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EUROPEAN SOCIAL CHARTER

23rd National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF ROMANIA

Articles 2, 3, 4, 5, 6, and 20

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THE 23RD NATIONAL REPORT

ON THE IMPLEMENTATION

OF THE EUROPEAN SOCIAL CHARTER (REVISED)

SUBMITTED BY

THE GOVERNMENT OF ROMANIA

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

Article 1; Article 2; Article 3; Article 4; Article 5; Article 6; Article 8; Article 9; Article 10; Article 18; Article 19; Article 20; Article 21; Article 22; Article 24; Article 25; Article 28; Article 29

LIST OF ACRONYMS

BET - Bucharest Exchange Trading

CAEN - Classification of Activities in the National Economy

ECHR - European Court of Human Rights

EEP - Education and Employment Program

ESC - Economic and Social Council

GD - Government Decision

GEO - Government Emergency Ordinance

GO – Government Ordinance

ILO - International Labour Organization

MCID - Ministry of Research, Innovation and Digitization

NAE - National Agency for Employment

NAEO - National Agency for Equal Opportunities between Women and Men

NGO - Non-Governmental Organization

NRRP - National Recovery and Resilience Plan

NTCSD - National Tripartite Council for Social Dialogue

SDCs - Social Dialogue Committees

SMEs - Small and medium-sized enterprises

POEO - Education and Employment Operational Program

Article 2§1 Reasonable daily and weekly working hours

a) Please provide information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including:

• information on the exact number of weekly hours that persons in these occupations can work;

• information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.

In Romania, the maximum legal duration of working time **cannot exceed 48 hours per week**, including overtime, according to article 114, paragraph 1 of Law no. 53/2003 - Labour Code, republished, with subsequent amendments and additions.

b) Please provide information on the weekly working hours of seafarers.

According to the GEO no. 50/2022 on the regulation of labour in the maritime field, the seafarer's standard working hours are stipulated in the collective agreements and may not exceed 8 hours/day, with two rest days per week and rest on public holidays.

The legal maximum working time shall not exceed:

(i) 14 hours in any 24-hour period;

(ii) 72 hours in any seven-day period;

or

The statutory rest period may not be less than:

(i) 10 hours in any 24-hour period;

(ii) 77 hours in any seven-day period.

The rest period may be divided into not more than two periods, one of which shall be of not less than 6 hours and the interval between two consecutive rest periods shall not exceed 14 hours.

The assembly, fire-fighting and rescue duties and other duties and drills provided for in national regulations and applicable international Conventions shall be performed in such a manner as to minimize disruption of rest periods and not to cause fatigue.

When a seafarer on normal rest time is called to duty, such as when an engine room is left unattended, the seafarer shall be allowed an appropriate compensatory rest period on board if the normal rest period is disturbed by calls to duty.

The ship-owner and the commander of the ship shall ensure that the seafarer is provided with the minimum hours of rest.

No provision of the GEO shall prejudice the overriding right of the commander of a ship to require a seafarer to perform as many hours of work as are necessary for the safety of the ship, persons on board and cargo, or for the purpose of assisting other ships or persons in distress at sea.

The commander may suspend the hours of work or hours of rest and require a seafarer to perform as many hours of work as necessary until the normal situation is restored.

As soon as reasonably practicable after the normal situation has been restored, the master shall ensure that all seafarers who have performed work during the scheduled rest period are given adequate rest.

c) Please provide information on how inactive on-call periods are treated in terms of work or rest time.

According to the Labour Code, working time represents any period during which the employee performs work, is at the employer's disposal and carries out his/her duties and tasks, in accordance with the provisions of the individual employment contract, the applicable collective labour agreement and/or the legislation in force.

The Order of the Minister of Health no. 870/2004 approving the Regulation on working time, the organisation and on-call service in public units in the health sector has been amended as follows:

It is forbidden for the same doctor to carry out two consecutive on-call services.

On-call hours are carried out outside the basic working hours and are carried out on the basis of an individual part-time employment contract and constitute seniority in the job and in the speciality.

In addition, on-call hours as well as the calls from home must be recorded on an attendance sheet for on-call work.

The calls from home are recorded in the attendance book for on-call activity, are considered as on-call hours and are paid according to the law.

Only hours actually worked in the health facility where the call from home was made shall be considered on-call hours.

Article 3§1 Health and safety and the working environment

Please provide information on the content and implementation of national policies on psychosocial or new and emerging risks, including:

• in the gig or platform economy;

• as regards telework;

• in jobs requiring intense attention or high performance;

• in jobs related to stress or traumatic situations at work;

• in jobs affected by climate change risks.

Law no. 319/2006 on Occupational Health and Safety establishes general principles regarding the prevention of occupational risks, the protection of workers' health and safety, the elimination of risk factors and accidents, information, consultation, training as well as general directions for the implementation of these principles. According to Law no. 319/2006, the employer has the obligation to perform and be in possession of a risks assessment and has the duty to ensure the safety and health of all workers, in every aspect related to the work.

Law no. 319/2006 also contains provisions that require taking measures against workplace risks, regardless of their nature, including psycho-social risks or those generated by remote work or climate change.

In order to improve the working conditions on platforms, Romania participated in the negotiation of the Proposal for a Directive on improving working conditions in platform work and will ensure the transposition of its provisions, after publication in the Official Journal of the European Union.

The provisions of Law no. 81/2018 regarding the telework activity establishes the method of carrying out the activity by the employee, in the telework regime.

According to art. 2 of Law no. 81/2018: "a) telework is defined as the form of work organization through which the employee, on a regular and voluntary basis, fulfils the duties specific to the position, occupation or professions he/she has in a place other than the workplace organized by the employer, using information and communication technology; b) teleworker means any employee who carries out the activity under the conditions provided for in letter a)."

According to art. 6 of Law no. 81/2018, the teleworker benefits from all rights recognized by law, by internal regulations and collective labour agreements applicable to employees who work at the employer's headquarters or residence.

According to art. 7 of Law no. 81/2018, the employer has the following specific obligations regarding the occupational health and safety of teleworkers:

a) to ensure the means related to information and communication technology and/or safe work equipment needed for performing work, unless the parties agree otherwise;

b) to install, check and maintain the necessary work equipment, unless the parties agree otherwise;

c) to ensure conditions for the teleworker to receive sufficient and appropriate training in the field of safety and health at work, especially information and instruction of workers regarding the use of equipment with a display screen: at employment, upon the introduction of new equipment work, when introducing any new work procedure.

According to art. 8, paragraph (2), the teleworker has the following obligations:

a) to inform the employer about the work equipment used and the existing conditions at the places where the telework activity is carried out and to allow him access, to the extent possible, in order to establish and implement the necessary occupational health and safety measures according to the clauses of the individual employment contract, or in order to investigate the events;

b) not to change the safety and health work conditions in the places where the telework activity is carried out;

c) to use only work equipment that does not pose a danger to his safety and health;

d) to carry out its activity in compliance with the provisions regarding the obligations of workers, as provided for in Law no. 319/2006, as well as in accordance with the clauses of the individual employment contract;

e) to comply with the specific rules and restrictions established by the employer regarding the internet networks used or regarding the use of the equipment provided.

According to the provisions of art. 9, paragraph (2) of Law no. 81/2018, in order to verify the application and compliance with the legal requirements in the field of safety and health at work and labour relations, the representatives of the competent authorities have access to the places where the activity of telework is carried out, under the conditions stipulated in Law no. 108/1999 for the establishment and organization of the Labour Inspection.

Regarding the climate change risks, in Romania, since 2000, specific legislation has been adopted for the protection of workers against extreme temperatures.

Thus, by GEO no. 99/2000 on measures applicable for the protection of employees during periods with extreme temperatures and GD no. 580/2000 for the approval of the methodological norms for the application of the provisions of GEO no. 99/2000, the legal framework was established to ensure the protection of workers during periods when, due to unfavourable weather conditions, extreme temperatures are recorded.

According to GEO no. 99/2000, extreme temperatures shall mean the air temperatures on the outside, that:

a) exceed +37 Celsius degrees or, correlated with high humidity conditions, may be comparable to this level;

b) go below -20 Celsius degrees or, correlated with high windy conditions, may be equivalent to this level.

In this regard, The National Institute of Meteorology and Hydrology shall be under the obligation to communicate in the local media the areas where the temperature reaches the above limits, the level of such temperatures as well as the forecast for the next period.

Once extreme temperatures are reached, employers, through consultation with the representatives of the trade unions or, as applicable, with the elected representatives of the employees, must take all legal measures for providing microclimate conditions at the work place.

The employers must ensure the following minimal measures:

A. For the improvement of the working conditions:

a) to mitigate the intensity and reduce the pace of physical activities;

b) to provide a proper ventilation at the workplace;

c) to alternate the dynamic efforts with the static ones;

d) to alternate the working periods with the rest time under shady places with air currents.

B. In order to preserve the health condition of the employees:

a) to provide the adequate mineral water, 2 - 4 litres/person/shift;

b) to ensure the personal protective equipment;

c) to provide showers.

During high temperature periods, the employers must ensure the following minimal measures for the purpose of preservation of the health condition of the employees working in the open air:

a) offering hot tea in an quantity of 0,5 - 1 litre/person/shift;

b) allowing breaks for restoration of the thermal adjustment capacity, for which purpose they shall provide fixed or mobile spaces with proper microclimate;

c) supplying personal protective equipment.

When the employers cannot provide the above mentioned conditions they shall take the following measures, by mutual agreement with the representatives of the trade unions or with the elected representatives of the employees:

a) shortening the working duration;

b) dividing the work day into two periods: by 11:00 and after 17:00, during periods with extreme temperatures;

c) collective stop of work by ensuring the continuity of activity in the places where it cannot be stopped, according to the legal provisions.

For the purposes of preventing sickness caused by work under extreme temperature conditions the following measures shall be implemented:

a) the employer shall provide the possibility to undergo the medical examination upon employment and the periodical medical check, following up the precocious tracing of the contra-indications for working at high or low temperatures;

b) first aid and transport to the nearest sanitary unit for all the affected persons;

c) transfer, if possible, to other work places or shortening of work schedule for persons suffering from diseases for which working at extreme temperatures is not recommended.

In the event that employers have not taken measures to prevent illnesses caused by work during extreme temperature conditions, the legislation in the field of safety and health at work provides contravention penalties.

In the context of climate change Labour Inspection has stepped up control actions regarding compliance with the provisions of national legislation on measures that can be applied during extreme temperatures to protect employees and, in the future, will continue to act so.

Article 3§2 of the Revised Charter (Article 3§1 §of 1961 Charter) Health and safety regulations

a) Please provide information on:

• the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours (including the right to disconnect);

• how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.

According to the Labour Code, work performed outside the normal working week is considered as overtime. Overtime **may not be performed without the employee's consent**, except in cases of force majeure or for urgent work to prevent accidents or to eliminate the consequences of an accident.

Forced labour is prohibited. Forced labour means any work or service which is imposed on a person under threat or to which that person has not freely given his or her consent.

If requested by the employer, employees may perform overtime work, subject to the legal maximum working time which may not exceed 48 hours per week, including overtime. By way of exception, the duration of working time, including overtime, may be extended beyond 48 hours per week, provided that the average working hours, calculated over a reference period of 4 calendar months, do not exceed 48 hours per week. For certain sectors of activity, establishments or occupations, a daily working time of less than or more than 8 hours may be laid down by collective or individual negotiations or by specific legislation. The daily working time of 12 hours shall be followed by a rest period of 24 hours.

Overtime work exceeding the above limit is prohibited, except in cases of force majeure or for other urgent work to prevent accidents or to eliminate the consequences of an accident.

Overtime shall be compensated by paid time off within 90 calendar days following the overtime work.

In these circumstances, the employee shall receive the corresponding salary for hours worked outside normal working hours.

In periods of reduced activity the employer has the possibility to grant paid days off from which overtime to be worked in the following 12 months can be compensated.

If it is not possible to make up the overtime through paid time off within the period stipulated above, the overtime shall be paid to the employee in the following month by adding a bonus to the employee's salary corresponding to the duration of the overtime.

The additional payment for overtime shall be determined by negotiation in the collective agreement or, where appropriate, the individual employment contract, and may not be less than 75% of the basic salary.

Young people under the age of 18 may not perform additional work.

The following actions constitute contraventions

- Receiving at work one or more employees in exceeding the duration of working time established in individual part-time employment contracts;

- failure to comply with the provisions on overtime work;

- failure to comply with the legal provisions on weekly rest;

b) Please provide information on:

• the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations;

• whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.

Law no. 319/2006 on Occupational Health and Safety contains provisions requiring to take measures against risks at workplaces, regardless of their nature and regardless of the way work is carried out.

Specific regulations applying to workers in these fields are:

- Law no. 167/2014 regarding the exercise of the nanny profession;

- Law no. 333/2003 on the security of objectives, goods, values and the protection of persons.

According to art. 3 of Law no. 319/2006 its provisions apply:

(1) in all sectors of activity, both public and private

(2) employers, workers and workers' representatives.

At the same time, the term worker, in accordance with art. 5, means any person employed by an employer, according to the law, including students, students during their internship, as well as apprentices and other participants in the work process.

Therefore, the provisions of Law no. 319/2006 applies to both full-time and part-time workers (part-time employment contract).

As regard the workers employed on the basis of an individual fixed-term employment contract and for temporary workers employed by temporary employment agencies, they are covered by provisions of Law no. 319/2006 in accordance with art. 1, paragraph (4) of GD no. 557/2007 regarding the completion of the measures intended to promote the improvement of safety and health at the workplace for workers under an individual fixed-term employment contract and for temporary workers employed by temporary employment agencies, workers under an individual employment contract for a fixed period and for temporary workers employed by temporary employment agencies.

Regular national campaigns to inform, raise awareness and monitor employers on the risks at the workplaces where day workers or other workers in the above categories are being used.

Article 3§3 of Revised Charter (Article 3§§2 of 1961 Charter) Enforcement of health and safety health regulations

Please provide information on measures taken to ensure the supervision of implementation of health and safety regulations concerning vulnerable categories of workers such as:

• domestic workers;

• digital platform workers;

• teleworkers;

• posted workers;

• workers employed through subcontracting;

• the self employed;

• workers exposed to environmental-related risks such as climate change and pollution.

Law no. 319/2006 has comprehensive provisions that require taking measures against workplace risks, regardless of their nature, the way work is carried out, as well as the status of the workers.

In Romania, in accordance with art. 1, paragraph (3) of Law no. 108/1999 for the establishment and organization of the Labour Inspection, it fulfils the function of state authority, through which it ensures the exercise of control in the fields of labour relations, safety and health at work and market surveillance.

The main specific attributions in the field of occupational safety and health of the Labour Inspection are:

a) controls, coordinates and methodologically guides the application of the provisions related to safety and health at work, which derive from national and European legislation and from the conventions of the ILO;

b) investigate the events according to the competences, approves the investigation, establishes or confirms the nature of the accidents, collaborates with the institutions involved on record and reporting of work accidents and occupational diseases;

c) controls the activity of training, information and consultation of worker and provides information in order to improve it;

d) authorizes, from the point of view of safety and health at work, the operation of natural and legal persons and withdraws or may propose the withdrawal of the authorization, under the conditions of the law;

e) orders the closing of activity or taking out of order a technical equipment, in the event that an serious and imminent hazard of accident or of occupational disease is ascertained, and it notifies, as applicable, the criminal prosecution bodies;

f) orders the employer to carry out measurements, determinations and expertise to prevent events or to establish the causes of the events produced, as well as to verify, by authorized bodies, the level of professional noxes within admissible limits at workplaces, the expenses being borne by the employer.

Measures taken by the Labour Inspectorate:

- National campaign to verify compliance with Law no. 52/2011 on the exercise of occasional activities carried out by day workers;
- Control action on occupational safety and health on older workers in small and medium-sized enterprises;
- Action to prevent work-related illnesses caused by work-related stress;
- Identifying a method for assessing psychosocial risk factors and measures to tackle stress at the workplaces;
- Checking the compliance with occupational safety and health legislation in order to maintain ‘healthy workplaces for all ages’;
- Identifying a method for assessing psychosocial risk factors and measures to tackle stress at the workplace;
- Action to inform employers which create new jobs and support them in ensuring a safe and healthy working environment;
- National campaign to inform, raise awareness and monitor employers on the existing risks at the workplaces where day workers and/or temporary employees are used;
- Control actions on how to comply with the provisions of national legislation on measures that can be applied during periods of extreme temperatures for the protection of employees;
- Taking part in the Working Group on Transposing Directives into Labour Legislation for the Implementation of the Social Conditionality Mechanism in the Context of the Common Agricultural

Policy, organized by the Ministry of Agriculture and Rural Development which will establish measures for vulnerable categories of agricultural workers.

Article 4§3 Right of men and women to equal pay for work of equal value

a) Please indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

The principle of equal pay for work of equal value represents a dimension of gender policy, introduced into Romanian legislation by Law no. 202/2002 regarding equal opportunities and treatment between women and men.

Law no. 202/2002, is the framework law in order to eliminate all forms of discrimination based on the criterion of sex, in all spheres of public life in Romania, respectively the measures regarding the labour market, participation in decision-making, education, culture and information, elimination of gender roles and stereotypes. A number of institutions and public authorities have the task of carrying out its provisions, each for its field of activity.

According to the provisions of Law no. 202/2002, labour relations include, among other things, non-discriminatory access to:

- the free choice or exercise of a profession or activity;
- employment in all positions or vacant jobs and at all levels of the professional hierarchy;
- equal income for work of equal value.

Also, the Labour Code specifies that for equal work or work of equal value it shall be forbidden any discrimination for criteria such as sex with regard to all remuneration elements and conditions.

As of July 2017, the salaries of budgetary staff are paid according to Law no. 153/2017 on the remuneration of staff paid from public funds.

The salary system regulated by this law is based, among other principles, on the principle of non-discrimination, in the sense of eliminating any forms of discrimination and establishing equal treatment with regard to the staff in the budgetary sector who perform the same activity and have the same seniority in work and in office as well as the principle of equality, by ensuring equal basic salaries for work of equal value.

b) Please provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

In the public sector, according to the law, the principle of non-discrimination is applied, in the sense of eliminating all forms of discrimination and establishing equal treatment of public sector staff performing the same activity and having the same seniority in work and in function and the principle of equality, by ensuring equal basic salaries for work of equal value.

At the same time, the principle of transparency of salary incomes and other entitlements in cash and/or in kind is applied to all public sector functions.

In addition to the information provided under point a), we mention that according to Law no. 153/2017 on the remuneration of staff paid from public funds, the basic salary of civil servants, without any discrimination on grounds of gender, is differentiated by position, grade/step and seniority scale.

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

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

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

c) Please provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time. Please provide statistical trends on the gender pay gap.

Gender pay gap according to EUROSTAT data, regarding Romania, shows that progress has been recorded in the last years, decreasing from 5.8% (2015) to 5.2% (2016) and 2.4% (2020). In Romania versus EU28, we recorded superior percentages, 10.7 pp (2015), 11.1 pp (2016) and 10.6 pp (2020).

Also, please see the information provided above (point b).

Article 5 Right to organise

a) Please indicate what measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

The right to trade union association and the right to collective bargaining are guaranteed by the Romanian Constitution to all citizens, without discrimination, including foreign citizens legally present on Romanian territory and by the Labour Code which regulates all work and employment relationships, unless there are specific exemptions by special legislation. Also, Law no. 367/2022 on social dialogue explicitly provides for the freedom of employees to decide without coercion to join and join unions, disaffiliation from the union being freely decided by the employee.

In compliance with the guarantees of the Charter, national legislation (Law no. 367/2022 and GO no. 26/2000 on associations and foundations, professional statutes) guarantees all workers and employers/companies the right of free and voluntary association and membership to associative

structures for the defence of economic interests, social and professional in the work relationship, before the authorities and the courts (trade unions, employers' associations, professional associations). Labour rights are regulated by the Labour Code, the right of trade union association and the free exercise of trade union activity being guaranteed to persons in an employment relationship, without discrimination and at the level of all employers.

In order to boost collective bargaining and association, at the end of 2022 a new social dialogue law was established after a long national debate with the social partners.

The measures to promote and support association and collective bargaining, which bring together European and ILO practices in the matter, are included/provided by the applicable legislation (Labour Code, Social Dialogue Law and specific legislation) respectively:

- Recognition of trade union rights and freedoms, the right to free and voluntary association and affiliation, the prohibition of discrimination, adverse treatment and dismissal on the grounds of exercising rights and trade union activity, facilities for trade union organization and the establishment of the ban on renouncing legal rights/from collective agreements;

- Establishing the obligation to initiate collective bargaining in all units with over 10 employees and in collective bargaining sectors, to boost negotiation and joint consultations;

- In order to facilitate collective bargaining 10 employees from the same company or 20 employees from different companies in the same sector may form a union;

- Regulation of collective bargaining procedures and rules in the absence of an agreement of the social partners in the matter (steps, negotiation terms, the obligation to inform, the legitimacy of the negotiating parties, the resolution of collective labour conflicts, etc.);

- The social partners can request, depending on the developments of the labour market, the recognition by regulation at the request of the social partners of the collective bargaining sectors established/agreed upon by them.

At the same time, through the new provisions introduced, confederations were granted the right to participate in the sectoral negotiation. Participation is based on the mandate received from the member federation and in the interest of the members they represent. In this regard, the confederation will have to notify the list of units where the members they represent in the collective bargaining have.

In order to ensure an extensive protection mainly of SMEs, the provision is introduced that, in all collective labour contracts concluded at the collective bargaining sector level or at the national level, specific clauses applicable to each category of SMEs, defined in accordance with Law no. 346/2004.

Through the current legal framework, regarding the social dialogue, it is envisaged to encourage collective negotiations at the activity sector level by the social partners based on the common interest, through the voluntary agreement of the parties and ensuring a minimum protection for the representatives of SMEs who participate or adhere to sectoral collective bargaining. The SMEs representatives found that in the current conditions of the labour market, in order to be competitive and to prevent labour migration, it is necessary to redefine the collective bargaining sectors and involve employers' organizations that represent the interests of SMEs in the collective bargaining process at all levels.

The definitions for employee/worker and self-employed persons were extended in order to cover as many types of workforces as possible:

- The law employee/worker - natural person, part of an individual employment contract or a service relationship, as well as the one who performs work for and under the authority of an employer and benefits from the rights provided by the law, as well as the provisions of contracts or collective agreements applicable work;

- Self-employed person - the person who carries out an independent activity, trade or profession, has the status of insured in the public social insurance system and/or who does not have the status of employer;

Regulation of mechanisms and procedures for amicable settlement with institutional support for conciliation and mediation to facilitate the conclusion of collective agreements and reduce conflicts and collective actions;

Establishing the *erga omnes* application of collective agreements negotiated at unit and group of units level for the direct extension of the protection of the clauses to all employees, as well as the regulation of a mechanism for extending the application of collective agreements concluded at sector level in order to cover employees in all units from the sector (at the request of the signatory parties and with the favourable agreement of the NTCSD);

- Supporting the involvement of all trade union organizations in negotiations and eliminating any possible inconveniences related to the recognition of the representativeness of the organizations, through the possibility of negotiation based on the mutual recognition of the parties, the agreements/texts concluded being the law of the parties, with clauses applicable exclusively to the members;

- Establishing sanctions and ways of reporting and attacking, with facilities for access to the court;

- As early as 2009, sectoral social dialogue committees were regulated, with funding from the state budget and from own sources, as a measure to encourage sectoral dialogue between trade union and employer federations in matters of employment, professional training and to identify the common interest in the sectoral negotiation (GEO no. 28/2009);

- Another measure of support was related to social partners' access to European funds to increase the capacity for expertise, participation in dialogue and collective bargaining. Five national representative confederations (out of 7) were allocated funds over a five year period in order to increase their capacity building. Other funds were allocated for sectoral or national representative federations;

The government intends to further support the increase in the action capacity of the sectoral social dialogue committees and the organization and action capacity of the social partners through the 2021-2027 European funding programs.

b) Please describe the legal criteria used to determine the recognition of employers' organisations for the purposes of engaging in social dialogue and collective bargaining.

In Romania, representativeness is an essential condition, which must be met by employers' organizations and trade unions that wish to participate in the negotiation and conclusion of collective labour contracts.

Employer organizations are important organizations in the business environment in Romania, both due to the stimulation of cohesion between business people, and due to the relevance that employer organizations can acquire in relation to (i) politicians, regarding commercial and labour regulations, (ii) commercial relations between economic operators, (iii) civil society and (iv) social partners (unions).

The most important employers' organizations are the representative ones. The acquisition of representativeness, contestation of representativeness and the functioning of representative organizations are subject to Law no. 367/2022 on Social Dialogue.

Limiting the number of representative employer and union organizations. The number of employers and trade unions can be unlimited, but the number of representative ones cannot be unlimited, as the representativeness of employers' and trade unions' organizations, respectively, is taken into account by reference to the number of employees, as follows:

Nationally: 7% for employers (without budgetary sector) / 5% for unions (of all economy)

At the activity sector level: 7% for employers / 5% for unions;

At the group of unit level: signatory parties;

At the unit level: the employer for employers / 35% for unions;

According to Law 367/2022, art. 79:

(1) Employer organizations that meet the cumulative conditions are representative:

A. at the national level:

a) have legal status as an employer confederation;

b) have organizational and patrimonial independence;

c) have a territorial structure in at least half plus one of Romania's counties, including Bucharest;

d) have as members patrons whose units comprise at least 7% of employees/workers in the national economy, with the exception of employees/workers in the budget system.

B. at the collective bargaining sector level:

a) have legal status of employer/employer federation;

b) have organizational and patrimonial independence;

c) have as patron members of these units comprise at least 10% of the employees/workers of the collective bargaining sector, with the exception of employees/workers from the budget system.

C. at the unit level, the representative by law is the employer.

(2) Employers' federations can be simultaneously representative in several sectors of collective bargaining, if they cumulatively meet the good conditions in paragraph (1) lit. B at the level of several collective bargaining sectors.

(3) The fulfilment of the conditions of representativeness ensures in para. (1) lit. A and B are ascertained, by decision, by the Bucharest Municipal Court, at the request of the employers' organization, by submitting to the court the documentation provided for in the law.

Currently, the specific aspects of employers' organizations have received a new configuration, regulated by the new Law on Social Dialogue no. 367/2022, in force since December 2022, as amended by GEO no. 42/2023. The new regulation brings an important novelty to the definition of notions. It defines the employers' organization as a generic name for employers, employers' federation, employers' confederation or any other structure created by the association of employers and/or employers. This

broad definition of the notion of "employer's organization" is important not only in terms of a terminological clarification, but, above all, because representativeness, the key issue in terms of social dialogue, can be an attribute of any employer's organization, regardless if it is a patronage, a federation, a confederation or any other structure of this type.

The new typology of employer organizations is more complex, than in the old regulation, but obtaining representativeness is simple and clear, any employer organization that meets the requirements of the new regulation can obtain recognition of representativeness.

Regarding employers' organizations established before the entry into force of Law no. 367/2022, the legislator naturally kept the option of maintaining them, as every time he modified the regulations related to patronage. Naturally, this time too, the maintenance of employers' organizations took into account both the organizations established according to the immediately previous regulation, Law no. 62/2001, as well as older organizations, which Law no. 62/2011 maintained them.

Moreover, in the context in which the complexity and rigors of the new typology of employer organizations have increased, considering (i) the importance of representativeness of employer bodies and (ii) the option of the legislator to include in the scope of the notion of employer organization any organization of in this way, as we have shown above, the legislator made additional clarifications regarding the old employer organizations that request the recognition of representativeness, clarifications that are in the same sense as the clarification of maintaining the old employers, but this time also in the matter of representativeness, not just of legal existence. Thus, employers' organizations that acquired legal personality prior to the entry into force of Law no. 367/2022 "will submit to the file of representativeness the court decisions on the acquisition of legal personality obtained on the basis of the normative acts in force at the time of its acquisition". It is important to emphasize here that the legislator did not take into account only already established employer organizations, but also already established trade union organizations, which received exactly the same legal regime.

The significance of the exemptions relating to old employers' organizations regarding art. 80 of Law no. 367/2022, which refers to the proof of the conditions of representativeness, is also reflected accordingly with regard to the provisions of art. 79, which refers to the conditions for the recognition of representativeness. Well, the representativeness at the national level of an old employers' organization requires the analysis of the following aspects: (i) if they have the legal status of an employers' confederation (art. 79 par. 1 letter A letter a)), (ii) if they have organizational and patrimonial independence (art. 79 par. 1 letter A letter b)), (iii) if they have territorial structures in at least half plus one of Romania's counties, including the municipality of Bucharest (art. 79 par. 1 letter A letter c)) and (iv) if they have as members employers whose units comprise at least 7% of employees/workers in the national economy, with the exception of employees/workers in the budget system (art. 79 para. 1 letter A letter c)) . All these conditions, provided by the new Law no. 367/2022, in force, must be fulfilled cumulatively by employers' organizations, both by those established under the rule of Law no. 367/2022, as well as the old ones.

Regarding the old employers' organizations, it should be mentioned that, since they enjoy the exemptions provided for in art. 178 of Law no. 367/2022, the analysis, by the court vested with the resolution of the request to ascertain the representativeness, of the condition of having a legal status of employer's confederation, condition provided by art. 79 para. 1 lit. A lit. a) of Law no. 367/2022, does not concern an assessment regarding the form, i.e. if there is a court decision establishing the confederation, but an

assessment regarding the substance, i.e. if in the composition of the employers' organization that requests the recognition of representativeness there are two or several employers' federations, requirement provided by art. 64 para. 1 lit. d) of Law no. 367/2022.

c) Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining.

Trade unions are even more important organizations, due to the strength of their members, (i) in labour relations, and (ii) in the political environment, because "where there are many, power grows".

The representativeness of trade union organizations is an essential attribute of them, acquired according to the provisions of this law, which confers the status of a social partner qualified to represent its members within the institutionalized social dialogue. In accordance with the provisions of art. 54 para. (1) point C of Law no. 367/2022, trade union organizations that have the legal status of a trade union or trade union federation can be representative at the unit level and the number of members of the trade union or, as the case may be, of the component trade unions of the trade union federation represents at least 35% of the total number of employees /workers in a legal employment relationship or a service relationship with the unit. Also, based on art. 102 of the Social Dialogue Law, the parties to the contract/collective labour agreement are the employer and the employees/workers, and the employees are represented at the unit level, as follows: "1. by the legally established and representative trade union organizations at the unit level; 2. in the event that there are no trade union organizations to represent the employees/workers, according to point 1, by the representative trade union federations at the level of the collective bargaining sector, at the request and based on the mandate of the non-representative trade unions in the unit affiliated with them;"

According to art. 54 of Social Dialogue Law:

(1) Trade union organizations that cumulatively meet the following conditions are representative:

A. at national level:

a) have legal status as a trade union confederation;

b) have organizational and patrimonial independence;

c) have their own structures in at least half plus one of the total number of counties in Romania, including the municipality of Bucharest;

d) member trade union organizations accumulate a number of members of at least 5% of the employees/workers of the national economy;

B. at the level of collective bargaining sector or group of units:

a) have legal status as a trade union federation;

b) have organizational and patrimonial independence;

c) the member trade union organizations accumulate a number of members of at least 5% of the employees/workers in the collective bargaining sector or in the group of units, as the case may be;

C. at unit level:

a) have legal status as a trade union or trade union federation;

b) have organizational and patrimonial independence;

c) the number of members of the union or, as the case may be, of the component unions of the union federation represents at least 35% of the total number of employees/workers in a legal employment relationship or a service relationship with the unit.

(2) Trade union federations can be simultaneously representative in several sectors of collective bargaining, at the level of several groups of units or at the level of several units if they cumulatively meet the conditions provided for in paragraph (1) lit. B or C, as the case may be, at the level of several collective bargaining sectors, at the level of several groups of units or at the level of several units, as the case may be.

(3) Fulfilment by trade union organizations of the conditions of representativeness provided for in paragraph (1) letter A and B are established, at their request, by decision of the Bucharest Court, and the fulfilment by the trade union organizations of the conditions of representativeness provided for in paragraph (1) letter C is ascertained at their request by the court in whose territorial jurisdiction they are based, by submitting to the court the documentation provided for in art. 55.

Representative employer and trade union confederations at the national level appoint their members in the SDCs at the national and territorial level, as well as in the ESC, in order to participate in the legislative process, they receive regularly from the central and local public authorities draft normative acts subject to consultation and approval. At the same time, the presidents of trade union and employer confederations representative at the national level are members, by right, of the NTCSD.

Please provide information:

•on the status and prerogatives of minority trade unions;

If there is a representative union, circumstances the will of the majority of the employees in the unit, it is the one that must negotiate the clauses of the collective employment contract at the unit, aiming to protect the interests of the majority of employees (min. 35%). The fact that the rest of the non-representative unions have a bargaining mandate has no relevance in the negotiation process.

According to art. 102 of Social Dialogue Law:

(1 The parties to the contract/collective labour agreement are the employer and the employees/workers, represented as follows:

A (….)

B. Employees/Workers:

a) at unit level:

1. by the legal and representative trade union organizations at the level of the unit;

2. if there are no trade union organizations that represent the employees/workers, according to point 1, by the representative trade union federations at the level of the collective bargaining sector, at the request and based on the mandate of the non-representative trade unions in their affiliated unit;

3. in case there are no organizations to represent the employees/workers, according to points 1 and 2, by the non-representative trade union federations in the collective bargaining sector, members of the representative confederations at national level, at the request and based on the mandate of the non-representative trade unions from unit affiliated with them;

4. if there are no organizations to represent the employees/workers, according to points 1 - 3, by all non-representative unions in the unit;

5. if there are no unions established at the level of the unit, by the representatives of the employees/workers elected by the vote of at least a reduced plus a total number of employees/workers in the unit and special mandates for this purpose, in compliance with the provisions of art. 58 para. (2);

b) at the level of a group of units, by the representative trade union federations at the level of the group of units together with the established and representative legal unions of the units in the group. In all situations, the unions have the right to request the participation in the negotiation of the representative federations at the collective bargaining sector level to which they are affiliated;

c) at the level of the collective bargaining sectors, by the legally established and representative trade union federations according to the law;

d) if there are no representative trade union federations at the collective bargaining sector level or if they exist but refuse to participate in the negotiation, the representation of the collective bargaining of employees/workers is done by the representative trade union confederations at the national level that have affiliated trade union federations in the respective sector, at the request and based on the mandate of the affiliated trade union federations;

e) at the level of autonomous governments, national companies and companies with sole shareholder/associate the Romanian state or the local public administration authority, at the level of budgetary institutions, authorities and public institutions that have the responsibility to coordinate other legal entities that employ the workforce, by the representative trade union organizations, according to the law; in the situation where there are no representative organizations, the representation is similar to that provided for in letter B (a);

f) at the national level, by the legally established and representative trade union confederations according to the law.

(2) A representative of the representative employers' organizations of SMEs, entitled to participate in the negotiation according to the law, participates in the negotiation of the collective labour agreement at the sectoral level.

(3) Written refusal to participate and/or sign, according to para. (2), not a reason for non-registration of the collective labour agreement.

(4) In the event of the existence, at unit level, of several non-representative unions directed to participate in collective bargaining, according to para. (1) letter B (a) point 4, they will jointly designate the negotiation team, which will include a maximum of 10 representatives.

According to art. 103, nationally representative trade union and employer confederations, according to this law, can participate in the negotiation of collective labour contracts at the level of collective bargaining sectors in which they have employers/unions/federations, as the case may be, upon request and based on their mandate.

Fortunately, the legislator left it "open" for non-representative unions as well, as they can defend the rights of their members in another way.

The rights established by the collective labour contract apply *erga omnes* to all employees regardless of union membership. The application of some clauses in a differentiated way between employees depending on the union to which they have joined, constitutes acts of discrimination according to art. 2, paragraph 1 in conjunction with art. 7 letter c) and letter f) from GO no. 137/2000 also provides penalties for this cases.

•on the existence of alternative representation structures at enterprise-level, such as elected worker representatives.

As stated above, according to Law 367/2022 – art. 102, B, a, 5, if there are no unions established at the level of the unit, collective bargaining is conducted by the representatives of the employees/workers elected by the vote of at least a reduced plus a total number of employees/workers in the unit and special mandates for this purpose, in compliance with the provisions of art. 58 para. (2);

For clarification, we mention that "employee representatives" are not "representatives of non-unionized workers", but persons freely elected by the majority vote of all employees (affiliated or non-unionized) to represent them in collective bargaining according to the mandate granted. (art. 222 of the Labour Code). Employee representatives can only be elected in the absence of a representative trade union. (art. 221) The attribute of collective bargaining is ensured in relation to the mandate granted by employees in the exercise of their right to collective bargaining, not as a trade union prerogative. The number of employee representatives is established in agreement with the employer depending on the size of the enterprise.

The monitored statistical data do not highlight how many of the employee representatives who concluded collective agreements are union representatives (of non-representative organizations), but their high negotiation capacity cannot be omitted.

Although the Labour Code does not establish a procedure for appointing candidates in the General Assembly, in order to justify the statement of exclusion of certain categories of trade union representatives, we note that the trade union affiliated to a representative federation of the sector is a directly authorized party in collective bargaining alongside the employee representatives according to art. 135 para. 1) letter a) of Law 62/2011. All trade union organizations are recognized with trade union rights and prerogatives (art. 27-28), and as a measure in exercise art. 153 of Law no. 62/2011 promotes voluntary negotiation on behalf of members.

Framework Law no. 467/2006 regarding the information and consultation of employees guarantees their right to participate through their representatives, with a predilection for activities organization, restructuring, company transfers, but other topics of interest, such as social services and socio- cultural.

Some of the social facilities are established directly by law. (eg. the law on holiday vouchers, the law on maternity protection, etc.)

The right to participate is guaranteed by the Labour Code in art. 39 in conjunction with art. 175-184 regarding ensuring safety and health at work and the establishment of the Safety and Health at Work Committee, the latter's organization and operation being specifically regulated according to GD no.

1425/2006 approving the Norms for the application of Law no. 319/2006 on occupational health and safety.

The Labour Code also provides for the employer's obligation to adopt an internal Regulation, in consultation with the unions or employee representatives, and to inform the employees about its provisions (art. 241-243).

Information and consultation proved effective in the management of the COVID-19 crisis when, for the protection of employees, the validity of collective labour contracts was extended during the state of alert, requested by the unions. Other measures adopted in support, in consultation with the social partners, were predominantly general in nature and aimed at supporting employees and employers, including through fiscal and financing measures and facilities. The measures adopted in the field of labour aimed at subsidizing technical unemployment, working at home, adapting the legislation on telework, establishing the reduced subsidized work schedule.

The labour legislation provides dissuasive sanctions for non-compliance with the legal obligations of information and consultation and/or for the violation of trade union rights and/or the refusal to start collective bargaining at unit level. The sanctions are corroborated with the provisions of common law regarding the legal regime of contraventions.

The means of complaint and attack are: the Labour Inspectorate, the National Council for Combating Discrimination and the court, with amicable ways of resolving individual and collective labour conflicts also being provided (independent mediation, conciliation of collective conflicts through labour inspectorates, mediation and arbitration).

d) Please indicate whether and to what extent the right to organise is guaranteed for members of the police and armed forces.

Police officers, civil servants and civil servants with special status have the right to associate in trade unions and to be represented in collective negotiations within the meaning of the Social Dialogue Law and in accordance with the rights and freedoms recognized by the special legislation and the applicable profession- statutes. (Administrative Code, Police Statute). Law no. 360/2002 regarding the Statute of the policeman prohibits the right of police officers to strike, as they have a different status than other civilian employees (the provision complies with art. 5 of the ILO Convention no. 98/1949). According to art 150 of the Social Dialogue Low they can join solidarity strike.

Police officers have the right to unionize (their unionization rate is over 80%) and to protest actions, with the exception of those who also have military status (gendarmes). That is precisely why the trade unionists in the Police also represented the interests of colleagues with military status who do not have the right to union representation.

In recent years, the number of police protests has increased. In practice, the police unions exercised during 2017-2024 the right to collective actions (meeting, "strike" protest by suspending the police service) in defence of professional, social and economic interests (salary rights, restructuring, organization of activity): May 30-31, 2023, July 22, 2023, December 11- 14, 2023, 14 March 2024 – food allowance to name a few of the largest and most recent national police protest dates.

In September 2024 reserve soldiers and prison police officers protest regarding the pension system. Also in September 2024 trade unions requested to governmental officials to discuss some legitimate claims, which concern the economic-financial rights of police officers and contract staff from the Ministry of Internal Affairs (arrears from the Framework Law no. 153/2017), the professional rights of employees, but also the interests of military pensioners, regarding the updating of the balance/salary of degree at the level of the current amount, regulated by law, given the fact that reservists are one of the three categories of Armed Forces stipulated in the Statute of military personnel and in Law 446/2006 on the preparation of the population for defence.

Also four of the largest trade unions in this sector concluded in October 2023 a Collective labour contract at the level of a group of units from the Ministry of Internal Affairs which applies to the units within which the Collective Labour Agreement is applied at the level of a group of units from the Ministry of Internal Affairs (approximately 76000 employees – police officers and contractual).

According to National Institute for Statistic, in the no. **46 Collective Bargaining Sector - Public order and national defence**, the average number of employees assigned to collective bargaining sectors according to Minister of Labour and Social Solidarity Order no. 2311/2023 on the establishment of collective bargaining sectors and classification of activities in the national economy codes, in accordance with the provisions of Law no. 367/2022 on Social Dialogue was at December 2023 of **29.278 employees**.

Article 6§1 Joint consultation

a) Please state what measures are taken by the Government to promote joint consultation.

Social dialogue in Romania is highly formalized by Social Dialogue Law no. 367/2022 stipulating that all ministries have to organize Social Dialogue Committees and consult social partners on all normative acts.

Also NTCSD should be consulted especially on themes ensuring the consultation framework for establishing the guaranteed minimum salary in payment; debate and analysis of draft programs and strategies developed at governmental level; developing and supporting the implementation of strategies, programs, methodologies and standards in the field of social dialogue; resolving social and economic disputes through tripartite dialogue; negotiating and concluding social agreements and pacts, as well as other agreements at the national level and monitoring their application; the establishment of the collective bargaining sectors in which the social partners agree to negotiate collectively, which is approved by a GD; analysing and debating trade union and employer complaints submitted to the International Labour Office, of the ILO, in accordance with the provisions of its Constitution; analysing and debating national reform programs and specific country recommendations formulated by the European Commission; analysing and debating the report on the revised European Social Charter requested by the European Committee for Social Rights, as well as the report on the ILO conventions ratified by Romania; re-examining at appropriate intervals the unratified conventions and the recommendations of the ILO which have not yet been given effect, for the adoption of measures to promote their implementation and their ratification, as the case may be; analysing the questions arising from the reports to be submitted to the International Labour Office pursuant to art. 22 of the Constitution of the ILO; proposals for denunciation of ratified conventions;

The tripartite social dialogue at the sectoral level is manifested in the institutionalized framework of social dialogue commissions established at the central level (in ministries and other institutions central public administration).

The social dialogue commissions at the central level are made up of representatives of the ministry and representatives appointed by the union and employer confederations representative at the national level and represents the information and consultation framework a social partners on the normative initiatives promoted by the ministry and on others issues of interest to parties in the field of competence of the ministry the central public institution.

The consultation procedure of the social partners within the social dialogue commissions at central level represents a first, mandatory stage of the legislative procedure, as well as a means of solving real problems in the field of competence of the institutions central and signalling situations that can generate social tensions.

The tripartite social dialogue at the local level takes place within the SDCs constituted at the level of the prefectures.

These commissions are formed by representatives of the local administration, as well as by a representative appointed by each of the national representative confederations and aim to inform and consult the social partners on the decisions of the authorities local or other issues of local interest. Depending on the problem debated, they can participate in the work of these commissions as guests, with the consent of the members, representatives of all local actors, enterprises or representatives of society organized civil society.

As a conclusion regarding the tripartite social dialogue, carried out at all levels (national, sectoral, local), both in institutionalized structures and occasionally, we can affirms the fact that a comprehensive consultation framework was established and organized and tripartite negotiation, which responds to the real needs of involvement of the social partners in the shared decision and control process. The quality and results of social dialogue tripartite, however, depend, to a large extent, on the expertise capacity of the parties, of the ability to correlate actions, as well as the will to mobilize and involve employed and responsible for the three parties to the dialogue.

An increasingly used notion is that of tripartite social dialogue "plus", term promoted by the ILO which assumes expanding the tripartite social dialogue, by involving in the dialogue the organizations of the civil society. In Romania, there are no regulations regarding this form of dialogue, in practice, there is an increased participation of NGOs in the tripartite consultations within the social dialogue commissions, but the status is limited to that of invitee, not of member, and the right to express opinion is limited by the consent of the members commissions. In the relationship with the public administration, the dialogue with civil society organizations is in relation to the ESC consultation (in which they are members) according to Law no. 248/2013 regarding the organization and functioning of the ESC, as well as in the base of Law no. 52/2003 on transparency in public administration and art. 51 of GO no. 26/2000.

b) Please describe what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

Social dialogue is mostly tripartite, the social and economic measures involved the social partners, business owners and other economic and social actors;

The Law on Social Dialogue establishes the obligation to set up the tripartite dialogue framework, institutionally supported at the level of the Government (NTCSD) and at the level of the ministries, central and local authorities (in the SDCs), met monthly according to the law and in the technical sub-committees of consultation, constituted according to the need for supporting consultations in SDCs.

The tripartite consultation process on all economic governance initiatives (programs, reforms, strategies, legislative measures and program implementation) is mandatory, as is the request for the advisory opinion of the ESC (autonomous structure of civic dialogue, funded from the budget of the state).

The tripartite dialogue structures are aimed to inform and consult the social partners which are represented by members designated by the nationally representative trade union and employers' confederations, depending on the level, sectoral or local.

According to the law, the members within the NTCSD are the Prime Minister, the Minister of Labour, the ministries and authorities represented at the level of Secretary of State, and from the social partners the presidents of the nationally representative trade union and employers' confederations and the president of ESC.

Tripartite consultations also take place in working groups established according to the provisions of the national strategies, ad hoc on topics of interest to the parties and within the specialized committees of the Parliament, in the context of the parliamentary legislative procedure. Although the tripartite dialogue has a predominant role of information and consultation, following consultations, cooperation agreements can be identified and negotiated in the form of an agreement. (e.g.: Agreement between the Government and the construction employers' federation or Agreement between the Ministry of Education and the education trade union federations, Agreement between the Ministry of Health and the health trade union federations).

Separately from the institutionalized framework of tripartite social dialogue, the consultation with the civil society (NGOs) is carried out at the level of the central and local administration according to the law of transparency in the public administration, in the structures regarding the relation with the associative environment, constituted at the level of the ministries as per the regulation on the association, in structures established at the level of town halls depending to the needs and the requests of NGOs and through online platforms: RUTI, *e-consultare*, *e-guvernanta*.

In **2019** the main topics discussed in NTCSD were: Social dialogue. Evolution, problems, perspectives. The stage of the legislative initiative to repeal Law no. 62/2011, the Social Dialogue Law: Analysis of the Decision of the Constitutional Court no. 138/2019 regarding the objection of unconstitutionality of the provisions of the Pensions Law", the subject of the minimum gross basic salary per country guaranteed in payment for 2020.

2020: The tripartite consultation process on all government initiatives is mandatory, being carried out this year mainly in online and within the limits of the urgency of law-making. The involvement of the social partners took place by means of set up working groups and of institutionalized tripartite structures.

There have been organized 5 NTCSD meetings, chaired by the prime-minister, focused on the support measures for employees and companies affected by the Covid-19 crisis aimed at securing companies' necessary resources for the continuation of economic activities and for the payment of employees whose

activity was temporarily interrupted (HORECA, entertainment industry, tourism), the investments and recovery plan and also on the establishing the statutory minimum national gross wage.

At the level of ministries, the consultations took places within 187 of SDCs for drafting the measures aimed to protect jobs in the affected sectors, to ensure financial resources for the SMEs to continue their activity (SME Invest Romania, SME Leasing Equipment and Machinery, SME Factor (commercial credit), to establish fiscal facilities for affected companies/sectors and for debating the national strategies or plans/programs. (106 SDCs at local level).

During all these consultations, the social partners provided support for establishing the support measures with funds and their contribution were capitalized.

In the field of labour, the involvement of the social partners targeted measures to maintain jobs, support the employment and prevent rising unemployment, digitize work and adapt social services in the context of Covid-19 crisis (flexible working time schemes and forms, subsidising technical unemployment benefits, supporting parents' incomes, financial support for teleworking activity, digitization in support of employers and retirees, strengthening the social services), as well as measures in the field of adult vocational training.

In the same time, a working group on the statutory minimum national gross wage was set up, which follows the scenarios of adjustment and establishment of the statutory minimum national gross wage in 2021 and the approach of a future support mechanism.

2021: Given the persistence of Covid-19 pandemic and the activation of the general derogation clause of the Stability and Growth Pact the consultations took place predominantly online or in a hybrid matter.

Social dialogue has been affected by the context of the crisis, which has required different action, limiting major policies and reforms at the national level. At both Government and ministries levels, there have been constant consultations with the investment and business environment and other economic and social actors affected by the crisis, using equally the institutionalized tripartite dialogue structures, as well as working groups or consultative meetings for debating policies of major interest and with predilection the measures in terms of economic and employment support in the context of Covid-19 crisis.

The social partners were involved in the consultations within the inter-ministerial working group on measures aimed to mitigate the effects of Covi-19 (economic, financial, employment measures) and to establish the national intervention plan and in debates related to the economic recovery and the use of the European funds. The necessary agreed measures for the medium and long term need to be further discussed in depth.

The ESC was consulted on decision-making processes and provided support through advisory opinions or points of view.

The NRRP has been approved late October. Measures, included in the NRRP, to increase the capacity building of social partners include digitalization and the review of Low 62/2011 – Social Dialogue Law by the end of 2022.

The partnership agreements on the new financial programming 2021-2027 include measures to finance the capacity of social partners' organizations to increase their participation in dialogue and as providers of assistance, training, counselling and information to workers and companies, as well as to support the activity of sectoral social dialogue committees.

The tripartite consultation process on all government initiatives is mandatory, being carried out this year mainly in online and within the limits of the urgency of law-making. The involvement of the social partners took place by means of set up working groups and of institutionalized tripartite structures.

There have been organized 3 NTCSD meetings, chaired by the prime-minister, focused on the establishing the statutory minimum national gross wage. At the level of ministries, the consultations took places within 181 SDCs for drafting the measures aimed to protect jobs in the affected sectors, to ensure financial resources for the SMEs to continue their activity (SME Invest Romania, SME Leasing Equipment and Machinery, SME Factor (commercial credit), to establish fiscal facilities for affected companies/sectors and for debating the national strategies or plans/programs.

During all these consultations, the social partners provided support for establishing the support measures with funds and their contribution were capitalized.

In the field of labour, the involvement of the social partners targeted measures to maintain jobs, support the employment and prevent rising unemployment, digitize work and adapt social services in the context of Covid-19 crisis (flexible working time schemes and forms, subsidising technical unemployment benefits, supporting parents' incomes, financial support for teleworking activity, digitization in support of employers and retirees, strengthening the social services), as well as measures in the field of adult vocational training . A future support mechanism for establishing the statutory minimum national gross wage is set to be realised thru the NRRP.

Social partners collaborated more in the last year trying to establish similar points of view in order to present to the government. Also for the first time in Romania, through a coherent and structured approach, the social partners discussed the Framework Agreement on Digitization concluded in 2020 by the European social partners, and its implications for social dialogue at national level.

2022: In the analysed period the Prime minister, state advisers and some of the ministers had several meetings with the social partners, the main topics discussed were the measures to be taken regarding energy prices, the tax code, clarifying the work visa regime for non-EU workers in the event of leaving the job, advancing discussions on the Development and Investment Bank, reducing tax evasion and undeclared work. Since August 2022 the minister of Labour or other members of the labour ministry had several meetings with the social partners regarding the increase of the minimum wage, the wage policy in the public sector or the pension's reform, all three subjects are included in the NRRP. Other meetings were conducted on different topics at the request of social partners.

The tripartite consultation process on all government initiatives is mandatory, being carried out this year mainly in online and within the limits of the urgency of law-making. The involvement of the social partners took place by means of institutionalized tripartite structures and set up working groups and of institutionalized tripartite structures.

There have been organized 2 meetings of the NTCSD, chaired by the prime-minister, organized at the request of the social partners, the discussions were focused on:

- the Increases in energy and how they affect the Business environment and employees;

- Preventive measures for the 5th wave of the pandemic;

- The situation of social dialogue (ministries, prefectures);

- Involvement of partners in PNRRP;

- Allocation of 2% for social partners in POPEOE;

- Romania's energy security;

- Food security;

- Revitalization of the national defence industry;

- Support measures to compensate the economic and social effects of the war at an economic and social level for the Romanian society.

At the level of ministries, the consultations took places within 251 SDCs and at territorial level 198 SDCs were conducted.

During all these consultations, the social partners provided support for establishing the support measures with funds and their contribution were capitalized. The main subjects in the social economic field envisaged: Adoption procedures, social assistance measures for vulnerable groups, the establishment of social services such as different types of centres for vulnerable groups secondment of employees within the provision of transnational services, social protection measures for employees in the context of the current crisis in Ukraine, the Russian Federation and Belarus, Methodological rules of application regarding the guaranteed minimum income, wage policy's, disabilities, etc.

The ESC was consulted on decision-making processes and provided support through advisory opinions or points of view.

2023: Compared to 2022 was marked by the continuation of the pandemic crisis, the Government has focused its goals into achieving the ambitions milestones and targets of the NRRP. Major issues of reform as pensions system and public wage will follow soon. The Government has also pursued preferred measures to support employment and enterprises and the business environment in the context of pandemic management, high inflation, rising energy prices and Ukraine war.

The tripartite social dialogue took place mainly in structures institutionalized by the law of social dialogue, being reunited, predominantly online, both in meetings of the NTCSD and tripartite consultation commissions of the ministry directly involved in crisis management, and cooperation with ESC was welcome to carry out the legislative process with views and opinions. It was also proposed to adequately fund the increase of the social partners' capacity for action and organization in the context of the proposals for the future financial programming 2021-2027, being supported, including in discussions with the COM.

Main topics discussed in 2023 include energy prices, the tax code, clarifying the work visa regime for non-EU workers in the event of leaving the job, advancing discussions on the Development and Investment Bank, reducing tax evasion and undeclared work;

Ministry of Labour meetings were held to discuss the minimum wage pension reform and the reform of wages in the public sectors – included in NRRP;

The Covid-19 pandemic provided the framework for hybrid consultations to be conducted facilitating access to consultation and feedback in real time;

NTCSD: Increases in energy and how they affect the Business environment and employees; pandemic; the situation of social dialogue, Involvement of partners in NRRP; allocation of 2% for social partners in POEO; Romania's energy security; Food security; Revitalization of the national defence industry; Support

measures to compensate the economic and social effects of the war at an economic and social level for the Romanian society;

Social dialogue committees: 216 meetings at central level and 376 at counties level (increase by 25% vs 2022);

Active contribution of the ESC was capitalized with points of view and consultative opinions; the proposals of the social partners and the data presented were capitalized, but the processes were affected by the short deadlines for legislation and the conjuncture adaptation to at the time crisis (post pandemic, inflation, energy prices, Ukraine war).

In **2024** the main topics discussed in the first 9 months of 2024, at central level in the SDCs include - Finances: postponing the implementation of Decision (EU) 2022/197 of the Commission establishing a common tax mark for diesel and kerosene; various modifications of the fiscal, fiscal-budgetary measures to ensure Romania's long-term financial sustainability; management and implementation of the national system regarding the electronic invoice RO e-Invoice and the electronic fiscal marking machines, as well as for other fiscal measures; Internal affairs: Draft GEO for the amendment of Law 146/2021 on electronic monitoring in criminal judicial and executive proceedings, establishing the technical and organizational aspects regarding the operation in the pilot system, as well as those regarding the operationalization of the electronic monitoring computer system, Strategy for Consolidation and development of the General Aviation Inspectorate 2022-2030, The National Strategy for Integrated Management of the State Border of Romania 2022-2027, The draft GD for the approval of the National Mechanism for the identification and referral of victims of human trafficking, The national strategy of order and public safety 2023-2024, The draft GD for the approval of the National Strategy against human trafficking for the period 2024-2028 (SNITP), amendment and completion of Law no. 360/2002 regarding the Police Officer's Statute; Research and development: Memorandum regarding the necessity and opportunity of making the expenses related to the investment project Implementation of the government cloud infrastructure, The draft Law on the voluntary integration of research, development and innovation organizations from Romania in the European Research Area, Draft GD and Note of substantiation regarding some measures to strengthen the institutional and administrative capacity of the MCID and the Authority for Digitization of Romania, necessary for the implementation of component C7-Digital Transformation of NRRP as well as other categories of measures.

Main topics discussed in the first 9 months, at territorial level include finances: fiscal legislative news for 2024, collection of budget revenues in 2023; Labour relations: activity reports of the Territorial County Labour Inspectorates, statistical indicators, application of Law no. 367/2022 on social dialogue, health and safety at work, accidents at work, work without legal forms of employment, harassment at work, protests / wage demands and for the creation of working conditions of wages in different fields of activity (health and activity), social assistance, sports and youth, culture, maritime transport, Romanian Post), the minimum gross salary per country guaranteed in payment - Employment: activity reports of the County Employment Agencies, statistical indicators on the unemployment rate, active measures to stimulate employment, vocational training, NEETS youth issues; Law no. 360/2023 regarding the public pension system (legislative news): legislative proposals, ambiguities in application, the issuance of the necessary certificates for pension recalculation, the status of pension recalculation decisions at the county level;- Payments and social inspection / social assistance: activity reports of the County Agencies for Payments and Social Inspection, the minimum inclusion income (MII), various categories of social assistance benefits, social protection measures, control of residential centers for the elderly, persons adults, in

difficulty and adults with disabilities;- Health insurance: contracting and settlement activity of the County Health Insurance Companies, national health programs; Education: professional and technical education, the organization and conduct of National Exams, the school network, safety in schools;- Public health: the state of health of the population of the counties in 2023, the measles epidemic: situation and limitation measures, surveillance and control activity during the Holidays; Safety and public order: road safety, fire authorization of tourism units, computer crime, domestic violence, the situation of civil protection shelters on the territory of the counties, drug use among young people; Agriculture: the problems faced by local agricultural producers and the support provided by the County Directorates for Agriculture, the agricultural situation at the county level, the granting of subsidies / payment requests for the 2024 Campaign; Environmental protection: campaigns regarding environmental protection, waste management; Minorities: activities carried out at the county level by decentralized institutions of the relevant ministries to fulfil the objectives and tasks of the Government Strategy for the inclusion of Romanian citizens belonging to the Roma minority;

The meetings of the Ministry of Labour were held to discuss the vulnerable consumer, pension system application rules, the domestic provider, disabilities, the national strategy for the efficient implementation of family policies, quality assurance in the field of social services as well as the Performance Indicators in the field of family policies, The national grid for assessing the needs of the elderly, updating the Classification of occupations in Romania the minimum wage, pension reform and the reform of wages in the public sectors – included in NRRP;

Only one meeting of the NTCSD was held and the situation of social dialogue and the level of the minimum wage from July 2024 forward, was discussed.

SDCs for the first 8 months of 2024: 121 meetings at central level and 171 at counties level;

Active contribution of the ESC was capitalized with points of view and consultative opinions; the proposals of the social partners and the data presented were capitalized, but the processes were affected by the short deadlines for legislation and the conjuncture adaptation to NRRP timelines.

c) Please state if there has been any joint consultation on matters related to (i) the digital transition, or(ii) the green transition.

In the last years main topics discussed in tripartite consultations related to digital transition and green transition envisaged: Approval of the maritime space plan; Cyber security, National strategy in the field of artificial intelligence 2024-2027, National Strategy in the field of quantum technology 2024-2029, Emergency ordinance on the decarbonisation of the energy sector, Decision on the approval of the general framework for the implementation and operation of the support mechanism through Contracts for Difference for technologies with low carbon emissions, National Strategy for the Sustainable Development of Romania 2030 (BNS Trade union Confederation concluded an agreement with the Department for Sustainable Development in order to develop this field), The National Strategy for Artificial Intelligence, the administration obligations of the Agriculture subfield and the Land use, land use change and forestry (LULUCF) subfield, part of the Climate Change field, GD for the approval of the National Green Procurement Plan 2024-2027, financing from the Environmental Fund budget of the project regarding the monitoring and periodic reporting of indicators regarding the impact of atmospheric pollution on terrestrial ecosystems, the establishment of the national system for the monitoring and periodic reporting

of indicators regarding the impact of atmospheric pollution on terrestrial ecosystems, the establishment of the commercialization scheme of greenhouse gas emission certificates, cross-border payments in the Union, a state aid scheme with the objective of granting grants for investments intended for the manufacturing industry, on tire labelling in terms of fuel efficiency and other parameters, Strategy for Non-Energy Mineral Resources, horizon 2035, Land Use Change and Forestry (LULUCF) subfield, part of the Climate Change field, the National Ecological Implementation Plan 2024-2027, Safety of Air Navigation - EUROCONTROL regarding access to data and information provided through the Environmental Management Information Service (EMIS) for the implementation of the gas marketing certificates scheme with evening effect (EU ETS – Support Facility), the Environmental Fund budget of the project regarding the monitoring and periodic reporting of indicators regarding the impact of atmospheric pollution on terrestrial ecosystems, the stability of the scheme for the sale of gas emissions certificates with evening effect, of GD no. 589/2024 for the approval of the financing from the Environmental Fund of the Program to stimulate the renewal of the national park of tractors and self-propelled agricultural machines, Launch of a bidding procedure for energy production projects from renewable sources (energy wind and solar),; launching new bidding procedures from the NRRP budget for the private sector; the launch of the final form of the guide developed by the Ministry of Energy for applicants from the private sector who wish to obtain financing from the funds allocated to Romania through the Modernization Fund (FM) for investment projects in new energy production capacities from renewable sources (wind, solar, hydro , geothermal, biomass or biogas), in order to support an economy with low carbon emissions and achieve the objectives assumed by Romania within the FM.

Concordia employers' organization supports, as a partner, the 5th edition of the Sustainability in Business Forum on 24 September 24. The forum will explore the financial, social and environmental dimension of sustainability and will bring together companies, authorities and experts in the field. The event will be followed by the Sustainability awards gala, now in its 4th edition, dedicated to recognizing the performance of initiatives, projects, companies and leaders operating in cross-sectoral industries in Romania.

The just and sustainable transition to green energy is a priority of the public administration. The Secretary General of the Government participated in the second edition of the Transylvania Green Energy Forum. The main themes of these editions included innovation, energy policies, smart cities, digitization and concrete strategies to achieve emission neutrality targets in urban centres. In the portfolio of the General Secretariat of the Government there are 4 entities with major relevance for the energy field: the Competent Authority for the Regulation of Offshore Oil Operations in the Black Sea, the National Agency for Mineral Resources, Transelectrica and Transgaz.

Consultations between Government representatives and academia on climate change and the green transition.

The Interministerial Committee for Climate Change (CISC) started the series of consultations with Romanian experts from the diaspora on the topic of the transition to the green economy.

The National Council of Small and Medium Private Enterprises in Romania (CNIPMMR), in partnership with Smb Norge – SME Norway and the Bucharest-Ilfov IMM Patronage (PIMM Bucharest-Ilfov) is implementing the Green SMEs project, which aims to support the SME sector in a model of ecological innovation and economic sustainability. Green SMEs benefit from a grant of €136,579 from the Fund for Bilateral Relations - EEA and Norway Grants, within the Open Call for Bilateral Cooperation in the Green

Transition. Basically, the project will take place between August 2024 and January 2025 and its mission is to raise the awareness of companies so that they consume resources to reduce, create energy from green sources and reduce carbon emissions.

Thus, SMEs benefit from information to ensure that they will facilitate decision-making in terms of their management. Also, this project aims to strengthen Romania-Norway relations, through the exchange of good practices and knowledge in the field of green transition. Also, Green SMEs aims to improve the level of knowledge and green resources, especially the use of hydrogen technologies for decarbonisation and the integration of hydrogen into existing energy systems to improve efficiency and reduce carbon emissions, through trainings dedicated to a number of 60 representatives of SMEs from Romania and Norway. It also wants and develops a tool for self-assessment of the current carbon footprint of SMEs and, subsequently, advice on possible measures to initiate or accelerate/diversify the decarbonisation process.

It involves the support of at least 500 start-ups with a digital component in each county, in total at least 20,500 start-ups are supported: the granting of a grant of 50,000 euros/start-up, the mandatory inclusion of the education component, training and mentoring, securing a place in a makerspace, business incubator or local accelerator (see point 4); Women in tech - supporting women for opening businesses in the technology field. Starter kit, Ensuring support for the transformation/transfer of companies in the digital era, Granting digitization vouchers; the establishment of at least one robotics laboratory and makerspace in each county, in which to ensure training programs to start, grow and develop a company in the digital field. Tech Tour Trucks - campaigns to promote tech education in communities. Tech Capital of the Year - program to designate a city as the capital of technology following a contest in which entrepreneurs or local administrations that use/implement/carry out activities participate in the newest fields of technology and science; Cloud first policy - strategy aimed at adopting cloud solutions for public authorities, respectively equipping them with the necessary tools and knowledge to move to the cloud. National plan for digitization of public institutions, Single sign on; Digitization of the public administration, so that a significant number of administrative procedures and the stages of a standard interaction with the public administration can be carried out entirely online; The generalization of the use of electronic means for communication with the beneficiaries of public services, including the possibility of downloading / filling in / submitting forms online; Generalization of electronic payments and electronic methods of real-time communication between the tax administration, credit institutions and taxpayers; Generalization of electronic data transfer between institutions.

Digital transformation remains a key priority of the Romanian Government, with the responsible institutions carrying out a series of reforms and investment projects for this purpose, including through the NRRP. The provision of digital public services, the development of digital skills, cyber security or the digitization of SMEs. Along with major projects carried out within the PNRR (e.g. the realization of interoperability and the government cloud), new initiatives have been launched and the implementation of some projects of interest regarding the digitization of services offered by various central institutions continues

All the representative social partners at national level have signed, in 2023, The national framework agreement of the social partners on the digitization of labour relations, subsequent to the European agreement signed between the 4 European social partners (SMEunited, Business Europe, ETUC and CEEP), the framework agreement represents the joint commitment of the social partners in Romania regarding

the digitization of labour relations in terms of new employment opportunities, increasing productivity, improving working conditions work or the newest ways of organizing work.

Article 6§2 Collective bargaining

a) Please provide information on how collective bargaining is coordinated between and across different bargaining levels including information on:

• the operation of factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements;

According to the new Social Dialogue Law no. 367/2022, the negotiation levels are: unit, group of units, collective bargaining sector and national.

Collective labour contracts at unit level are applicable *erga omnes*, to all employees in the unit without distinction related to the duration of the individual labour contract/similar contract.

Collective agreements at the level of groups of establishments are applicable to all employees in the establishments forming the group.

Collective labour contracts at the sectoral level are applicable to all employees in the member units of the employer organizations that signed the contract, the law providing a mechanism for extending the clauses at the request of the signatory parties and with the favourable agreement of the NTCSD.

We have to mention that social partners have negotiated the increase of collective bargain sectors from 30 (in 2022) to a number of 58 collective bargaining sectors established by the social partners and adopted by Order no. 2.311/2023 regarding the establishment of collective bargaining sectors and their corresponding 4-digit CAEN codes, as well as the approval of the Procedure for placing units in collective bargaining sectors defined according to Law no. 367/2022 on social dialogue.

In order to facilitate and encourage collective bargaining at the activity sector level, the current normative act seeks to redefine the activity sectors in the sense of expanding their number, from 30 to 58, with the resizing and flexibility of the sectoral negotiation levels.

In order to make the rule more flexible and to cover all cases in practice, some CAEN codes are found in several sectors (20 sectors out of 58 contain repeating CAEN codes); to give all interested parties the opportunity to be part of the collective bargaining sector in which they find their interests, was introduced, by Ministerial Order, the methodology of inclusion in collective bargaining sectors.

The principles taken into account when drafting this normative act are the following:

• the activity sectors must be distinct from the point of view of the field of activity and homogeneous from the point of view of their structure;

• the basic criterion for defining the sectors is the CAEN Code and/or the average annual number of employees, as the case may be;

• collective negotiations are free and voluntary, including regarding the establishment of the sectoral levels at which the social partners wish to negotiate a collective labour contract;

• the possibility that a trade union or employers' federation can become representative in several sectors of activity, which gives the right to negotiate several collective labour contracts at the level of different sectors of activity, if the representativeness conditions for each sector of activity are met;

• based on the consensus of the social partners and with the approval of the NTCSD, the negotiation sectors can be revised.

The effects pursued by the draft normative act:

- facilitating the identification of negotiation partners, simultaneously with increasing the interest of organizations for sectoral collective bargaining;

- facilitating the conclusion of collective labour contracts at the sectoral level, in the context of the new economic developments;

- encouraging the tendency to concentrate union structures according to the specifics of the sectors;

- the periodic redefinition of the sectors by consensus of the social partners approved in the NTCSD and approved by Order of the minister responsible for social dialogue;

- emphasizing the role of federations and making the sectoral social partners responsible in the framework of collective bargaining.

The success of regulation is not implicit without the will to reform and the voluntary engagement of organizations in negotiation. SME representatives found that in the current conditions of the labour market, in order to be competitive, to prevent labour migration, it is necessary to redefine the collective bargaining sectors and involve employers' organizations that represent the interests of SMEs in the sectoral collective bargaining process.

Currently due to the dynamics of the labour market the period for which a collective labour contract may be concluded is 1 year with the possibility to extend the period until 2 years.

• the operation of the favourability principle and the extent to which local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.

The clauses of the collective agreements are applicable from a higher level to a lower level, without the possibility of derogation.

According to Social Dialogue Law, they cannot be the subject of the negotiation of an agreement, a convention or an understanding, according to para. (1), the clauses included in a collective labour contract/agreement valid simultaneously at unit level are applicable *erga omnes*.

The clauses included in an agreement, convention or understanding cannot derogate from the rights established by the contract/collective labour agreement applicable at unit level and/or the contract/collective labour agreement concluded at the applicable higher level.

The legislation recognizes all trade union organizations and employers/employer organizations the right to negotiate collectively, under the conditions of legal procedures or on the recognition of the parties and on behalf of the members, and provides guarantees that the collective bargaining attribute of the employee representatives, freely elected by the majority vote of all employees, to be within the limit of the union mandate granted by the employees and in the absence of the representative union or affiliated

to a representative federation. The legislation establishes the means of referral, amicable settlement and appeal and sanctions applicable in conjunction with the general regime of sanctions, labour jurisdiction and common law provisions.

Success in implementation is dependent on the good faith and cooperation of the parties, on workers' knowledge of their rights and the appropriate use of avenues of complaint and appeal, as well as on the real capacity of institutions and organizations to act.

Collective bargaining in the budgetary sector

The social partners and unions in the public sector were consulted and negotiated the coefficients and salary rights in the context of the development and successive adoption of the legislation on the remuneration of staff paid from public funds (Law no. 330/2009, Law no. 284/2010, Law no. 153/2017), as well as and later, including in the context of managing the pandemic crisis. The social dialogue law allows the negotiation of effective salary rights only if they are provided by the specific legislation within minimum and maximum limits. The initiative to amend the law on wages in the public system is currently being analysed within a working group established at the level of the Ministry of Labour.

Law no. 367/2022 on social dialogue stipulates the obligation of collective bargaining in units with more than 10 employees, on any topic of interest to the parties. The collective bargaining initiative belongs to any of the social partners.

The employer may invite the representative union to participate in the board of directors or another body similar to it, including in the case of public administration, to discuss issues of professional, economic and social interest. The social dialogue law also provides for the possibility for trade unions, according to the statute, to offer members socio-cultural services.

The working and employment conditions are established by the Labour Code and related legislation, and the collective agreements negotiated within the limits and conditions of the law are applicable hierarchically from the higher level (sector, group of units) to the enterprise level, without the possibility of derogation at the enterprise level, which diminishes the consensus of interest and the margin of negotiation above the enterprise level. The legal validity of a collective labour agreement, regardless of the level of negotiation, is a maximum of 2 years, with the possibility of extending its effects by 1 year through an additional act.

At the same time, Law no. 367/2022 guarantees trade union organizations the right to develop their own regulations, to organize their management and activity and to formulate their own action programs and prohibits any intervention by public authorities, employers and their organizations of a nature to limit or prevent the exercise of trade union rights, and the relations between trade union organizations and their members are regulated by their own statutes.

Voluntary agreements are not registered and monitored administratively and as such, only the texts published/made public by the care of the parties can be analysed, such as the reported example of the Collective Agreement at the level of the construction sector, concluded/renegotiated periodically from 2012 to 2020, between non-representative federations per sector. The agreement established salary coefficients and a mechanism for expansion through the voluntary affiliation of firms. (In 2020, the signatory federations obtained in court the recognition of representativeness at the level of the construction sector and concluded the Collective Labour Agreement in the civil construction sector, registered and administratively reported at the level of a group of units in compliance with the law.)

National judiciary practice (for unravelling some legal issues and judicial practice – conflicts of rights) is that if the individual labour contract has some more favourable clauses for some of the employees (as an exception if they occupy extremely hard to find positions or their participation in the company is very important) and they have negotiated some more favourable clauses then in the collective labour agreement – the most favourable clauses for the employees apply.

b) Please provide information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining**)**.

A delicate matter, even more so in the last two decades, concerns the so-called decentralization of collective bargaining. Indeed, the tendency to increase the importance/relevance of negotiation at the enterprise level and as a measure to diminish the influence of the collective bargaining agreement at the collective bargaining sector level has as its objective, of course, a diminishing of the negotiator function of the trade unions. Basically, it is the collective bargaining at the enterprise level that can illustrate a certain weakness of the unions, if they do not reach the interest of the workers to be represented by them in the collective negotiations.

Of course, the bargaining power of unions, the main institutional actor regarding the representation of employees in collective bargaining depends on the degree of representativeness, as well as on the success and concrete results obtained in the dispute with the boss (or employer). On the other hand, there are multiple internal factors and criteria that stimulate or, on the contrary, inhibit the development of trade unionism, as a formula for supporting and protecting the legitimate interests and rights of workers. Here, among the stimulating factors, we mention the increase in the degree of unionization of the female workforce, as well as the consistent penetration of unions among civil servants. In return, they can be considered responsible for reducing the degree of unionization of the precarious labour force, regarding the new forms of work organization, but especially those determined by new technologies (work on platforms) or telework, work at home, atypical contracts of work bordering on precariousness.

The former Social Dialogue Law no. 62/2011 abolished collective bargaining at national level, as a result of which a national collective agreement covering all employees was concluded every year. Following the legislative reform, Romania moved from a centralized to a decentralized collective bargaining system, with the main level of collective bargaining being at company level. Collective bargaining was legally binding only at company level and only in companies with at least 21 employees. In order to engage in collective bargaining at company level, a trade union must have been representative (membership of a minimum of 50 per cent +1 of the employees); since 2016, the law provided that in those units where the trade union is not representative, the collective agreement can be concluded by the representative trade union federation to which the respective company union is affiliated. Data from the Labour Inspectorate indicate that in 2020 the number of active collective agreements at company level was 16,600, covering 2,113,237 employees and thus a collective bargaining coverage through company collective bargaining of 32 per cent. The two sectoral collective agreements concluded in 2019 are covering in addition approx. 700,000 employees; i.e. approx. 300,000 in the pre-university education and approx. 400,000 in the public health care sector. In total, this results in a collective coverage of about 45 per cent. Collective bargaining at sectoral level was conditioned by the representativeness of social partners (7 per cent of the sectoral workforce for trade union federations and 10 per cent for employers' organisations). In order for a collective agreement to be extended to the entire sector, the law provides that both signatory parties

must account for more than half of the employees in the sector. Otherwise, the collective agreement is applicable only to the group of units that are affiliated with the signatory organisations. These provisions introduced in 2011 caused a drastic decline in the number of collective agreements in the following years. Since the legislative reform, the only sectors for which sectoral collective agreements have been concluded are the public health and the public pre-university education sectors. The abolition of national collective bargaining and the decline in collective bargaining at sectoral level have had a negative impact on the wages and working conditions negotiated at company level, because provisions negotiated at upper levels are mandatory for the lower levels of the bargaining system.

c) Please provide specific details on:

• the measures taken or planned in order address those obstacles;

• the timelines adopted in relation to those measures;

• the outcomes achieved/expected in terms of those measures.

As presented above, social dialogue legislation went through a major change that was completed in 2023. The outcomes are yet to be seen. But we are certain that some of the measures implemented will address some of the obstacles in the previous legislation.

Law no. 367/2022, promises a new chapter in the country's industrial relations: unionisation has been facilitated, the right to strike extended, sector and cross-industry collective agreements enabled, and rights to information and consultation broadened. Collective bargaining is now obligatory in companies with more than 10 employees, following a valid initiative from one of the social partners (although it must be noted that coming to an agreement is not obligatory). The new law also reduces the minimum threshold for union establishment from 15 members to 10. On the company level, a union can now bargain if it represents 35% of employees, instead of 50%+1 as previously. At the sectoral level, meanwhile, unions can gain recognition if they represent 5% of workers.

Multi-employer bargaining has been facilitated, and sectoral agreements (which are multi-employer agreements negotiated by representative social partners) can now be made generally binding for the entire sector. The law strengthens the obligations for local information and consultation of employees, and employers are now required to invite representative unions to meetings of the board of directors if the matters discussed concern professional and social interests. Finally, the new law makes cross-sector collective agreements possible again, and it provides for more flexible conditions for company-level collective bargaining (though not conclusion of an agreement) becomes obligatory for employers with at least ten employees;

- a company-level presence can be established by a trade union when it has at least 10 members;

(3) In order to establish a union, a number of at least 10 employees/workers from the same unit or at least 20 employees/workers from different units of the same collective bargaining sector is required.

(4) No person can be forced to join or not join, to affiliate or not, or to withdraw or not to withdraw from a trade union organization.

- a union can win recognition on the company level when 35 per cent of employees are members (previously the threshold was 50 per cent +1);

- unions can secure recognition at the sectoral level if they represent at least 5 per cent of the workers in the sector;
- multi-employer and sector-level bargaining is facilitated and, in some cases, sectoral agreements can be made binding upon the whole sector;
- cross-sectoral collective agreements are legalised once more;
- strike action is made easier and nationwide strikes become legal;
- employers need to provide information to, and consult with, worker representatives on more topics, and
- barriers to workers gaining access to trade unions are lifted.

Following the severe limitation of social dialogue in 2011, in part due to pressure from the European Union (EU), this new law goes some way to re-establishing the age-old tradition of strong social dialogue in Romania.

Another measure of support was related to social partners' access to European funds to increase the capacity for expertise, participation in dialogue and collective bargaining. Five national representative confederations (out of 7) were allocated funds over a five year period in order to increase their capacity building. Other funds were allocated for sectoral or national representative federations.

The government intends to further support the increase in the action capacity of the sectoral social dialogue committees and the organization and action capacity of the social partners through the 2021-2027 European funding programs.

As you know, on November 15, 2022, Directive (EU) 2022/2041 entered into force on the adequacy of minimum wages in the EU state, which member states have 2 years to transpose into domestic law (November 15, 2024). In the context of the transposition of this directive, in countries where collective bargaining covers less than 80% of workers, Member States must establish - with the involvement of the social partners - an action plan to increase the degree of coverage of collective bargaining.

Whereas in the NRRP, Component 13, Reform 5 - Ensuring the legal framework for the stability of the minimum wage can be found through which an objective mechanism will be implemented for the predictable establishment of the minimum wage per country guaranteed in payment according to dynamic economic growth, negotiated with the social partners, which is consistent and in correlation with the transposition of the minimum wage directive (transposition deadline November 2024), which involves, in addition to the consolidation of legislation on social dialogue, the consolidation of related legislation and the adoption of the Action Plan for the promotion of collective bargaining, which must be assumed by the Government in consultation with the social partners;

Through the lens of the attributions related to the consolidation of the legislation in the field of social dialogue, the consolidation with the related legislation, the adoption of the Action Plan for the promotion of collective negotiations fallowing the consultations carried out in May - August 2024 with the representative social partners at the national level, we harmonized the points of view received from them and, in September-October 2024 we will continue to consult the institutions involved in order to maximize the outcomes.

Will this law lead to increase collective bargaining? It might, but all will depend on the capacity of trade unions to really make the most of it. Several unions are ready to capitalise on the new law and start real sectoral negotiations in the insurance, ICT, and commerce sectors. A sectoral collective bargaining agreement is now in place for the Banking sector which covers approximately 22000 employees.

While social dialogue law alone is unlikely to bring Romania to 80% collective bargaining coverage, it might very well push it in the right direction. It makes Romania the first EU Member State to have radically shifted gears on collective bargaining since the adoption of the new Directive.

For one, a foundation of engaged trade union membership is pivotal. Without that, collective bargaining remains unconnected to the workers. Rules and legislation should thus facilitate trade union organising, guarantee sufficient access of unions to workers, and provide direct and indirect support. The change in Romanian legislation is radical, not cosmetic. Repairing the damage done in the aftermath of the financial crisis and creating resilient and robust social dialogue requires this kind of fundamental change.

d) Please provide information on the measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent (self-employed) persons showing some similar features to workers and (ii) self-employed workers.

Law 367/2022 on social dialogue defines the concept of independent worker included in the regulation, formally recognizing his right to join a union.

Labour relations in Romania are generally governed by the individual employment contract, with the exception of some situations where the legislator has chosen to expressly provide for the existence of a legal employment relationship, without the conclusion of a contract, such as the activity of day labourers or exercising subordinate activities based on special law conventions such as:

– The individual labour agreement provided for by Law no. 1/2005 regarding the organization and operation of the cooperation or by Law no. 566/2004 of agricultural cooperation;

– The sports activity contract provided for by Law no. 69/2000 of physical education and sports, which although in article 142 that the activity carried out on the basis of this contract provides for this independent activity and has a special tax treatment, it still remains a relationship of subordination, from the moment that the characteristics of a work-performance relationship, remuneration and subordination – are found in the factual situation.

Consequently, the performance of a subordinate activity by natural persons gives rise to their right to information on the essential elements of the contract or legal employment relationship.

Article 6§4 Collective action

a) Please indicate:

• the sectors in which the right to strike is prohibited;

According to art. 170 of Law no. 367/2022 on social dialogue, cannot declare a strike: prosecutors, judges, military personnel and personnel with special status from the Ministry of National Defence, the Ministry of Internal Affairs, the Ministry of Justice and from the institutions and structures under their

subordination or coordination, including the National Penitentiary Administration, the Service Romanian Intelligence, of the Foreign Intelligence Service, of the Special Telecommunications Service, personnel employed by foreign armed forces stationed on the territory of Romania, as well as other categories of personnel who are prohibited from exercising this right by law.

The ban for these employees - to participate in strikes is explained by the very specifics of the job duties, by the special relations in the management of the unit, by the special content of the obligation of loyalty to the employer, the opposition between the employer and the union. Such regulation is justified by the fact that prosecutors, judges, military personnel, police officers are civil servants with a special status, who carry out their professional activity in the interest and support of individuals, the community and state institutions, exclusively on the basis of and in the execution of the law, so that the termination of their activity affects a service essential for society, i.e. ensuring public order.

The ban on exercising the right to strike **does not make this socio-professional category unable to defend its professional and social interests, as well as its legitimate rights**. Thus, the police have the possibility, through the National Police Corps, to resort, to satisfy these interests, to amicable means of resolving labour conflicts in relations with the central administration, consisting of conciliation and mediation without resorting to a strike. The national regulation on the exercise of the right to strike (constitutional right) takes into account the recommendations of the ILO regarding the minimum requirements for exercise, including what is aimed at promoting amicable settlement as a means of limiting collective actions and strikes.

Regarding the right to strike we have to mention the Constitutional Court Decision 1225/2007 in this sense that is legally bounding which considers that "such regulation is justified by the fact that police officers are civil servants with a special status, who carry out their professional activity in the interest and support of individuals, the community and state institutions, exclusively on the basis of and in the execution of the law, so that the termination of their activity affects an essential service for society, namely ensuring public order. The Court notes, in addition, that the ban on exercising the right to strike does not make this socio-professional category unable to defend its professional and social interests, as well as its legitimate rights. Thus, the police officers have the possibility, through the National Police Corps, to resort, in order to satisfy these interests, to amicable means of resolving labour conflicts in relations with the central administration, consisting of conciliation, mediation and arbitration, but without resorting to strike. The Court notes that it cannot retain the criticism regarding the violation of the constitutional principle of equality before the law and public authorities, since police officers benefit from a special status compared to other categories of employees, so that, considering the importance of their activity in society as a whole, the establishment of a special regime regarding the exercise of the right to strike is justified. In its jurisprudence, the Constitutional Court has consistently ruled that equality does not mean uniformity, and the institution of distinct legal treatments for certain categories of persons is allowed, if there is an objective and reasonable justification.''

Penitentiary police officers have the right to strike recognized by their Statute - Law no. 145/2019 (revised in 2021) in art. 106. In order to protect professional, economic, social and cultural interests, the staff of the penitentiary administration system has the right to join trade unions or other professional organizations, the right to strike, as well as the freedom of assembly, provided that at least one third of the activity is ensured and the guarantee the rights of detainees and the security of places of detention.

Taking into account the current geopolitical and international military context, as well as in the conditions of the continuation, for over two and a half years, of the war on Romania's border, it is imperative to ensure, by to the Government and the competent ministry, through legislative and fiscal-budgetary measures, predictability in the career, in salary and in retirement of the employees within the police and armed forces, in order to strengthen an efficient service of public order, defence and security national, as well as, implicitly, for staff retention in activity and attracting young people to these risky professions and vocations

• those sectors for which there are restrictions on the right to strike;

Personnel from air, naval, land transport of any kind cannot participate in the strike from the moment of departure on the mission/race until its completion (art. 171– Law no. 367/2022 on social dialogue).

The personnel on board the ships of the commercial navy under the Romanian flag can declare a strike only in compliance with the rules established by international conventions ratified by the Romanian state, under the conditions of art. 171 (art. 172– Law no. 367/2022 on social dialogue).

• sectors for which there is a requirement of a minimum service to be maintained.

In the sanitary and social assistance units, telecommunications, public radio and television, in the units of the national energy system, operative units from the nuclear sectors, in the railway transport units, in the units that ensure public transport and sanitation localities, as well as the supply of the population with gas, electricity, water and heat, the strike is allowed on the condition of ensuring at least one third of the normal activity, distributed over the entire duration of the day, which does not endanger the life and health of the population and/or the operation of installations in complete safety (art. 173– Law no. 367/2022 on social dialogue).

Please give details about the relevant rules concerning the above and their application in practice, including relevant case law.

The right to strike: The national regulation on the exercise of the right to strike (constitutional right) takes into account the recommendations of the ILO regarding the minimum requirements for exercise, including the promotion of amicable settlement as a means of limiting collective actions and strikes.

The strike is a right of employees and represents one of the essential means by which they work and their organizations can promote and defend their economic and social interests.

Based on the constitutional provisions and the Labour Code, the right to strike cannot be waived through the collective or individual labour contract. Such a waiver clause, even inserted in the contract, is void.

The strike represented the voluntary and collective cessation of work by the employees, in order to defend their legitimate and legal rights and interests, within the limits and under the conditions of the law.

Therefore, the declaration of a strike must fulfil the adhesion of the necessary number of employees to decide the collective cessation of work and its effective interruption, and the strike must end as soon as this condition is no longer met as a result of the abandonment of the strike by some employees.

For clarification, we mention that in accordance with the Social Dialogue Law, the right of collective action is exercised through the right of all trade union organizations to rally, protest, demonstration (art. 27, 28), the right to trigger and carry out collective labour conflicts in connection with the initiation, negotiation and conclusion of collective agreements (art. 156), guaranteed to the legal parties to collective bargaining, as well as the right to strike, recognized only by employees (unregulated lockout), exercised as an extreme form of collective labour conflict, the parties to the strike being and those of collective conflict.

Thus, in the exercise of the right to strike, provided for in articles 146-174, representative unions may initiate a strike, under the terms of the law, and in their absence, the unrepresentative unions or the elected representatives of the employees with the written consent of at least a quarter of the number of employees of the unit or, as the case may be, of the subunit or department. (art. 147 paragraphs (2) and (3)).

In the absence of a collective labour contract, the law does not condition the exercise of the right to strike.

The social dialogue law does not regulate the exercise of forms of collective protest (protest, rally, etc.) nor spontaneous strike, Japanese strike, etc. which constitute ways of freely exercising the trade unions' right to collective action/strike.

The social dialogue law establishes the obligation to establish a mandatory minimum service with the provision of a third of the activity in the event of a strike in the national security sectors (art. 205), the organization and establishment of the minimum service in practice being left to the discretion of consultation and negotiation in each unit.

Exceptions:

Navigators exercise the right to strike under the terms of the international conventions to which Romania is a party. The social dialogue law prohibits the seafarers' right to strike "from the moment of departure on the mission until its completion" (art. 203), the duration of the mission being established by the embarkation/mission contract.

Aviators are forbidden the right to strike during the "duration of the flight mission", defined in art. 3 paragraph 1) of the Romanian Air Code as "the activity of a crew member from the moment he enters service, after an appropriate rest period, but before the start of a flight or a series of flights, until the moment that member of the crew leaves service after the completion of that flight or series of flights".

Penitentiary police officers have the right to strike recognized by their Statute - Law no. 145/2019.

Police officers are forbidden the right to protest and strike according to the Police Statute - Law no. 360/2002, the regulation being consistent with art. 6 of the Charter, with the jurisprudence of the ECHR and art. 5 of the ILO Convention no. 98/1949. In practice, during the period 2017-2024, police unions exercised the right to collective actions (meeting, "strike" protest by suspending the police service) in defence of professional, social and economic interests (salary rights, restructuring, organization of activity).

b) Please indicate whether it is possible to prohibit a strike by seeking injunctive or other relief from the courts or other competent body (administrative body or arbitration body). If affirmative, please provide information on the scope and number of decisions in the last 12 months.

According to Social Dialogue Law, if the employer considers that the strike has been declared or is taking place in violation of the law, it will be able to address the court in whose jurisdiction the unit where the strike was declared is located with a request requesting the court to end the strike.

The court sets a deadline for resolving the strike termination request, which cannot be longer than two working days from the date of its registration, and orders the parties to be summoned.

The court examines the application requesting the termination of the strike and urgently pronounces a decision by which, as the case may be:

a) rejects the employer's request;

b) admits the employer's request and orders the termination of the strike as illegal.

The judgments pronounced by the tribunal are only subject to appeal.

The tribunal and the court of appeal resolve the request or, as the case may be, the appeal, according to the procedure provided for the resolution of collective labour conflicts.

If it orders the termination of the strike as illegal, the court, at the request of the interested parties, may oblige the organizers of the strike and the employees/workers participating in the illegal strike to pay compensation.

Cessation of the strike. The ending of the strike may take place:

a) By giving up. This cause of termination occurs in the situation where, after the strike has been declared, more than half of the employees who have decided to declare the strike give up, in writing, the strike. And the resumption, in fact, of the work by the employees, without announcing in writing, constitutes a termination of the strike.

b) By agreement of the parties. Negotiations with the management of the unit in order to satisfy the demands, which are mandatory throughout the strike, can be concluded in a total agreement. As a result, the collective labour conflict is resolved and the strike ends.

c) By court decision. If the employer considers that the strike has been declared or is taking place in violation of the law, he will be able to address the Court in whose jurisdiction the unit where the strike was declared is located with a request requesting the court to stop the strike. The court sets a deadline for resolving the request to stop the strike, which cannot be longer than two working days from the date of its registration, and orders the parties to be summoned.

The court examines the request requesting the termination of the strike and issues an urgent decision by which, as the case may be, it either rejects the employer's request or accepts the employer's request and orders the termination of the strike as illegal. Decisions pronounced by the Tribunal are only subject to appeal.

d) By the decision of the arbitration commission, which can intervene during the entire duration of the collective labour conflict, including during the strike.

Article 20 – Right to equal opportunities between women and men

a) Please provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical). Please provide

information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

The national employment policies in Romania are based on a package of specific measures aimed at stimulating employment, focused on the one hand on supporting the unemployed and job seekers and on the other hand on subsidizing jobs for the employment of people with difficult access to the labour market, through the services of employment agencies. From the legal point of view, the main working instrument is the Law no. 76/2002 on the unemployment insurance system and employment incentives. Article 4, paragraph (1) excludes any kind of discrimination on the grounds of politics, race, nationality, ethnic origin, language, religion, social category, beliefs, sex and age. Article 100, para. (2), letter a) stipulates that non-discriminatory access is ensured to the services provided in the field of employment and vocational training, mainly provided by the National Agency for Employment.

Two other programmatic documents underpin the short and medium-term actions in the field of employment, namely: National Employment Strategy 2021-2027 approved by GD no. 558/2021 and the Employment Education Program approved by the European Commission on 09.12.2022.

- **The National Strategy for Employment 2021-2027**, which is complemented by the Action Plan for the period 2021-2027, has the overall objective of making the Romanian labour market dynamic, sustainable, resilient, proactive and based on social innovation, with an employment rate of 75% for the population aged 20-64, and also to support the recovery of the labour market after the COVID-19 crisis.

One of the action lines of the National Employment Strategy 2021-2027 is Action Line 4 which aims to reduce the gender employment gap. The measures envisaged to achieve this objective are:

1) promotion of atypical forms of employment, enabling the assumption of caring responsibilities for dependent persons, while respecting work-life balance;

2) the provision of support services for the integration into the labour market of people who are the sole breadwinners of single-parent families and/or people with children under 12 years of age, especially those from rural areas;

3) support to employers/consortia of employers for the provision of premises for the supervision and care of pre-school children, with a view to ensuring work-life balance for female employees.

- **Education and Employment Program (EEP).** The EEP investment priorities respond to the 2020 Country Specific Recommendations on mitigating the impact of the crisis on employment by developing flexible working arrangements and activation measures, while also complying with the recommendations of the Research Report: "Forecasts and anticipations for identifying and prioritizing development needs for the period 2021-2028" by assessing the level of convergence. Thus, in line with the challenges of the labour market and in the context of investments for the creation of a modern, flexible, accessible and adaptable Public Employment Service for the future, the European Social Fund interventions in the field of the labour market have been prioritized as follows:

- Personalized and integrated measures, including activation to ensure access to employment for all, with a focus on youth and women employment;

- Mitigating the impact of the crisis on employment through flexible working arrangements and adaptability, transition and outplacement measures for workers;

- encouraging entrepreneurship and the development of the social economy;

- ensuring lifelong learning and enhancing access to skills and digital learning and skills related to the green economy and society.

One of the specific objectives of the EEP is to promote gender-balanced participation in the labour market, equal working conditions and better work-life balance, including through access to affordable childcare and care for children and dependents.

The types of actions under this objective are:

- Support for employers/consortia of employers to set up premises for the supervision and care of pre-school children (0-6 years) or to create partnerships with specialized childcare providers in order to ensure work-life balance. Enterprises will be supported directly per job held by women with a child (0-6 years) in care, for the payment of part of the childcare expenses for the period during which the person works (whose employment is conditional on the provision of supervision/care conditions for pre-school children). Through this action, EEP complementarily supports employers for the provision of childcare. Encouraging employers to engage in the provision of childcare services for their employees will contribute to reducing the shortage of skilled labour in the labour market by encouraging parents to return to work earlier and avoid de-professionalization.

- Stimulating employers to use new or flexible forms of work by subsidizing home-based or telecommuting employment for women with supervisory and care obligations for dependent persons.

- Programs of personal development for women, vocational counseling, continuation/reintegration in the education system, ensuring employment measures, counseling, training, accompaniment for socio-professional insertion/reintegration, including information campaigns on the conditions and benefits of accessing paternal leave, to increase the involvement of men / men in family life in order to reintegrate women into the labour market.

The main target groups of this objective are inactive, unemployed, long-term unemployed, employed women, including refugee women.

In Romania, NAE is the institution responsible for the implementation of measures provided by Law no. 76/2002 regarding the unemployment insurance system and employment stimulation, with subsequent amendments and additions. Employment measures are addressed equally to all categories of beneficiaries, without any discrimination based on political, race, nationality, ethnic origin, language, religion, social category, beliefs, sex and age criteria.

Consequently, the package of measures to stimulate employment is equally addressed to women belonging to groups having a more difficult access to the labor market, such as: female graduates, unemployed women over 45, women sole breadwinners of single-parent families, unemployed women having a maximum of 5 years left until retirement, young women at risk of social marginalization, long-term unemployed women, young unemployed women, who are not in the education or vocational training system (NEET).

Job-matching services, as well as information and professional advice, including profiling activity and assignment on employability levels, are addressed equally to all job seekers registering with NAE, including women.

Services offered by NAE without any kind of discrimination, in the effective implementation of measures provided by the legislation, are systematically promoted in the press and on social networks, as well as in the direct relationship with employers and job seekers (during the activities carried out at the headquarters of territorial employment agencies or on the occasion of job fairs organized at national or local level, at the request of the labor market). In 2022, this led to the enrollment of 243,228 women in measures to stimulate employment, representing 49.27% of total 493,698 persons benefiting from these measures. In 2023, 250,137 women were covered by measures to stimulate employment, representing 50.60% of total 494,002 persons benefiting from these measures. In the first semester of 2024, 130,658 women benefited from measures to stimulate employment, representing 48.10% of total 271,369 beneficiaries.

As a result, in 2022, 102,598 women were employed, representing 47.51% of the total 215,948 employed persons. In 2023, 90,171 women were employed, representing 47.40% of the total 190,039 employed persons. In the first semester of 2024, 47,483 women were employed, representing 46.80% of the total 101,422 employed persons.

According to its legal duties, NAE calculates monthly, based on data from the county employment agencies, the number of registered unemployed, total and broken down by sex: women and men. Throughout the years 2022, 2023 and the first semester of 2024, the number of unemployed women was lower than the number of unemployed men.

Vocational training is one of the most important active measures offered to people registered in the NAE records. Like any other active measures, vocational training equally targets both women and men according to their options and the need for skills in the labor market. In 2022, 5,145 graduates from 1,313 NAE's vocational training programs were employed, of which 3,485 women, representing 67.74% of total people employed by this measure. In 2023, 5,583 graduates from 1,648 NAE's vocational training programs were employed, of which 3,601 women, representing 64.50% of total people employed by this measure. In the first semester of 2024, 2,678 graduates from 621 NAE's vocational training programs were employed, of which 1,630 women, representing 60.90% of the total people employed by this measure.

In Romania, the active women on the labour market, with caring responsibilities, have the right to parental leave and child raising indemnity and also to other **measures which facilitate the reinsertion of the women on the labour market, during the parental leave period**.

The parental leave and child raising benefit or the monthly insertion incentive are measures stipulated by the GEO no. 111/2010 on parental leave and child raising benefits, with subsequent amendments and completion and can be accessed by persons active on the labour market with childcare responsibilities, and also to other categories of persons who are in similar period, according to law.

- The child raising indemnity and the insertion incentive are granted to the persons who, during the last two years prior to childbirth, earned for 12 months incomes subject to taxation according to the Fiscal Code (incomes from wages, self-employed activities, copyrights and agriculture activities, including from similar periods, according to the law).
- Recently were adopted and implemented the proper legislative changes in order to ensure the transposition into national legislation of *Directive 2019/1158 on work-life balance for parents and carers,* which will guarantee the right to parental leave and child raising indemnity, to all the parents, men and women who meet the eligibility conditions. According to law, the mothers have the same

duration of parental leave as the fathers. Also, the entire duration of parental leave can be shared between parents, as they wish, excepting the non-transferable period. According to the recent changes of the legislation, since September 2023, for the new rights of parental leave and child raising indemnity, are stipulated two non-transferable months of parental leave.

- Persons who are entitled to receive child raising indemnity, but still work, earning professional incomes subject to income taxation, will receive a monthly incentive insertion.
- In order to encourage the parents to work, besides the insertion bonus, the parents are allowed to gain incomes from work during the parental leave, in an amount which cannot exceed 8*minimum indemnity (13.208 lei). Therefore, the parents remain suspended from the activity that was the basis of the parental leave, but can earn income of a salary nature based on another activity, such as a collaboration opportunity or an ongoing project.
- Has the right to the child raise indemnity and to the insertion incentive, optionally, any of the parents and also one of the persons who adopted the child, who has a child entrusted for adoption, who has a child in placement or in emergency placement, excepting the foster care person, and also the guardian person. These benefits are granted for each birth or, as the case may be, for any of the situations aforementioned.

b) Please provide information on:

• measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors;

• the implementation of those measures;

• progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.

In 2022, NAEO developed the National Strategy regarding the promotion of equal opportunities and treatment between women and men and the prevention and combating of domestic violence for the period 2022 – 2027 approved by GD no. 1547/2022.

This public policy document ensures the fulfilment of the favourable condition regarding gender equality from the perspective of the programming of European funds in the period 2022-2027 and preserves the integrated vision by approaching the issue on two basic pillars, respectively regulate, within the Equal opportunities and treatment between women and men Pillar, major directions of action in order to improve the situation of women on the labour market, such as and the punctual approach to distinct, sensitive areas, respectively those that prove to be more vulnerable or less responsive to gender issues.

Regarding the first pillar, Equal opportunities and treatment between women and men, we can emphasis among main actions that have taken place in the last 2 years that the scope of awareness-raising campaigns for the promotion of gender equality was strengthened and thus under the auspices of the week of equal opportunities between women and men, a series of seminars were organized that touched on several topics of interest, respectively:

- promotion of women in decision-making positions;

- work-life balance actions;

- integrating the gender perspective in the field of education.

Also, the first National Plan for the Economic and Political Empowerment of Women for the period 2025-2029 will be approved shortly by a GD (as a result of a European project “Gender mainstreaming in public policy and budget processes”).

The National Plan will Include 4 Priority Directions of Action:

1. Engender labour market policies including those financed by EU structural funding.

2. Work-life balance focus on identification of the care economy elements in Romania.

3. Participation in Decision Making in the economic and political spheres with the goal of parity.

4. Reducing gender-based violence at work and in public spaces through better legislation, awareness raising among media, education, political space and the public.

Romania has established a legal framework to improve women’s access to decision making in public life. Art. 21 of Law no. 202/2002 on Equal Opportunities and Treatment between Women and Men requires various entities, including the executive, legislative, and judicial bodies, to promote balanced participation of women and men in leadership and decision making, as well as to take the necessary measures to ensure it.

Furthermore, art. 22 of the same law requires political parties to “include positive actions in their regulations to support the under-represented sex and to ensure a balanced representation of women and men in the selection of candidates for local, general, and European Parliament elections”. However, Romanian stakeholders in Romania have reported limited enforcement of these provisions.

According to annual reports on civil service and civil servants management regarding the gender structure of civil servants in Romania, the share of women increased steadily, from 54 % in 2009 to 69 % in 2023.

c) Please provide statistical data on the proportion of women on management boards of the largest publicly listed companies, and on management positions in public institutions.

Recently, NAEO carried out an analysis entitled - Positioning of Romania in the online database of EIGE in the period from October 2012 to October 2023. In the online database of EIGE, the data according to the BET index were entered for Romania. BET is the first index developed by the Bucharest Stock Exchange and represents the reference index for the local capital market. BET reflects the performance of the most traded companies on the BSE regulated market, excluding financial investment companies (SIFs). It is a free float market capitalization weighted index with a maximum weighting of its components of 20%.

- During the analysed period (October 2012 – October 2023), at the level of the President, our country recorded 6 times the maximum male percentages and 17 times the percentages in which women were also found. During this period, the number of presidents increased from 10 (October 2012) to 18 (October 2023). Although the number of positions increased, women did not occupy more than 2 positions in the analysed months, these being occupied when the number of presidents was 10. In the months when women held these 2 positions, Romania occupied, in the EU ranking, the 2nd position (20%) in October 2014 and the 3rd position (20%) in April 2015 and October 2015.

- Although the number of members in the Boards of Directors has almost doubled (from 67 in October 2012 to 119 in October 2023), the number of women has not increased in such a way as to ensure a gender balance. If in October 2012 the number of women was 8, that of men was 59, in October 2023, the number of women increased to 26 and that of men to 93. Compared to the number of men, the number of women still remains extremely small.

NAEO annually collects data for the EIGE database, and for Romania, the public administration at national level includes all ministries and the General Secretariat of the Government (institutions led by a minister or other position with ministerial rank), and the decision-making ranks include the following positions:

- Decision-making level 1: general secretary, deputy general secretary, general director and deputy general director;

- Decision-making grade 2: director and deputy director.

In Romania, in 2023, in the central public administration, for the 2 decision-making grades (decision-making grade 1: general secretary, deputy general secretary, general director, deputy general director and decision-making grade 2: director, deputy director) the management positions were occupied by 328 (49%) men and 341 (51%) women. At decision-making level 1, of the 273 occupied management positions, 140 (51.3%) belonged to women and 133 (48.7%) to men. At decision-making level 2, the positions were occupied by 201 (50.8%) women and 195 (49.2%) men, out of 396 occupied positions.