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Factsheet for case RO-2020-16/414

Free paid days to parents for the purpose of child-care

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|--------------|---|
| Country | Romania, applies nationwide |
| Time period | Temporary, started on 15 April 2020 |
| Type | Legislation or other statutory regulation |
| Category | Employment protection and retention – Temporary period of leave (e.g. mandatory leave) |
| Case created | 09 April 2020 (updated 17 April 2020) |

Background Information

On 9 March 2020, the Romanian Centre for Emergency Situations decided that all schools would be suspended from 11 March 2020 until 22 March 2020 to limit the effects of Coronavirus. Starting 16 March 2020, the Romanian President has declared a state of emergency – as a result, schools remained closed until Orthodox Easter (19 April) initially. After the state of emergency was prolonged till 15 May, the schools remain suspended. This situation left a lot of employees without any immediate solutions to ensure their children supervision and care. To respond to this problem, the Romanian Parliament passed a law (Law no. 19/2020) requiring employers (both in the public and the private sector) to grant paid leave to one of the parents if schools are closed due to “extreme situations”.

Content of measure

According to the law 19/2020, employers must grant employees paid leave if schools are closed in exceptional circumstances, but only if the tasks associated with the employees’ roles cannot be performed in “working from home” or teleworking conditions. Paid leave can be granted to only one of the parents, and only if the child in care is of maximum 12 years of age (or 18 years of age for children with a disability), who are formally registered as attending courses in a school. In some sectors, the parent’s request for leave is conditioned by the employer’s acceptance (national energy system units, operating units in the nuclear sectors, continuous fire units, health and social care units, telecommunications, public radio and television, rail transport, units that ensure the public transport and sanitation of the localities, as well as the supply of the population with gas, electricity, heat, and water). During such leave, employees will be entitled to a

payment of up to 75% of the employee's base salary, but not more than 75% of the average gross salary in the economy. The allowance is subject to personal income tax and social security contributions (i.e. personal income tax, social security contribution, health insurance contribution and work insurance contribution). The net value of the allowance paid by the employer (the amount actually received by the parent) can be recovered from the Guarantee Fund for the payment of salary claims; the corresponding personal income tax and the social security contributions are borne by the employer. To recover the net allowance, employers should submit a request to the local or the Bucharest unemployment agency.

Use of measure

These applies to all employees with children in care. There is no estimation yet regarding the number of parents/employers that made use of the legal provision.

Actors, target groups and funding

| Actors | Target groups | Funding |
|--|--------------------------|-----------------------------|
| National government Trade unions Employers' organisations Company / Companies | parents All companies | Companies National funds |

Social partners

| | |
|-------------------------|---------------------|
| Role of social partners | Consulted |
| Form of involvement | Direct consultation |

The social partners have been consulted during the legislative process in the Romanian Parliament (specialized committees discussions).

Sectors and occupations

This case is not sector-specific.

This case is not occupation-specific.

Sources

- 14 March 2020: Law no. 19/2020 (legislatie.just.ro)
- 21 April 2020: GEO 30/2020 (lege5.ro)