

Social Dialogue mapping

Description scheme for country overviews

ROMANIA

Sources:

1/ Eurofound Working Life Profiles <https://www.eurofound.europa.eu/country/romania>

2/OSH WIKI https://oshwiki.eu/wiki/OSH_systems_at_national_level_-_Romania

3/ ESENER-2 <https://osha.europa.eu/en/surveys-and-statistics-osh/esener/2014>

Introduction on Social Dialogue in MS (1)

A trade union organisation is considered to be representative at national level if the affiliated organisations account for at least 5% of the overall number of employees in the national economy and it has territorial structures in at least 50%+1 of the counties, including the capital, Bucharest.

Similarly, an employers' organisation is considered to be representative if its members account for at least 7% of the overall number of employees at national level and it has territorial structures in 50%+1 of the counties, including Bucharest.

Trade Unions (1)

- **About trade union representation**

The right to join a trade union is limited only to those workers that have an individual work contract, which prevents workers involved in atypical forms of work from joining a trade union. Moreover, Law 62/2011 provides that a trade union may be formed by at least 15 founding members, all employed in the same company, which prevents workers in companies with fewer employees from forming a union (the previous legislation provided that a trade union could be founded by 15 employees from different companies, but in the same profession).

People who hold a public function, such as magistrates, people in the military, employees of the Ministry of the Interior and employees of the secret services, cannot form or join a trade union.

- **Main trade union confederations and federations**

There are five national representative confederations in Romania: CNSLR Fratia, CNS Cartel Alfa, BNS, CNS Meridian and CSDR.

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
National Trade Unions Confederation 'Cartel Alfa' (CNS 'Cartel Alfa'; Confederația Națională Sindicală 'Cartel Alfa')	CNS Cartel Alfa	259,443	2015	Not at national level ever since law 62/2011 abolished national collective bargaining. Signed the collective agreement for the healthcare sector on 21 November 2013.
National Confederation of Free Trade Unions from Romania Frăția (Confederația Națională a Sindicatelor Libere din România Frăția)	CNSLR Fratia	306,486	2016	Not at national level ever since law 62/2011 abolished national collective bargaining. Signed the collective agreement for the healthcare sector on 21 November 2013.
National Trade Union Bloc (Blocul Național Sindical)	BNS	253,227	2015	Not at national level ever since law 62/2011 abolished national collective bargaining. Signed the collective agreement for the healthcare sector on 21 November 2013.
Meridian National Trade Union Confederation (Confederația Sindicală Națională Meridian)	CSN Meridian	264,811	2016	Not at national level ever since law 62/2011 abolished national collective bargaining. Signed the collective agreement for the healthcare sector on 21 November 2013.
Confederation of Democratic Trade Unions in Romania (Confederația Sindicatelor Democratice din România)	CSDR	255,757	2016	No, law 62/2011 abolished national collective bargaining.
National Federation of Free Unions from Education (Federația Sindicatelor Libere din Invatamant)	FSLI	172,336	2016	Yes, signed the collective agreement for the primary education sector on 13 November 2014.

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Federation Agrostar (Federatia Arostar)	Agrostar	44,136	2012	No
Sindicatul National al Politistilor		41,000	2016	No
Trade Union Federation for Romanian Automotive (Federatia Sindicatelor Automobilului Romanesc)	FSAR	21,539	2016	No
Federation of Unions of Automotive Manufacturing "Infratirea" (Federatia Sindicatelor din Con-structii de Masini Infratirea)	"Infratirea"	21,123	2016	No
Federatia Sanitas		105,000	2012	Yes, signed the collective agreement for the health sector on 21 November 2013.
FSI Spiru Haret		61,844	2012	Yes, signed the collective agreement for the primary education sector on 13 November 2014.
Postal and Communication Trade Union Federation (Federația Sindicatelor din Poștă și Comunicații)	FSPC	19,093	2016	No
Federation of Insurance and Banks (Federatia Asigurari si Banci)	FAB	16,000	2016	No
National Federation of Administration Unions (Federatia Nationala a Sindi-catelor din Aministratie) -	FNSA	19,542	2016	No

Employers' organisations (1)

• About Employers' organisations

The employers can freely form or join an employers' organisation. An employers' organisation can be affiliated only to a hierarchically superior employers' organisation.

The 2011 Social Dialogue Law stipulates that the employers' organisations that pursue national representativeness must account, through the affiliated companies, for at least 7% of the total workforce in the economy (minus public sector employees). The employer federations must account, through their members, for at least 10% of the total workforce in the respective sector.

• Main Employers' organisations

In 2016, six employers organisations were acknowledged as representative:

- the Romanian National Council of Private Small and Medium Enterprises (Consiliul Național al Întreprinderilor Private Mici și Mijlocii din România, CNIPMMR);
- the General Union of Romanian Industrialists (Uniunea Generala a Industriasilor din România, UGIR);
- the Employers' Confederation Concordia (Confederația Patronală 'Concordia');
- National Romanian Employers's Organisation (Patronatul Național Roman, PNR)
- National Confederation of Romanian Employers (Confederatia Nationala a patronatului Roman, CNPR)
- Romanian Employers' Confederation from Industry, Agriculture, Constructions and Services Confederatia Patronala din Industrie, Agricultura, Constructii si Servicii din Romania (CONPIROM)

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Employers' Confederation Concordia (Confedereatia Patronala Concordia)	Concordia	230,343	2013	No
General Union of Romanian Industrialists (Uniunea Generala a Industriasilor din România)	UGIR	-		No
National Confederation of Romanian Employers (Confederatia Nationala a Patronatului Roman)	CNPR	318.279	2015	No
Romanian National Council of Private Small and Medium Enterprises (Consiliul Național al Întreprinderilor Private Mici și Mijlocii din România)	CNIPMMR	327,433	2016	No
Romanian Employers Organisation Confederation (Confederatia Patronatul Român)	PR	246.566	2015	No

Social Dialogue on OSH (2)

• General Remarks on Social Dialogue on OSH

In Romania, there are three main participants in the social dialogue at national level. They are as follows: the Romanian government, the employer organizations and the trade-union organizations respectively. Labour Inspection, OSH research and development (R&D) entities, insurance bodies, professional associations in the field play a significant role as well.

• National level

The institutionalized social dialogue in Romania encompasses the following:

- Tripartite social dialogue (government, employers, trade unions)
- Bipartite social dialogue (employers, trade unions)

Tripartite social dialogue

At national level, the tripartite social dialogue is regulated and carried out by the following structures:

- The Economic and Social Council ^[30] was established as a consultative body of the Government and Parliament in 1997. It is constituted of government representatives, and employer and trade-union representatives recognized at national level as well. The Economic and Social Council is endorsing all the economic and social legislative acts. Its advisory opinion accompanies each draft bill submitted to the parliament debate prior to be adopted. The Economic and Social Council is the main consultative body within the national tripartite social dialogue. It is regulated by the Law No. 109/1997 with subsequent amendments.
- A Department for Social Dialogue was established at government level to conduct and enhance the tripartite social dialogue. This department is coordinated by a Secretary of State who is responsible for the social dialogue committees of the ministries and for organizing the Prime Minister's meetings with the representatives of the Economic and Social Council whenever necessary.

In addition, a Secretary of State is appointed in each ministry to co-ordinate the social dialogue committees and the relationship with the trade-unions and the employer organizations.

At sectoral level, the tripartite social dialogue is regulated by the Government Decision No. 314/2001 amended by the GD No. 569/2002 related to the establishment, organization and functioning of the social dialogue committees. These committees exist and operate in all the ministries being constituted of representatives of the ministries, the trade unions and the employer organizations. Within these committees, the social partners are consulted on all the legal acts elaborated and submitted by the ministry and equally on any matters of interest to the social partners on the activity sectors concerned.

Social dialogue at territorial level - it takes place in accordance with the administrative structures (districts) of the country, within the territorial social dialogue committees including representatives of the local authorities alongside the employer organizations and trade –union (worker) representatives.

Experts and representatives of other administrative or civil society structures may attend these meetings depending on the topics discussed in these territorial social dialogue committees. Advisory opinions developed in the social dialogue committees at territorial level are communicated to the Economic and Social Council and considered at the elaboration of each draft law submitted to the debates in the Parliament.

Other tripartite structures.

Occasionally, depending on the complexity of the issues discussed, ad hoc tripartite structures may be established to debate on a specific matter (e.g. a tripartite ministerial committee for improving the business environment, etc).

Bipartite social dialogue

The bipartite social dialogue (trade unions, employers) is mainly found at the negotiation and conclusion of the Labour Collective Agreements.

In Romania, they are concluded at national level, at sectoral level and at company level respectively, on condition that the company is having 21 employees at least.

Another form of bipartite social dialogue is related to the settlement of collective labour disputes that are governed by the Law No. 168/1999 on the settlement of labour disputes providing procedures for solving conflicts of rights and/or interests (conciliation, mediation, arbitration or strike).

- **Sectoral level**

At sectoral level, the social dialogue is run within joint committees including employer organizations and trade union representatives depending on the activity sector concerned. In general, these sectors of activity belong to big industrial branches (metallurgy, constructions, energy, chemical industry) with high risks and a large number of employees. The social dialogue is meant to discuss and adapt the general legal provisions on OSH to the particularities of the workplaces and the activities carried out within these sectors. The trade unions play a key role as social partners within the activity sectors mentioned above.

- **Enterprise level**

At enterprise level, the social dialogue takes place within the OSH Committees that are legally constituted (as per the Law No. 90/1996 replaced by Law No. 319/2006) in each company with at least 50 employees. These committees may be also constituted within the undertakings with less than 50 employees, upon the labour inspector's request, whenever the activity developed in these enterprises and the related risks for workers' safety and health impose such a measure.

The OSH Committees include the employer or the employer's legal representative(s), an occupational medicine physician and trade-union representative(s) or workers' representative(s) when trade union structures do not exist in the company. They participate in the workplace risk assessment and the elaboration of the preventive plan at company level. The OSH committees do also participate in the decisionmaking process related to the workplace safety and health and worker well-being.