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Romania: Employers obligation to provide skill development plans or training

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Romania

Phase:

Anticipation

Type: Employers obligation to provide skill development plans or training

Last modified: 22 September, 2019

Native name:

Codul muncii, Legea nr. 53/2003, republicată în Monitorul Oficial nr. 345/18 mai 2011; Ordonanța Guvernului nr. 129/31 august 2000 privind formarea profesională a adulților; Legea nr. 76/2002 privind sistemul asigurărilor pentru șomaj și stimularea ocupării forței de muncă, cu modificările și completările ulterioare

English name:

Labour Code, Law no. 53/2003, republished in the Official Gazette of Romania no. 345 dated 18 May 2011; Governmental Ordinance no. 129 dated 31 August 2000 regarding adult professional training; Law no. 76/2002 regarding unemployment benefits and labour force employment stimulation, as subsequently amended and supplemented

Article

192-195 (Labour Code); 3, 5, 6, 9, 14 (Government Ordinance no. 129/2000); 48-52 (Law no. 76/2002)

Description

According to the labour code, employers have the obligation to ensure, at their own costs, the participation of all employees in vocational training programmes.

The training period depends on the number of employees; employers shall ensure participation in professional training at least once every two years if they have at least 21 employees, and at least once every three years if they have fewer than 21 employees.

According to the labour code, an employer with more than 20 employees must design and implement annual vocational training plans in consultation with the trade union or, as the case may be, the representatives of the employees. Such training programme becomes an addendum to the company collective agreement.

Under the law, the main objectives of vocational training are to provide for:

- professional readjustment caused by socioeconomic restructuring;
- qualification changes caused by economic restructuring, by social mobility or by changes in the labour capabilities;
- better social integration of individuals in compliance with their professional aspirations and the demand of the labour market;
- training of human resources able to contribute to higher competitiveness of the labour force;
- updating of knowledge and improvement of professional training in the main occupation as well as in related occupations;
- acquisition of advanced knowledge, modern methods and procedures required to fulfil professional tasks;
- updating of specific knowledge and skills needed for the position and the job, and improvement of professional training to enhance employment opportunities;
- acquisition of advanced knowledge, modern methods and procedures needed to carry out professional activities;
- prevention of unemployment risks;
- access to vocational skills;
- career development and advancement.

The employees have the right to be informed about the contents of the vocational training plan. Subsequent, the employee having enjoyed a vocational training course or an internship financed by the employer may not resign for a certain period of time, negotiated by the parties, otherwise he/she would have to pay back all expenses generated by the vocational training.

Regulations encouraging employers to ensure the training of employees can also be found in Government Ordinance 129/2000, republished in the Official Gazette of Romania no. 110 from 13 February 2014 and in the Law no. 76/2002 regarding unemployment benefits and labour force employment stimulation.

Under these regulations, an employer seeking to ensure the professional training of the employees must consult the trade unions or the representatives of the employees when designing professional training plans, in compliance with sectoral development plans and strategies.

The law also provides certain incentives for employers who provide vocational training courses (article 48 (1) of Law no. 76/2002).

Comments

As form of vocational training, customised individual training usually implies the following stages: initiation, qualification, improvement, specialisation and requalification. Vocational training plans are developed in cooperation with professional training providers, authorised by the National Council for Adult Training.

It should, however, be noted that the incentives for employers who provide vocational training courses (article 48 (1) of Law no. 76/2002) are not really effective yet in practice.

Cost covered by

Employer
National government

Involved actors other than national government

Trade union
Other

Involvement others

Representatives of employees, where there are no trade unions; training providers

Thresholds

No, applicable in all circumstances

Sources

- 📖 DG Employment, Social Affairs and Equal Opportunities/Héra (2011), Selected companies' legal obligations regarding restructuring
- 📖 [Labour Code, Law no. 53/2003](#)
- 📖 [Codul muncii, Legea nr. 53/2003](#)
- 📖 [Ordonanța Guvernului nr. 129/2000 \(Governmental Ordinance no. 129/2000\)](#)
- 📖 [Law no. 76/2002](#)
- 📖 [Legea nr. 76/2002](#)

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