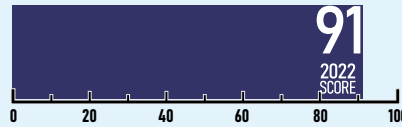


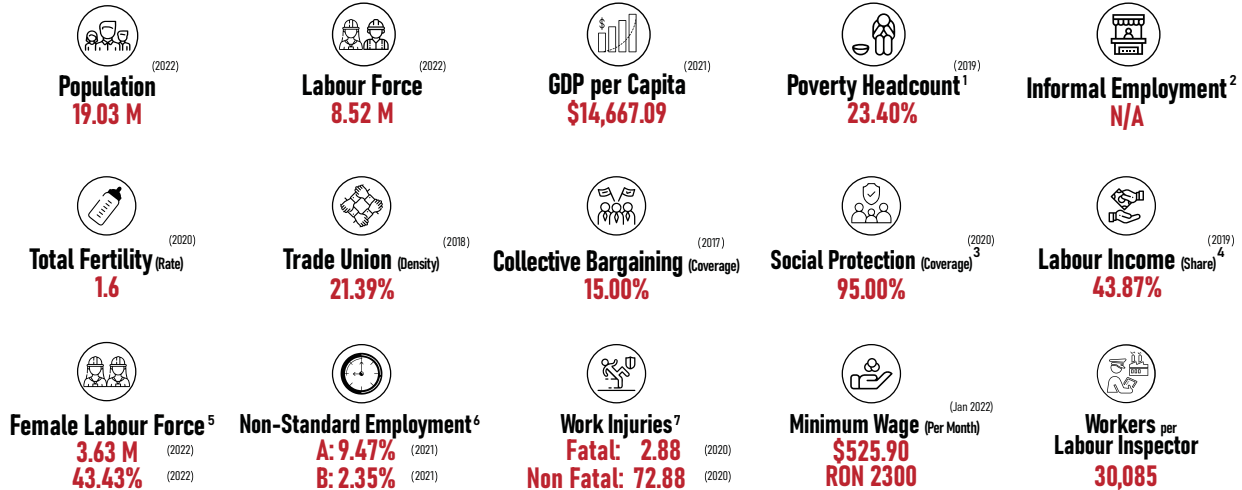


Romania



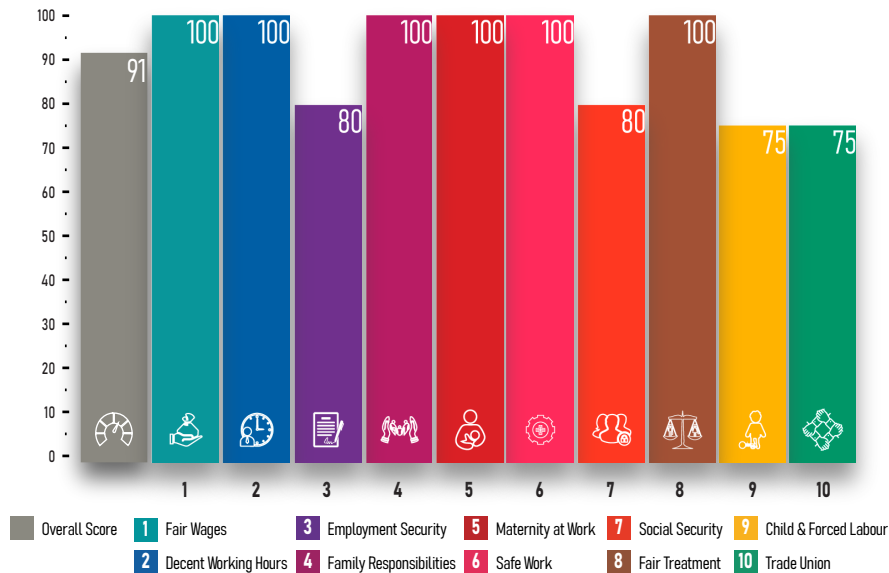
**91** 2020 SCORE  
Eastern Europe  
Upper Middle Income  
Decent Work  
LRI RATING

## Contextual Indicators



Sources: World Bank  
International Labour Organization  
WageIndicator Minimum Wages and Living Wages Database  
M=Million

## Legislative Performance Indicators



## Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

Romania's overall score is 91 out of 100. The overall score for Romania is higher than the regional average observed across Eastern Europe (88). Within the Eastern European region, the highest score is observed for Greece (96).

<sup>1</sup> Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

<sup>2</sup> Share of informal employment in total employment (%), as measured under SDG 8.3.1

<sup>3</sup> Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

<sup>4</sup> Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

<sup>5</sup> The female labour force is shown in absolute number along with the female labour force participation rate

<sup>6</sup> Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

<sup>7</sup> Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

The country rating is based on the overall score of 0-100, with the following coding:

(90.5-100) Decent Work | (80.5-90) Approaching Decent Work | (70.5-80) Reasonable Access to Decent Work | (60.5-70) Limited Access to Decent Work | (50.5-60) Basic Access to Decent Work | (0-50) Total Lack of Decent Work

# LABOUR RIGHTS INDEX 2022

|                            | Question <sup>9</sup>  | Answer | Legal Basis   | Trend <sup>12</sup> |
|----------------------------|--|--------|---|---------------------|
| 1. Fair Wages              | Does the law prescribe minimum wage rates in the country?  | Yes    | §164-165 & 260 of Labour Code No. 53/2003   | ●                   |
|                            | Does the law require regular payment of wages?   | Yes    | §150, 161, 162 & 261 of Labour Code No. 53/2003   | ●                   |
|                            | Does the law require overtime compensation be at least 125% of the regular hourly rate?                            | Yes    | §123 of Labour Code, Law No. 53/2003  | ●                   |
|                            | Does the law require additional compensation for working on a weekly rest day?                                     | Yes    | §137, 138, 141, 142 & 260 of Labour Code No. 53/2003  | ●                   |
|                            | Does the law require additional compensation for night work?   | Yes    | §125-128 & 260 of Labour Code No. 53/2003   | ●                   |
| 2. Decent Working hours    | Does the law stipulate general working hours as 48 hours or lower?   | Yes    | §125-128 & 260 of Labour Code No. 53/2003   | ●                   |
|                            | Does the law restrict maximum working hours including overtime to 56 hours per week?                               | Yes    | §114 of Labour Code, Law No. 53/2003  | ●                   |
|                            | Does the law require a weekly rest of at least 24 hours?   | Yes    | §113, 134, 135 & 137 of Labour Code No. 53/2003   | ●                   |
|                            | Does the law require paid public holidays?   | Yes    | §139, 140-42 of Labour Code No. 53/2003   | ●                   |
|                            | Does the law require at least three working weeks of paid annual leave?  | Yes    | §145, 146, 147, 148, 149, 150 & 151 of Labour Code No. 53/2003  | ●                   |
| 3. Employment Security     | Does the law require written employment contracts or at least written employment particulars?                      | Yes    | §10-19 of Labour Code No. 53/2003   | ●                   |
|                            | Does the law restrict the hiring of fixed-term contract workers?   | Yes    | 12 & 82-84 of Labour Code No. 53/2003   | ●                   |
|                            | Does the law limit the length of probation period including renewals to a maximum of 3 months?                     | Yes    | §31-34 & 85 of Labour Code No. 53/2003  | ●                   |
|                            | Does the law require a 30-day notice before contract termination?  | Yes    | §58-75 of Labour Code No. 53/2003   | ●                   |
|                            | Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?             | No     | No applicable legal provisions could be located   | ●                   |
| 4. Family Responsibilities | Does the law require parental leave for parents?   | Yes    | §1(1), 19 & 20 of the Emergency Ordinance No 148/2005; Emergency Decree No.111 of 2010                                      | ●                   |
|                            | Does the law require at least one week of paid paternity leave for fathers?  | Yes    | §1-4 of the Act on Paternity Leave 1999   | ●                   |
|                            | Does the law require flexible work arrangements for workers with family responsibilities?                          | Yes    | §118 of Labour Code No. 53/2003   | ●                   |
|                            | Does the law require paid nursing breaks?  | Yes    | §17 of the ORDONANȚĂ DE URGENȚĂ nr. 96 din 14 octombrie 2003  | ●                   |
| 5. Maternity at Work       | Does the law prohibit inquiring about pregnancy during recruitment?  | Yes    | §27(4) of the Labour Code, 2003   | ●                   |
|                            | Does the law require paid maternity leave of at least 14 weeks?  | Yes    | §1, 23, 24, 147 and 25 of Emergency Ordinance No. 158/2005; §147 of the Labour Code No. 53/2003                             | ●                   |
|                            | Does the law require cash maternity benefit be at least 67% of a worker's former wage?                             | Yes    | §19 & 2 of the Emergency Ordinance No 148/2005; §1, 3, 23, 25(1) of the Emergency Ordinance No. 158/2005                    | ●                   |
|                            | Does the law require maternity benefit be paid through contributory social insurance or universal benefits system? | Yes    | §19 & 2 of the Emergency Ordinance No 148/2005; §1, 3, 23, 25(1) of the Emergency Ordinance No. 158/2005                    | ●                   |
|                            | Does the law protect workers from dismissals during or on account of pregnancy?                                    | Yes    | §211 of the ORDONANȚĂ DE URGENȚĂ nr. 96 din 14 octombrie 2003; §60 of Labour Code No. 53/2003                               | ●                   |
| 6. Safe Work               | Does the law require provision of free personal protective equipment to workers from employer?                     | Yes    | §13,14,15,23, 24 & 25 of Law No. 319/2006 on Safety and Health of Workers at Work   | ●                   |
|                            | Does the law require the employer to train workers on health and safety issues?                                    | Yes    | §20 & 21 of Law No. 319/2006; §175-182 of Labour Code No. 53/2003   | ●                   |
|                            | Does the law restrict work that is prejudicial to the health of the mother or the child?                           | Yes    | §125 of Labour Code No. 53/2003; ORDONANȚĂ DE URGENȚĂ nr. 96 din 14 octombrie 2003  | ●                   |
|                            | Does the law provide for employment injury benefit?  | Yes    | §33-50 of LEGE nr.346 din 5 iunie 2002 privind asigurarea pentru accidente de munca și boli profesionale                    | ●                   |
|                            | Does the law provide for an old age pension?   | Yes    | LAW no. 263 of December 16, 2010 regarding the unitary system of public pensions  | ●                   |
|                            | Does the law provide for a dependants/survivors' pension?  | Yes    | LAW no. 263 of December 16, 2010 regarding the unitary system of public pensions; MISSOC Comp. Table for Romania            | ●                   |
|                            | Does the law provide for unemployment benefit?   | No     | Unemployment Law No. 76/2002; MISSOC Comp. Table for Romania  | ●                   |
| 7. Social Security         | Does the law require paid sick leave for the first 6 months of sickness?   | Yes    | §12 -17 of Emergency Ordinance No. 158/2005; MISSOC Comp. Table for Romania   | ●                   |
|                            | Does the law provide for invalidity benefit?   | Yes    | LAW no. 263 of December 16, 2010 regarding the unitary system of public pensions; MISSOC Comp. Table for Romania            | ●                   |
|                            | Does the law require equal remuneration for work of equal value?   | Yes    | §5, 6 & 159 of the Labour Code No. 53/2003; §4 & 7 of Equal Opportunities Law No. 202/2002                                  | ●                   |
|                            | Does the law prohibit sexual harassment in employment?   | Yes    | §4(d), 8(1) & 30-33 of Equal Opportunities Law No. 202/2002; §223 of Criminal Code 286/2009                                 | ●                   |
|                            | Does the law prohibit discrimination in employment matters? <sup>10</sup>  | Yes    | §5 of Labour Code No. 53/2003; Law no. 448/2006   | ●                   |
| 8. Fair Treatment          | Does the law allow women to do the same jobs as men?   | Yes    | §41 of Constitution of Romania, 1991; §3 of Labour Code No. 53/2003   | ●                   |
|                            | Does the law guarantee basic labour protections for gig economy workers?   | Yes    | LAW no. 263 of December 16, 2010 regarding the unitary system of public pensions; MISSOC Comp. Table for Romania            | ●                   |
|                            | Does the law prohibit employment of children?  | Yes    | §13 of the Labour Code, 2003; §87 of Law on the protection and promotion of child rights, 2004                              | ●                   |
|                            | Does the law set employment entry age equal to or higher than the compulsory schooling age?                        | No     | §49 of the Constitution of Romania, 1991; §6 of Law no. 268 of June 13, 2003  | ●                   |
| 9. Child and Forced Labour | Does the law prohibit the employment of children in hazardous work under the age of 18 years?                      | Yes    | §49 of the Constitution, 1991; §112, 114, 124, 128, 134 & 147 of Labour Code, 2003  | ●                   |
|                            | Does the law prohibit forced labour?   | Yes    | §42 of the Constitution, 1991; §4 of Labour Code, 2003  | ●                   |
|                            | Does the law allow workers to form and join unions of their own choice?  | Yes    | §9 & 40 of Constitution of Romania 1991; §214-220 of Labour Code No. 53/2003  | ●                   |
| 10. Trade Union            | Does the law allow workers to bargain collectively with employers through their representative unions?             | No     | §41 of Constitution of Romania 1991; §6, 39, 229 & 230 of Labour Code No.53/2003; CEACR, C98, Obs. 2021                     | ●                   |
|                            | Does the law provide for the right to strike?  | Yes    | §59, 83, 233-236 & 260 of Labour Code No. 53/2003; §181-207 of Social Dialogue Law (62/11)                                  | ●                   |
|                            | Does the law prohibit employers from terminating employment contracts of striking workers?                         | Yes    | §43, Constitution of Romania 1991; §59, 83, 233-236 & 260, Labour Code No. 53/2003; §181-207 of Social Dialogue Law (62/11) | ●                   |

## Covid 19 and Labour Market in Romania\*

|                    |              |
|--------------------|--------------|
| Total Covid Cases  | 2.97 Million |
| Total Covid Deaths | 65,824       |
| Partial Vaccinated | 42.0%        |
| Fully Vaccinated   | 42.0%        |

|   |   |
|---|---|
| Wage Subsidies                                    | ✓ |
| Social Security Contributions (deferrals/waivers) | ✓ |
| Paid Sick Leave                                   | ✓ |
| Add. Unemployment Benefits                        | ✓ |

|                                |   |
|--------------------------------|---|
| Protection from Dismissals     | ✗ |
| Telework/flexible work         | ✓ |
| Improved Health Access         | ✗ |
| Training (activation measures) | ✗ |

<sup>9</sup> The Index has 10 indicators and 46 evaluation criteria or questions.

<sup>10</sup> The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

<sup>11</sup> A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). The score of Romania on SDG 8.8.2 is 195 (2020)

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CRHRP) to measure a country's compliance on the Trade Union indicator.

<sup>12</sup> In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change