

# Romania<sup>1</sup>

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For comparisons with other countries in this review on leave provision and early childhood education and care services please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members page](#) on the Leave Network website.

## 1. Current leave and other employment-related policies to support parents

### a. Maternity and maternal risk leave (*concediul de maternitate* and *concediul de risc maternal*) (responsibility of the National Social Health Insurance House)

#### *Length of leave*

- Eighteen weeks, made up of pre-natal birth leave (*concediul de sarcină*) and post-natal confinement leave (*concediul de lăuzie*): a maximum of 63 days can be taken before birth and the remaining 63 days after birth, or the entire period of 126 days can be taken after the birth.
- It is obligatory to take at least six weeks of post-natal leave.
- In addition, pregnant women and mothers can take 'maternal risk leave' (*concediul de risc maternal*) for the protection of their own and their child's health and safety; this is granted to pregnant women who are not on Maternity leave and whose employer cannot provide safe working conditions for the health of their own or of their child. This leave lasts for up to 120 calendar days.

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### *Payment and funding*

- 'Maternity leave' is paid at 85 per cent of the mean monthly gross income over the preceding six months, up to an upper limit of 12 times the national minimum gross salary per month. The calculation of the payment takes into account the mother's previous breaks from employment, including: unemployment, medical leave, the most recent educational certificates issued by a national institution, and any other Maternity leave and benefit payments made in the past.
- 'Maternal risk leave' is paid at 75 per cent of mean monthly gross income over the preceding six months, up to an upper limit of 12 times the national minimum gross salary per month.
- Both leave payments are paid by employers, who claim back from the Social Health Insurance House.
- Payments are not taxed.
- Both leave payments are funded by the National Budget for Social Health Insurance (*Fondul național unic de asigurări sociale de sănătate*), which is financed by contributions from employers and employees.
- Self-employed persons must submit the file for Maternity leave and allowance to the Health Insurance House to which they belong and which will pay the maternity allowance.

### *Flexibility in use*

- Mothers are required by law to take six weeks (42 days) of post-natal leave, out of the available 18 weeks of Maternity leave. The remaining 12 weeks (84 days) can be renounced if the mother prefers to not take them.
- If the mother dies during childbirth or during her post-natal leave, the remainder of the leave is transferable to the father of the child.
- 'Maternal risk leave' can be taken in one continuous period or in instalments before and after birth, being complementary to Maternity leave (the mother can take both of them, but not in the same time). Usually, mothers take this leave before birth, in the last trimester of pregnancy, after which they take Maternity leave, followed by Childcare leave.

### *Regional or local variations in leave policy*

- Birth grants of RON2,500 [€505.01]<sup>2</sup> introduced in 2017 by the municipality of Bucharest continue, and several cities and communes have developed similar programmes.
- Vouchers for pregnant women who are resident in Bucharest, which were introduced in 2018, continue but their amount remains unchanged at RON2,000 [€404.01]; these vouchers are designed to reduce the costs of ante-natal care, and can be used in both the public and the private health system.

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<sup>2</sup> Conversion of currency undertaken for 06 July 2023, using: <https://sdw.ecb.europa.eu/curConverter.do>.

### *Eligibility*

- In the case of employees, Maternity leave is granted by the employer on the recommendation of a specialist or family doctor; the pregnant employee must inform her employer in writing and attach the document issued by the doctor. The same applies for 'maternal risk leave'.
- Maternity leave is for women who are Romanian or EU citizens, have their residency in Romania, and contribute to the social security system; and is granted irrespective of occupational status (i.e., for employees; self-employed; unemployed; workers on short-term contracts).
- Maternity leave is conditional on social insurance contributions made for six months out of the last 12 months prior to the month for which the leave is granted, whether the work was full-time or part-time.
- Maternity leave is also given to pregnant women who have stopped their social insurance contributions for reasons beyond their control, but who have a minimum contribution period of 6 months out of the last 12 months prior to the month for which the leave is granted.
- 'Maternal risk leave' is not conditional on a minimum contribution period as in the case of Maternity leave; mothers employed at the time the risk situation occurs are eligible for this leave.
- Since LGBTQ+ marriage or LGBTQ+ adoptions are not legally recognised in Romania, there is no provision for same-sex parents. Even if sexual orientation rights have been technically recognised by law since 2000, same-sex relationships do not have equal legal status.

*Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents*

- If the child is stillborn or dies during the confinement leave, the maternity benefit is paid for the entire duration of the leave.

### **b. Paternity leave (*concediul paternal*) (responsibility of the National Social Health Insurance House)**

#### *Length of leave*

- Ten working days.
- There is the possibility of extending the leave by a further five days if the father attends an infant-care course (*curs de puericultură*). This extension is granted for every child. If the father is a medical professional with prior knowledge of childcare he can submit an application for leave extension, rather than attend the full course.

#### *Payment and funding*

- One hundred per cent of earnings, with no upper limit on payment.
- The benefit is paid by employers, who claim back from the Social Health Insurance House.
- Payment is not taxed.

### *Flexibility in use*

- Leave can be taken at any time after the birth until the baby is eight weeks old.

### *Eligibility*

- Paternity leave is given to fathers who are Romanian or EU citizens, have their residency in Romania, and contribute to the social security system, irrespective of their occupational status (e.g., employees; self-employed; unemployed; workers on short-term contracts).
- Paternity leave is the full right of the father, and it is granted irrespective of whether or not the father is married to the mother.
- Paternity leave is granted upon request, during the first eight weeks from the child's birth, and after the beneficiary obtains the child's birth certificate, which stipulates his role as the child's father.
- If the father has gained a certificate of completion for a childcare course, demonstrating basic care knowledge, the length of the Paternity leave is increased by five days to a total of 15 days of Paternity leave – the father can benefit from this increase only once. The course and certificate are prepared by the family doctor, in maternity wards, by other health state services, or private consultancies which are recognised by the state. The condition of implementing the uptake of an infant care course to complement a Paternity leave, tries to increase the father's knowledge and involvement in caring for the infant, since fathers are expected by policy-makers to be less skilled in infant care. However, the usual practice is for couples to take these courses together, even if men's participation is increasing, especially in urban areas.

## **c. Parental leave (*concediul pentru creşterea copiilor*<sup>3</sup>) (responsibility of the Ministry of Labour)<sup>4</sup>**

### *Length of leave*

- Until the child is two years of age.
- Leave is a family entitlement.
- If both parents are eligible for the leave, two months must be taken by the parent not making the original claim for leave. If not, the total amount of paid leave is 22 months. This strategy is meant to foster more gender equal arrangements.

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<sup>3</sup> The name in Romanian translated literally as 'leave for rearing of the child', placing more emphasis on the child than the parent. For consistency across the review, we have referred to this leave throughout as 'Parental leave'.

<sup>4</sup> Because of the frequent changes in names of Ministries, the term 'Ministry of Labour' is used; currently, the full name is the 'Ministry of Labour and Social Solidarity'.

### *Payment and funding*

- Eighty-five per cent of earnings over the last 12 months. Monthly benefit cannot be less than 2.5xISR<sup>5</sup>, currently RON1,495 [€302] per month, nor more than RON8,500 [€1717.03] per month.
- Payment is not taxed and made by local authorities.
- *Insertion incentive* is given to the parent (whoever is taking childcare leave) who returns to work. The insertion incentive is RON1,794 [€302.40] per month if the parent returns to work before their child is 6-months-old (or 1-year-old in the case of children with a disability) and RON777 [€156.96] per month if the parent returns to work when the child is 2-years-old<sup>6</sup> (3 years in the case of children with a disability) and is given until the child is three years of age (or four years in the case of children with a disability). It is forbidden to dismiss an employee who is receiving the insertion incentive for up to six months after the return to work; but the law no longer expressly protects from dismissal for the entire duration of the payment of the insertion incentive, i.e., until the child reaches the age of three years, or four years in the case of a child with disabilities.
- Where parents apply for another benefit because of another birth or adoption or foster care within a period of 12 months from the completion of Parental leave for the previous child, this second benefit is calculated according to either earnings from the parent's interim job (between the two births) or income from the initial benefit, whichever is higher. The measure is created to help parents receive at least the same financial support for their second period of leave.

### *Flexibility in use*

- At least two months from the total Parental leave available can be granted to the parent who is eligible for leave but has not requested the right to leave. For example, if the mother is the one who has requested Parental leave, two months out of this period will be given to the father (this being deducted from the mother's leave) or vice versa. In the time during which one partner is on the 'compulsory' month of Parental leave, the other partner can either return to work or can opt for unpaid leave.
- The same amount will be received by those who have not contributed to the social security fund before birth, but have been enrolled in the labour force when the child reaches two years of age.
- Parents can take leave in one continuous period or in several blocks of time.
- Parents who return to work from Parental leave cannot be dismissed in the first six months (this is also known as 'the grace period'); the 'grace period' can only be revoked if the mother engages in illegal behaviours (i.e., fraud).

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<sup>5</sup> 'ISR' stands for the 'Social Reference Indicator' (*Indicatorul Social de Referință*) and describes the reference point established by the state in relation to which benefits are calculated. SRI is annually adjusted, with new rates starting from 1 March. SRI is currently RON598 per month.

<sup>6</sup> Previously, the parent had to return to work at least 60 days before the child was 2 years old, but according to HG 536/2021 the insertion incentive is now granted between 2 and 3 years and is no longer conditional on returning earlier on the labour market from parental leave.

### *Eligibility*

- Both parents are eligible for leave if they have paid national insurance contributions in the last 12 months; this also applies to those who are currently unemployed, due to the employment history from which contributions are calculated. The Parental leave benefit is awarded if the parent fulfils the following criteria: is a Romanian citizen, or an EU citizen, with a residency in Romania; is living together with the child/ren; and does not hold state-incurred debts in the local budget for any of the goods owned in their property.
- Parental leave and Parental leave benefit are given for each birth, on a case-by-case basis, for each of the situations mentioned (adoption, placement, guardianship, etc). This can be taken by both parents, so either the mother or the father. The only leave exclusively given to the mother is Maternity leave.

*Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents*

- Parental leave is extended until the child is three years old in the case of a disability.
- In the case of multiple births, or if there is more than one child under three years of age, benefit is increased by 50 per cent.

### **d. Childcare leave or career breaks**

No statutory entitlement.

### **e. Other types of leave and flexible working**

*Adoption leave and pay (concediul de acomodare)*

- The maximum length of this leave is up to two years<sup>7</sup>. Adoption leave has the same features as Parental leave.
- The adoptive parents must be employed and be insured in the state system of social benefits.
- The adoptive parent taking leave receives a payment equivalent to 85 per cent of average net income in the last 12 months of the preceding two years. The benefit begins from the day when the adoption is legally approved in the Court of Law.

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<sup>7</sup> This includes the legal period of entrusting the child to the adoptive parents, which is currently set at 90 days. Adoption can be approved by the court only if the child has already been entrusted for a period of 90 days to the person or family who wishes to adopt them, so that the court can reasonably judge the family relationships which could be developed going forwards.

### *Time off for the care of dependants*

- Sick childcare leave (*Concediul medical pentru îngrijirea copilului bolnav*) gives each parent an entitlement to 45 days leave per year to care for a sick child up to the age of 7 years, or 16 years for a child with a serious illness or 18 years if a child is disabled. Leave is paid at 85 per cent of earnings. The benefit is awarded based on a certificate received from the family doctor, alongside the child's birth certificate. If there are surgical complications or additional health problems, leave can be extended at the discretion of the child's doctor. Each parent is entitled and parents can choose which one will take the leave, if the parent who chooses to care for the child fulfils all of the eligibility criteria. Adoptive parents, foster parents, and legally-named guardians can also apply for leave and receive the leave benefit.
- Leave for the care of cancer patients (*Concediul medical pentru îngrijirea pacientului cu afecțiuni oncologice*) gives an insured worker nominated by a person with cancer over 18 years of age an entitlement to 45 days leave per year to accompany the person with cancer to treatments prescribed by specialist doctors. Leave is paid at 85 per cent of earnings from health insurance.
- Caregiver leave (*Concediul de îngrijitor*) of five working days per year, fully paid, with the possibility of extending it under special laws or collective working agreements, in order to provide care to a relative or a person who lives in the same household as the employee and who needs support as a result of a serious medical condition. This covers a wide range of medical conditions such as ophthalmology, psychiatric, nephrology, endocrinology, diabetes, nutrition and metabolic diseases, ORL conditions and so on. The employee must prove the existence of the serious medical problem through the hospital discharge fiche or through the medical certificate issued by the physician or the family doctor of the person with the medical problems.
- Leave for supervising children when schools are closed (*Concediu pentru supravegherea copiilor în situația închiderii temporare a unităților de învățământ*). Law 19/2020, implemented during the Covid pandemic but based on previous legislation regarding the closure of schools due to weather conditions or other extreme situations so decreed by the authorities, gives parents of children up to 12-years-old (or up to 18-years-old for the children with disabilities) the right to take leave in case of the temporary closure of ECEC services or schools. Leave is paid at 75 per cent of earnings up to an upper limit of 75 per cent of national average gross earnings; the state reimburses the employers for the payment of the leave from the Wage Claims Guarantee Fund. This leave is available to every employed and self-employed parent. This law also grants leave to carers of adult persons with disabilities who are enrolled in day-care services which are temporary closed.

### *Specific provision for (breast)feeding*

- Mothers can take two one-hour breastfeeding breaks per day until their child is 12 months old or reduce their working hours by two hours per day (see 'Flexible working'). These breaks are fully paid by the employer.

### *Flexible working*

- Until a child reaches the age of 12 months, mothers have the right to reduce their normal working time by two hours per day; reduced hours are fully paid by the employer.
- Those taking care of a dependent elderly person can work half time (four hours per day); reduced hours are fully paid from public funds. The time employed under these conditions is considered full-time work for purposes of pension contributions and other insured benefits.
- Any adaptation of the work schedule can be requested by the employee to the employer or vice versa. The employer is not obliged to accept this request, but he is obliged to give reasons, in writing, for his refusal.

## **2. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave is up to the age of two years (or three years if the child has a disability), and this is paid at a high rate. There is an entitlement to Early Childhood Education and Care (ECEC) from any age; however, there has previously been a shortage of places for very young children (under 3 years) due to the closure of most public nurseries in the 2000s. New nurseries are now being opened and, in September 2020, an amendment to the Education Law entitled children between 2 and 3 years of age to a place in a public kindergarten (originally intended for children over 3 years of age). This has largely closed the gap that existed between the end of well-paid Parental leave and the start of an ECEC entitlement, which had meant that some parents had to rely on paying private providers or on informal support provided by grandparents and other relatives.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' on the cross-country comparisons page.

## **4. Changes in policy since April 2022 (including proposals currently under discussion)**

Paternity leave was increased from five to ten working days from 29 August 2022. The possibility of extending the leave period if the father attends a childcare course is retained, but this extension period has been reduced from ten to five additional days; however, this possible extension now applies for each child, not just for the first born, as previously stipulated.

Changes have also been made to Parental leave, with the aim of more sharing between men and women. These changes include:



- extending the non-transferable period of leave from one to two months for the parent who does not make the original claim for leave, i.e., to receive the maximum 24 month period of leave, the parent not making the original claim must take at least two months of leave.
- increasing the level of additional annual income that can be obtained through temporary work by the parent on leave from five to eight minimum allowances (i.e., from RON6,500 (€1,313.03) to RON11,960 (€2,415.97))
- guaranteeing parents who take leave the same employment conditions and earnings on return to employment as they had at the beginning of the leave.
- increased payments in the case of multiple births and other situations (see Section 1c).

The adoption law was also amended, doubling the duration of the leave from 1 year to 2 years and thus eliminating the differences in treatment between natural parents and adoptive parents that were under the old law.

Care leave of five working days in a calendar year has been introduced to enable employees to provide care for a relative or other person who lives in the same household as the employee and who needs care as a result of a serious medical problem. A longer duration of leave can be provided by special laws or by collective agreements.

Those taking care leave have the same rights as those taking Maternity, Paternity or Parental leaves.

Finally, new changes were also made to the Labour Code expanding and clarifying the flexible work schedule that employees can request. Prior to these, flexible working time was established as dividing daily work hours into two periods (one fixed and one variable). Remote work formulas have now been introduced, such as working from home, telework (only from home or hybrid), the individualized work schedule, and the work schedule with reduced working time. Any adaptation of the work schedule can be requested by the employee to the employer or vice versa. The employer is not obliged to accept this request, but he is obliged to give reasons, in writing, for his refusal.

## **4. Uptake of leave**

### **a. Maternity leave**

Since the first 42 days (post-birth) of Maternity leave are compulsory, all employed women should take up this portion of leave.

## **b. Paternity leave**

According to statistical data released by the Ministry of Labour, the number of fathers taking up paid leave and the benefit incentive for work varied between 15 and 21 per cent in the period 2012-2016. Unfortunately, starting with 2017, the data provided are not disaggregated by gender anymore and, this share cannot be confirmed for the last five years.

## **c. Parental leave**

According to the latest ANAPIS<sup>8</sup> report from January 2023, 170,785 people received a child-rearing benefit while taking Parental leave, continuing a steady decrease since 2020 (178,912). However, a slightly increasing trend is observed in the number of those receiving an insertion incentive: 86,071 in January 2023 compared to 84,249 in January 2022 and 83,678 in January 2021, though the numbers have not regained their pre-pandemic level of 91,176 in January 2020. The decrease in the number of leave beneficiaries must be seen in a wider context, which has its origins in the 1990s, when Romania recorded dramatic decreases in the birth and fertility rates. The decreasing number of beneficiaries is the result of the decreasing number of parents. In addition, it is possible that the pandemic period may have temporarily affected the decision of couples to have children, which is expected to recover in the future.

The law encourages both parents to share two months out of the 24 months allowed, so that they will not lose the full period of leave (i.e., if this two months is not taken up by the other parent, Parental leave is shortened). Moreover, the parent who takes this shared leave period and goes back to work receives a continuity of payment while on leave, so there is no economic penalty. However, there is no data on how many parents actually use these shared months.

## **d. Other employment-related measures**

No information available.

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<sup>8</sup> The National Agency for Benefits and Social Inspection Report. Available at: [http://mmuncii.ro/j33/images/Documente/Familie/Raport\\_DLI\\_01\\_2023.xlsx](http://mmuncii.ro/j33/images/Documente/Familie/Raport_DLI_01_2023.xlsx)  
<http://mmuncii.ro/j33/index.php/ro/2014-domenii/familie/politici-familiale-incluziune-si-asistentia-sociala/2629>