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Romania: Redundant employees entitlement to public support

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Romania

Phase:

Management

Type:

Redundant employees entitlement to public support

Last modified: 10 December, 2021

Native name:

Legea nr. 76/2002 privind sistemul asigurărilor pentru șomaj și stimularea ocupării forței de muncă; Ordonanta de Urgenta a Guvernului nr. 36/2013 privind aplicarea în perioada 2013-2018 a unor măsuri de protecție socială acordată persoanelor disponibilizate prin concedieri colective efectuate în baza planurilor de disponibilizare aprobata cu completari prin Legea nr. 259/2013, modificata în 2015 si 2016

English name:

Law no. 76/2002 on the unemployment insurance system and the stimulation of employment; Government Emergency Ordinance no. 36/2013 on the implementation in 2013-2018 of social protection measures to people affected by redundancies made under redundancy plans, approved and modified by Law no. 259/2013, modified in 2015 and 2016

Article

53-76 (Law no. 76/2002); 8, Annex (Government Emergency Ordinance no. 36/2013);

Description

Law no. 76/2002 on the unemployment insurance system and the stimulation of employment stipulates the conditions for granting unemployment allowance for dismissed persons. In addition, prior to facing redundancy, employees may benefit from pre-termination services, i.e. mainly:

- information on the legal provisions regarding the protection of the unemployed and the provision of employment and training services;
- information on local job vacancies and job search training;
- professional reorientation through short-term training courses;
- surveying employees' opinions and advising them on measures to combat unemployment.

For the benefit of redundant employees, the National Agency for Employment carries out activities related to:

- Information and professional counselling. This is a set of services free of charge for job-seekers with the purpose of providing information on the labour market and the evolution of occupations in order to develop job-seekers' ability and self-confidence to help them make their own career decision, train them in methods and techniques of job search and guide them during the process of integration at the new job.
- Work mediation. Employment agencies have an obligation to identify vacancies and make them available to job-seekers. Job-seeker mediation services consist of: information on job vacancies and the conditions for their employment; digital mediation aimed at automatic matching of job-seekers and offers; pre-selection of candidates according to the requirements of the jobs and the training, skills, experience and interests of job-seekers.
- Vocational training. The forms of training for job-seekers are courses, internships, specialisation opportunities among others. The training of job-seekers is carried out on the basis of the national training plan drawn up annually by the National Employment Agency and approved by the Ministry of Labour and Social Solidarity.
- Assessment and certification of professional skills acquired in ways other than formal ones (validation of informal and non-formal skills).
- Advice and assistance on becoming self-employed or starting a business in the form of legal, marketing, financial, management and other consulting services.
- Supplementing employee income. Persons who have been entitled to unemployment allowance and are hired full-time benefit from a monthly allowance (until the end of the period for which they were entitled to receive the unemployment allowance) representing 30% of the amount of the unemployment allowance.
- Stimulating labour mobility, through sums of money paid for employment outside their hometown.

Moreover, people laid off by certain public companies have a number of financial rights. These public companies are listed in the annex most recently modified by Government Emergency Ordinance no. 16/2016.

The Government Emergency Ordinance no. 36/2013 provides these rights to dismissed employees affected by redundancy plans of national companies, public corporations and companies mostly owned by the state, national research and development institutes, as well as companies or autonomous administrations' subordinate local authorities. The objective of the law is to mitigate the negative social impacts of restructuring processes.

Apart from the compensation received under the collective agreement and from unemployment benefits, people unemployed in such companies also receive a **monthly additional income**.

The monthly additional income is equal to the difference between the employee's average earnings for the last three months before the dismissal (without exceeding the average wage of the country) and the level of unemployment benefits. The period of granting the monthly additional income depends on seniority, as follows:

- 12 months for employees who have between 3 and 10 years of tenure;
- 20 months for employees who have between 10 and 15 years of tenure;
- 22 months for employees who have between 15 and 25 years of tenure;
- 24 months for employees who have more than 25 years of tenure.

Comments

These measures provided by Law no. 76/2002 are not only applicable to people undergoing restructuring, but also to other categories of people who have lost their jobs involuntarily and not due to their own fault.

Collective redundancy is generally governed, as a common law, by the provisions of articles 68-74 of the labour code.

Emergency Ordinance no. 36/2013 provides exceptional rules, in exemption of common law. It only applies to units with majority or full state ownership as listed in the annex. These units are currently: [Romanian Authority for nuclear activities - Drobeta Turnu-Severin](#); [National Company for Mine Closures Valea Jiului S.A.](#); [Energy Complex Hunedoara Company S.A.](#); [National Uranium Company S.A.](#)

Emergency Ordinance 95/6 December 2017 issued by the Romanian Government modified, repealed or extended articles 73, 75, 76 of the labour code.

Law 335/21 December 2018 amended article 66 of the labour code.

Law no. 76/ 16 January 2002 article 55 (3), (4) repealed by Emergency Ordinance 28/20 May 2014, published in the Official Gazette of Romania no. 457 of 24 July 2013.

Cost covered by

National government

Involved actors other than national government

Public employment service

Regional/local government

Thresholds

No, applicable in all circumstances

Sources

- 📄 [Ordonanta de Urgenta a Guvernului nr. 36/2013 \(Government Emergency Ordinance no. 36/2013\)](#)
- 📄 [Ordonanta de Urgenta a Guvernului nr. 19/2015 \(Government Emergency Ordinance no. 19/2015\)](#)
- 📄 [Ordonanta de Urgenta a Guvernului nr. 16/2016 \(Government Emergency Ordinance no. 16/2016\)](#)
- 📄 [Law no. 76/2002 on the unemployment insurance system and the stimulation of employment](#)
- 📄 [Ordonanta de Urgenta a Guvernului nr. 95/6 December 2017 \(Government Emergency Ordinance 95/6 December 2017\)](#)
- 📄 [Lege nr. 335/21 decembrie 2018 \(Law no. 335/21 December 2018\)](#)
- 📄 [Ordonanta de Urgenta a Guvernului nr. 28/2014 \(Government Emergency Ordinance no. 28/2014\)](#)

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