lines under the Pillar for equal opportunities between women and men is to improve women’s situation in the labour market, targeting distinct and sensitive fields, more specifically those which prove more vulnerable or less open to gender issues.

Statistical data

Analysis “*Women and Men. Work and Life Partnership*” (2018 edition) of the National Institute of Statistics provides updated data and conclusions. Thus, on January 1st, 2018, Romania’s resident population was 19.52 million inhabitants (48.9% men and 51.1% women). Similar to most European countries, Romania is also facing the complex economic and social consequences of an aging population, with a more numerous female population, especially for the age groups over 55. This evolving decrease is caused both by a decrease in the birth rate and by the high level of international migration. The gender structure of migrants is balanced (50.9% male in 2017).

As regards the labour market, according to the *Household Labour Force Survey (AMIGO)*, in 2017, the employment rate in Romania among persons aged 20-64 was 68.8%, with higher values reported for men (77.3%) compared to 60.2% for women. In the total population aged 15 and over, 54.9% accounted for the active population (employed and unemployed), and the rest were economically inactive. The employed population included 8671 thousand persons, and the employment rate (15-64 years old) was 63.9%. Of the total employed population, 43.6% were women. The employment rate (15-64 years old) for men was 71.8%, 16 percentage points (pp) higher than in the case of women. The biggest gap in terms of occupational status of women and men is reported for entrepreneurship: the male/female entrepreneurs ratio is 3:1. The distribution of employed population by occupational groups indicates that in 2017 women accounted for larger shares in the total employed population for clerical support workers (63.6%), workers in services (61.8%), experts in various fields (57.4%) and technicians and the associated professionals (54.2%).

Employment rate by gender and age group 15-64			
	2015	2016	2017
Total	61.4%	61.6%	63.9%
Men	69.5%	69.7%	71.8%
Women	53.2%	53.3%	55.8%

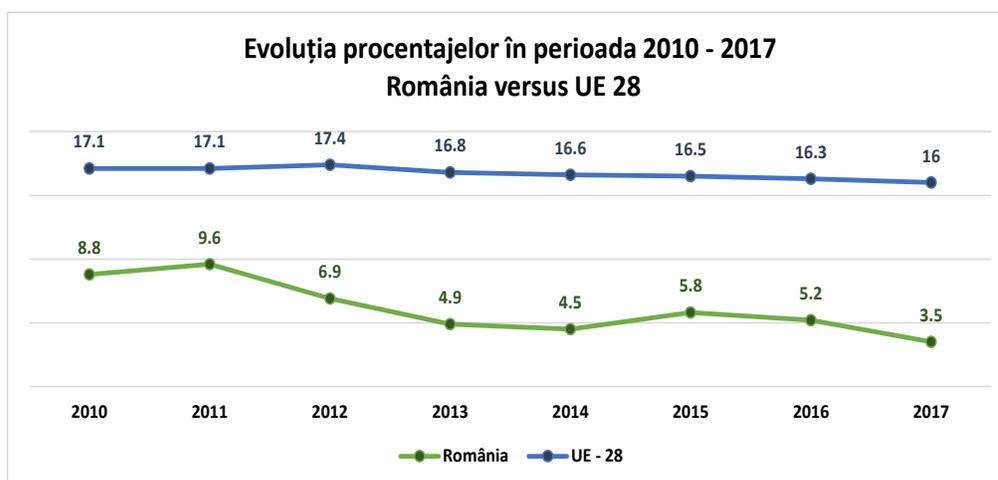
Unemployment rate of 4.9% (5.6% for men, 4.0% for women). In the case of young people (aged 15-24), the unemployment rate reached 18.3%, slightly higher among women (18.6%). The highest unemployment rate was reported for unemployed men with low education level (8.1%) and the lowest for unemployed women with higher education.

Unemployment rate by gender			
According to the International Labour Office criteria			
	2015	2016	2017
Total	6.84%	5.9%	4.9%

Men	7.5%	6.6%	5.6%	
Women	5.8%	5.0%	4.0%	

One may not speak of sex discrimination in any field of economic activity in Romania, but there is a gender pay gap generated by certain social, demographic and economic circumstances (for example, women's skills and competences may often be underestimated, especially in female-dominated fields). The most important factors influencing the professional life of women are maternity or child-raising leaves (until the child reached the age of 2) and the flexible working hours. There are gender pay gaps reported by activities of the national economy, caused by different levels of qualification, hierarchical position or occupations practiced. Usually, in most activities of the national economy, the gender pay gaps (gross and net) favour men.

According to Eurostat data, Romania made progress in the past 3 years in terms of the gender pay gap, as it decreased from 5.8% in 2015 to 5.2% in 2016, and reached 3.5% in 2017. Romania's figures are far better than the EU-28 average, with differences of 10.7 pp in 2015, 11.1 pp in 2016 and 12.5 pp in 2017.



Policies and actions

Starting with 2015, the short- and medium-term priorities set by NAEO focused on the implementation of their mandate and on the development of an integrated and comprehensive approach on the principle of equal opportunities and treatment for women and men and on the issue of domestic violence, which was newly-added to the NAEO mission and which became our institutional focus in the past years, after the ratification of the Istanbul Convention on preventing and combating violence against women and domestic violence.

However, we continued our efforts to implement the provisions of the *National Strategy for equal opportunities between women and men 2014-2017*. Thus, the activities carried out in the period of 2015-2018 tried to tackle aspects related to awareness-raising on the legal provisions regarding equal opportunities between women and men or on the gender pay gap, or on the

work-life balance, and to foster the integration in the labour market of women vulnerable to discrimination, as follows:

- NAEO organised the annual event “Equal Opportunities Week” to celebrate the 8th of May, which was declared by law “The Day of Equal Opportunities between Women and Men” in 2015; in this event the NAEO experts tackled the topics described above.

In 2016, more than 1200 pupils and students participated in debates organised by 11 high schools from Bucharest, where they could interact with successful women (artists, journalists, business women or women holding important positions in the central government) and participate in essay competitions on the topic of equal opportunities between women and men.

In 2017, we organised 4 debates where we presented the high school students in Bucharest four women with important careers in sciences/technical fields/IT, so as to empower young girls to pursue a career in such fields. We also organised an online campaign to promote women in sciences, and present success stories of women who marked the history of sciences in Romania.

In 2018, we organised debates in 10 high schools in Bucharest, in cooperation with the General School Inspectorate of Bucharest Municipality and Professional Women’s Network Romania - PWN, for students in the grades 11 and 12, and presented Romanian female business success stories of members of the international organisation PWN.

- In the period of July 28 - August 30, 2017, NAEO and the Ministry of Youth and Sport organised 22 thematic information sessions on the rights of young people in terms of equal opportunities and treatment for women and men, as part of students’ camps.
- On November 3, 2016, we organised an awareness campaign for the *Equal Pay Day* celebrated at European Union level, and submitted various newsletters on the topic to CONES members, to the 42 CCEO presidents, to the Bucharest Stock Exchange management and to the 72 CEOs of the big companies listed by BSE.
- In August 2017, NAEO concluded a protocol with UN GLOBAL COMPACT NETWORK ROMÂNIA to promote equal opportunities between women and men and to support female potential as an important factor for the development of the Romania society, by: activities to support gender mainstreaming in the companies with more than 50 employees in Romania, to reduce gender discrimination in business and to increase female representation in management boards.
- On November 1-2, 2017, Romania hosted the International Conference of Francophone Women organised by the Ministry of Foreign Affairs in cooperation with the International Organisation of La Francophonie and the National Agency for Equal Opportunities, under the high patronage of the President of Romania, an event with more than 750 participants of 48 francophone countries, to discuss topics related to: women’s rights and access to the labour market or women’s contribution to innovation and entrepreneurship.

On November 14, 2018, NAEO and Carrefour Romania launched the campaign “*Apply for a new life*” to promote the emergency number for the victims of domestic violence and new national actions to support the victims. Another objective of the campaign was the adoption of concrete

measures to support the integration of victims of domestic violence in the labour market, by organising a job fair to find them employment in the Carrefour network in Romania.

As regards work of equal value, defined as paid work which, compared to another activity by using the same indicators, and the same measurements, reflects the use of similar or equal professional knowledge and skills and the use of equal of similar intellectual and/or physical effort, especially in the private sector, where individual wages are negotiated, it is difficult to conclude that a pay gap might be triggered by gender-based discrimination, and such cases are usually solved by courts of law.

Article 24 Right to protection in case of dismissal

The employees are guaranteed with the right to protection in case of dismissal, based on the provisions of art. 39 letter j) of Law no. 53/2003 - Labour Code, republished, further amended and supplemented. They may benefit from severance allowances based on the terms of the law and on the applicable collective agreement.

We provide below the provisions of the Law no.53/2003 - Labour Code as regards termination of employment:

“ART. 58

(1) The dismissal shall represent the termination of the individual labour contract on the employer's initiative.

(2) The dismissal may be ordered for reasons pertaining to the employee's person or for reasons that do not pertain to the employee's person.

ART. 59

It shall be prohibited the employee's dismissal:

a) based on criteria such as gender, sexual orientation, genetic characteristics, age, national origin, race, colour of the skin, ethnic origin, religion, political option, social origin, disability, family status or responsibility, trade union membership or activity;

b) for the exercise, under the terms of the law, of their right to strike and trade union rights.

ART. 60

(1) Employee dismissal may not be ordered:

a) for the duration of one's temporary labour disability, as established in a medical certificate according to the law;

b) for the duration of the suspension of the activity as a result of establishing the quarantine;

c) for the duration an employed woman is pregnant, if the employer became acquainted with this fact before the issuance of such dismissal decision;

d) for the duration of one's maternity leave;

- e) for the duration of one's leave for raising a child up to the age of 2, or, in case of a disabled child, up to the age of 3;
- f) for the duration of one's leave for looking after a sick child up aged up 7 or, in case of a disabled child, for inter-current diseases, until he turns 18 years of age;
- g) for the duration of the exercise of an elected position in a trade union body, except when the dismissal is ordered for a serious disciplinary departure or for repeated disciplinary departures by that employee;
- h) for the duration one's rest leave.

(2) The provisions of paragraph (1) shall not apply in case of dismissal for reasons due to the employer's judicial reorganisation, bankruptcy or dissolution, under the law.

Dismissal for reasons related to the employee's person

ART. 61

The employer may order the dismissal for reasons pertaining to an employee's person under the following circumstances:

- a) if that employee has perpetrated a serious departure or repeated departures from the work discipline regulations or those set by the individual labour contract, the applicable collective labour contract, or the internal regulations, as a disciplinary sanction;
- b) if the employee has been placed under police custody for a period exceeding 30 days, under the terms of the Criminal procedure code;
- c) if, following a decision of the competent medical examination authorities, physical and/or mental incapacity of that employee has been found, which prevents the latter from accomplishing the duties related to his current workplace;
- d) if the employee should not be professionally fit for his current position.

ART. 62

(1) If the dismissal takes place for one of the reasons stipulated under Article 61 b) - d), the employer shall be under the obligation to issue the dismissal decision within 30 calendar days from the date of dismissal cause being found.

(2) If the dismissal should be ordered for the reason provided in Article 61 a), the employer may only issue the dismissal decision in compliance with the provisions of Article 247 - 252.

(3) Such decision shall be issued in writing and, under sanction of absolute nullity, it shall be motivated de facto and de jure and comprise details concerning the delay within which it may be appealed and the court where the appeal may be filed.

ART. 63

(1) A dismissal for a serious departure or repeated departures from the work discipline regulations may only be ordered after the employer has completed a preliminary disciplinary inquiry, and within the delays set by the present code.

(2) The employee dismissal for the reason provided in Article 61 d) may only be ordered after his preliminary evaluation, according to the evaluation procedure established by the applicable collective labour contract or, in its absence, by the internal regulations.

ART. 64

(1) If a dismissal should be ordered for the reasons stipulated under Article 61 c) and d), as well as when an individual labour contract has rightfully ceased under Article 56 (1) e), the employer shall be under the obligation to suggest to the employee other vacant positions in the unit, consistent with his professional training or, as the case may be, his work capability assessed by a labour medicine doctor.

(2) If the employer has no vacant positions according to paragraph (1), he shall be under the obligation to ask the territorial employment agency for support in the reassigning the employee, according to his professional training and/or, as applicable, to his work capability assessed by a labour medicine doctor.

(3) Such employee shall have at his disposal a delay of 3 workdays from the employer's communication according to the provisions of paragraph (1) to expressly state his consent concerning the new job offered.

(4) If that employee does not state his consent within the delay stipulated under paragraph (3), as well as after the case has been notified to the territorial employment agency according to paragraph (2), the employer may order the employee's dismissal.

(5) In the event of a dismissal for the reason stipulated under Article 61 c), the employee shall benefit from a compensation, under the terms set forth in the applicable collective labour contract or in the individual labour contract, as applicable.

Dismissal for reasons not pertaining to the employee's person

ART. 65

(1) The dismissal for reasons not pertaining to the employee's person shall represent the termination of the individual labour contract, caused by the suppression of that employee's position, for one or several reasons not related to the employee.

(2) The suppression of a position must be effective and have an actual serious cause.

ART. 66

The dismissal for reasons not pertaining to the employee's person may be individual or collective.

ART. 67

The employees dismissed for reasons which are not pertaining to their persons shall benefit from active steps for unemployment control and may benefit from compensations under the terms stipulated by the law and the applicable collective labour contract.

Collective dismissal. Information, consultation of employees and the procedure of collective dismissals

ART. 68

(1) By collective dismissal one understands the dismissal, within 30 calendar days, ordered for one or more reasons not related to the employee, of a number of:

- a) at least 10 employees, if the employer who is dismissing them has more than 20 employees and less than 100 employees;
- b) at least 10% of the employees, if the employer who is dismissing them has at least 100 employees but less than 300 employees;
- c) at least 30 employees, if the employer who is dismissing them has at least 300 employees.

(2) Upon the determination of the actual number of collectively dismissed employees, according to paragraph (1), there shall be taken into account the employees with individual labour contracts terminated at the employer's initiative, for one or several reasons, not related to the employee, provided that there are at least 5 dismissals.

ART. 69

(1) In case the employer intends to make collective dismissals, it shall be obliged to initiate, in due time and with a view to reaching an agreement, under the terms of the law, consultations with the trade union or, as applicable, the employees' representatives, referring at least to:

- a) the methods and means for avoiding collective dismissals or reducing the number of employees to be dismissed;
- b) mitigating the consequences of dismissals by resorting to social measures envisaging, inter alia, support for the professional re-qualification or reconversion of the dismissed employees.

(2) During the period of consultations, according to paragraph (1), in order to allow the trade union or the employees' representatives to formulate proposals in due time, the employer shall be bound to supply them with all relevant information and to notify in writing the following:

- a) the total number and categories of employees;
- b) the reasons that determine the forecast dismissal;
- c) the number and categories of employees that will be affected by the dismissal;
- d) criteria had in view, according to the law and/or collective labour contracts, in determining the priority order for dismissal;
- e) the measures had in view for limiting the number of dismissals;
- f) the measures for mitigating the consequences of dismissals and the compensations to be granted to the dismissed employees, according to the legal provisions and/or to the applicable collective labour contract;
- g) the date on which or the period during which the dismissals are bound take place;

h) the time limit within which the trade union or, as the case may be, the representatives of the employees can make proposals to avoid or reduce the number of dismissed employees.

(3) The criteria provided in paragraph (2) d) shall be applied in order to categorize the employees after the evaluation of the performance objectives achievement.

(4) The obligations provided in paragraph (1) and (2) shall be maintained irrespective of whether the decision that determined the collective dismissals is made by the employer or by an undertaking that controls the employer.

(5) In case the decision that determines the collective dismissals is made by an undertaking that has control over the employer, the employer may not take advantage, in his failure to comply with the obligations provided in paragraph (1) and (2), of the fact that the undertaking did not supply the necessary information.

ART. 70

The employer shall be under the obligation to send a copy of the notification mentioned in Article 69 (2) to the territorial labour inspectorate and the territorial employment agency on the same date when the notification was sent to the trade union or, as the case may be, to the employees' representatives.

ART. 71

(1) The trade union or, as applicable, the employees' representatives may propose to the employer steps for avoiding the dismissals or diminishing the number of employees dismissed, within 10 calendar days of the date of receipt of the notification.

(2) The employer shall be under the obligation to reply, in writing and stating good reasons, to the proposals forwarded under the provisions of paragraph (1), within 5 calendar days as of their receipt.

ART. 72

(1) In case that, after the consultations with the trade union or the employees' representatives, according to the provisions of Article 69 and 71, the employer shall decide to apply the measure of collective dismissal, it shall be obliged to notify in writing the territorial labour inspectorate and the territorial employment agency, at least 30 calendar days before the date when the dismissal decisions were issued.

(2) The notification provided in paragraph (1) must include all relevant information with regard to the intention of collective dismissal, provided in Article 69 (2), as well as the results of consultations with the trade union or the employees' representative, provided in Article 69 (1) and 71, particularly the reasons of the dismissals, the total number of employees, the number of employees affected by the dismissal and the date or the period when such dismissals begin to take place.

(3) The employer shall be under the obligation to send a copy of the notification mentioned in paragraph (1) to the trade union or, as the case may be, to the employees' representatives on

the same date when the notification was sent to the territorial labour inspectorate and the territorial employment agency.

(4) The trade union or the employees' representatives may forward their possible viewpoints to the territorial labour inspectorate.

(5) Upon the reasoned request of either party, the territorial labour inspectorate, with the opinion of the territorial employment agency, may order the reduction of the period provided in paragraph (1), notwithstanding the individual rights with regard to the notice period.

(6) The territorial labour inspectorate shall be under the obligation to inform within 3 working days the employer and the trade union or the employees' representatives, as applicable, on the reduction or the extension of the period provided in paragraph (1), as well as on the reasons underlying this decision.

(7) In case the expected collective redundancy is aimed at the crew of a sea vessel, the notice stipulated under para. (1) shall also be submitted to the competent authority of the state whose flag the ship sails under, in compliance with the provisions of para. (2) and within the deadline stipulated under para. (1).

ART. 73

(1) Within the period provided in Article 72 (1), the territorial employment agency must seek solutions for the problems raised by the forecast collective dismissals and to communicate them in due time to the employer and the trade union or, as the case may be, the employees' representatives.

(2) Upon the motivated request of either party, the territorial labour inspectorate, after consultation with the territorial employment agency, may order the postponement of the time of issuing of the dismissal decisions by 10 calendar days, in case the issues related to the collective dismissal had in view may not be solved by the date established in the collective dismissal notification provided in Article 72 (1) as being the date of issuing of dismissal decisions.

(3) The territorial labour inspectorate shall be obliged to inform in writing the employer and the trade union or the employee's representatives, as applicable, on the postponement of the time of issue of the dismissal decisions, as well as on the reasons underlying this decision, before the initial period provided in Article 72 (1) expires.

ART. 74

(1) Within 45 calendar days from his dismissal, the dismissed employee by collective dismissal shall have the right to be re-employed with priority on the position re-established in the same activity, without examination, contest or trial period.

(2) If during the period provided in paragraph (1) the same activities are resumed, the employer shall send to the employees that have been dismissed from the positions of which activity is resumed in the same conditions of professional competence a written communication, by which they are informed on resuming the activity.

(3) The employees shall have at their disposal a term of maximum 5 calendar days from the date of the employer's communication, provided in paragraph (2), in order to give their written consent regarding the job offered to them.

(4) If the employees who are entitled to be re-employed according to paragraph (2) do not give their written consent within the term provided in paragraph (3) or if they refuse the job offered, the employer may hire new people for the vacant jobs.

(5) The provisions of Articles 68 - 73 shall not be applied to the employees from public institutions and public authorities.

(6) The provisions of Articles 68 - 73 shall not be applied in case of individual labour contracts concluded for a definite period, except for the cases when these dismissals take place prior to the expiry date of these contracts.

Right to notice

ART. 75

(1) The persons dismissed based on Article 61 c) and d), and Articles 65 and 66 shall benefit from the right to a notice which may not be less than 20 working days.

(2) An exception to the provisions of paragraph (1) shall be represented by the persons dismissed based on Article 61 d), who are on a trial period.

(3) If, during the notice period, the individual labour contract should be suspended, the notice delay shall be suspended accordingly, except for the case stipulated in Article 51 (2).

ART. 76

The dismissal decision shall be communicated to the employee in writing and shall contain by all means:

a) the reasons for the dismissal;

b) the notice duration*);

c) the criteria for establishing the priority order, according to Article 69 (2) d), only as far as collective dismissals are concerned;

d) the list of all available positions in the unit and the delay within which the employees are to choose a vacant position, under the terms of Article 64.

ART. 77

The dismissal decision shall cause effects from the date of it being notified to the employee.

Control of and sanctions for unlawful dismissals

ART. 78

The dismissal ordered in non-compliance with the procedure stipulated by the law is struck by absolute nullity.

ART. 79

In the event of a labour conflict, an employer may not resort, before a court of law, to other de facto or de jure reasons than the ones stated in the dismissal decision.

ART. 80

(1) If the dismissal has not been based on good grounds or has been unlawful, the court shall order its cancellation and force the employer to pay an compensation equal to the indexed, increased and updated wages and the other rights the employee would have otherwise benefited from.

(2) At the employee's request, the court having ordered the cancellation of the dismissal shall restore the parties to the status existing before the issuance of the dismissal document.

(3) In case the employee does not request the reinstatement in the situation previous to the issuance of the dismissal document, the individual labour contract shall be rightfully terminated at the date when the judgment remains final and irrevocable.

Article 25 Right of workers to protection of their debts in the event of the insolvency of their employer

In Romania, the legal framework on the establishment, management, use and control of the Wage Guarantee Fund was put in place with the entry into force of Law no. 200/2006 on the establishment and use of the Wage Guarantee Fund.

The Wage Guarantee Fund ensures payment of any pay claims arising from individual employment contracts and from collective bargaining agreements concluded by employees with employers against whom a court ruled a final decision to initiate insolvency proceedings and ordered the partial or full divestment of the debtor, called insolvent employers.

Any decision establishing the insolvency of a transnational employer, of an employer who is a natural or a legal person undertaking activities in Romania and in at least one other Member State of the European Union or of the European Economic Area shall consider the decision ruled by the competent authority from another Member State of the European Union or of the European Economic Area to initiate the proceedings or, as appropriate, to note that the debtor does not own any assets or that the assets owned by the debtor are insufficient to justify the initiation of insolvency proceedings and the owner shall be removed from the company registry.

The National Agency for Employment manages the Wage Guarantee Fund, through the county and Bucharest Municipality employment agencies, which have the following tasks in this field:

- a) to receive, examine and solve the claims for unpaid wages arising from individual employment contracts and/or collective bargaining agreements
- b) to establish the amount of unpaid wages due to employees and pay such amounts;
- c) to recover the debts created pursuant to this law, other than those arising from contributions to the Wage Guarantee Fund;

- d) to represent the interests of the Wage Guarantee Fund in interactions with central and local public administration institutions, courts of law, companies and organisations;
- e) to exchange information with the competent institutions of the Member States of the European Union or of the European Economic Area.

The Wage Guarantee Fund resources shall pay, pursuant to the limitations and conditions provided by this law, the following categories of wage claims:

- a) outstanding wages;
- b) outstanding money due by employers for annual leave not taken by employees, not exceeding the one annual leave;
- c) outstanding compensations as provided by the individual employment contracts and/or collective bargaining agreements, in case of termination;
- d) outstanding compensations which the employers are obliged to pay, as provided by the individual employment contracts and/or collective bargaining agreements, in case of occupational injury or illness;
- e) outstanding benefits which the employers are obliged to pay, pursuant to law, throughout the temporary interruption of work period.

Salary claims shall be paid for a period of 3 calendar months.

The total amount of salary claims paid by the Wage Guarantee Fund shall not exceed 3 gross national average wages for each employee; the gross national average wage considered is the value communicated by the National Institute of Statistics for the month when the insolvency proceedings were initiated.

The county employment agencies and the Bucharest Municipality Employment Agency shall establish the amount of the wage claims due to employees and shall pay such amounts, upon written application by the administrator or by the receiver of the insolvent employer or, as appropriate, by the employees of the insolvent employer or by the organisations supporting their interests.

Any such application shall be solved within 45 from their registration with the county employment agency or with the Bucharest Municipality Employment Agency, as appropriate.

In cases where, following the examination of the supporting documents, the county employment agencies and the Bucharest Municipality Employment Agency find that all legal requirements are fulfilled, then they shall issue the decision establishing the amount of wage claims paid from the Wage Guarantee Fund for the employees of that insolvent employer.

In case the employer does not meet the conditions provided by law, the application shall be rejected by a decision issued and justified by the county employment agencies or the Bucharest Municipality Employment Agency.