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Country report

The Romanian Study Case

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POOSH
Occupational Safety and Health of Posted Workers:
Depicting the existing and future challenges in assuring decent working conditions and wellbeing of workers in hazardous sectors.

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"In a Union of equals, there can be no second class workers.
If you do the same work in the same place, you should earn the same pay."

European Commission President Jean-Claude Juncker,
State of the Union Address, 13 September 2017

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Methodology

- **Research questions:**

How does the interplay of EU-regulation and national OSH systems affect the health and safety of (posted) workers in a transnational workplace?

- **Desk and fieldwork research:**

- ✓ Literature review and data analysis of the primary sources like statistical data or the legal institutional framework
- ✓ Semi-structured interviews with: representatives of the actors involved in the process, such as policy-makers, state agencies, trade unions representatives, OSH representatives and other experts, on one hand, and on the other with Spanish posted workers

- **Limitations**

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Variables

- The main actors that are involved in the process of developing/ implementing/ monitoring OSH related issues;
- The main vulnerabilities regarding OSH;
- OSH in practice at transnational working places;
- Language/cultural barriers for the posting workers/migrants;
- Access to information.

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POOSH - Occupational Safety and Health of Posted Workers: Depicting the existing and future challenges in assuring decent working conditions and wellbeing of workers in hazardous sectors, VS/2016/0224 (EC)

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Stakeholders

Public authorities

- the Ministry of Labour, Family, Social Protection and Elderly (which provides legislation, informative sessions, transposes the EU legislation and directives);
- Labour Inspection (which provides legislation, conducts control actions regarding the legal obligations of employers, raise awareness campaigns);
- the National House of Public Pensions (works on the identification of the legislation for posted workers regarding social contributions for pensions, work accidents and professional diseases, health assurances);

Social partners

- Trade Unions (provide advice, social dialogue according to the law 62/2011, legal debates, etc.);
- Employers' Associations (provide advice, social dialogue according to the law 62/2011, legal debates, etc.)
- NGOs with activity related to OSH and posting workers.

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Interviews – actors involved

- 1 interview with the a representative of the Labour Inspection
- 1 interview with the a representative of the Bucharest Territorial Labour Inspectorate of the GEEA Economic Investigative Society of Bucharest;
- 2 with representatives of National Confederation of Romanian Free Trade Unions – Frăția:
- 1 with the representative of the Chemical and Biological Risk Laboratory, the National Institute for Research and Development for Labour Protection;
- 1 with the President of the Association for Dialogue, Employment and Migration Connect.
- 2 with posted workers
- Limits: sector of activity, central institutions, employers, posted workers (interviews and not focus groups)

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Socio-economical context

Romania – a sending state

Sectors of activity: agriculture, constructions, transport, industry

- 2015- 46 871 workers from Romania were posted to the EU , 2.3% from the total EU posted workers – Hungary (625 persons), Germany (334), Bulgaria (305) and Italy(191).
- 2016- 50 855 workers that Romania sent to the other states of the EU, mainly to Germany (38%), Belgium (15,5%) and Italy (14,6%).

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Results

- Most vulnerable sectors of activity: transport, constructions and industry
- 2007-2016: 480 reported work accidents, from which 47 resulted in deaths.
- Most accidents happened in the sectors of transportation and construction.
- Legally: international road transport- vulnerable sector due to the grey area (issues regarding the salaries, pensions, health insurance)

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Results

Vulnerabilities identified by experts:

- The legislative void which creates a grey area (de facto and de jure), work accidents in which the truck drivers were sent home for treatment
- Insufficient number of labour inspectors
- Responsibility chain: contractor, sub-contractor

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Results

Vulnerabilities identified by posted workers:

- the lack of knowledge regarding the national language and culture in the country they are working in. This generates a lack of understating or partial understanding of the OSH related trainings that they are receiving at the work location where they are posted.
- The lack of proper equipment, not for protection, but rather for publicity
- Fear of losing their jobs
- Un/Reported work accidents
- Minimum weaves
- Retirement conditions

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Results

Specific for the transportation sector: international road transport sector

- Lack of proper accommodation
- the resting time, the stress level
- The impossibility of knowing each national language of the country they are passing through
- Work accidents
- Social insurances and pensions quantum
- Lack of sufficient control, due to the nature/mobility of the job
- Lack of sufficient trainings, due to the nature/mobility of the job

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Recommendations

- **At work level**– prevention services, translators, multi-lingual brochures
- **At sector level**– more trainings and controls; dealing with the grey legislative area
- **At national level**– human resource, dealing with the grey legislative area
- **At international level**– infrastructure for
 - ✓ Integrated system regarding work accidents (cooperation between actors)
 - ✓ More adaptation to each sector's specific
 - ✓ Discussions regarding the minimum European salary

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• Study case – Spain

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// Thank you!

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// CO-BENEFICIARIES



// ASSOCIATED INSTITUTIONS

Ministry of Labour and Pension System of the Republic of Croatia (Croatia), Labour Inspectorate of the Federal Public Service Employment, Labour and Social Dialogue (Belgium), Federazione Italiana Lavoratori Legno Edili e Affini (Italy), European Trade Union Institute (Belgium), Ministry of Labour, Family, Social Affairs and Equal Opportunities of Republic Slovenia (Slovenia), CONECT Association for Employment, Dialogue and Migration (Romania).