

# Romania<sup>467</sup>

**Raluca Popescu** (University of Bucharest) and **Rosa Maria Radogna** (University of Bucharest)

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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 the birth and the remaining 63 days after the birth, or the entire period of 126 days can be taken after the birth.
- It is obligatory to take at least 6 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.

#### *Payment and funding*

- 'Maternity leave' is paid at 85 per cent of the mean monthly gross income over the preceding 6 months, up to an upper limit of 12 times the national minimum gross salary per month. The calculation of the payment takes into

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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 6 months, up to an upper limit of 12 times the national minimum gross salary per month.
- Both leave payments are made to the parent by the employer, who claims 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 [€503.10]<sup>468</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 [€402.48]; 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.
- Financial support of RON2,000 [€402.48] is granted for mothers from disadvantaged categories: beneficiaries of social aid or family support allowance, mothers with disabilities; mothers who are temporarily in critical life situations (victims of calamities, domestic violence, drugs) and/or who are in particularly vulnerable situations (no longer having a home or evicted

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<sup>468</sup> Conversion of currency undertaken for 16 July 2023, using: <https://data.ecb.europa.eu/currency-converter>.

from their own home); mothers who do not have identity documents and who, for this reason, cannot benefit from civil rights; teenage mothers; refugee mothers from Ukraine. The support is given as a voucher, which cannot be exchanged for cash but can be used to purchase products for the care of the newborn (e.g., nappies, clothing, sanitary and medical articles for mother and newborn). The voucher can be requested no later than 3 months after the child's birth and is granted only once. It is supported by OAD - Operational Programme 'Helping Disadvantaged Persons', financed from the European Aid Fund intended for the most disadvantaged persons in Romania.

### *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 6 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; single 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.
- Paid, taxed and funded as for Maternity and Maternity risk leaves.

### *Flexibility in use*

- Leave can be taken at any time after the birth until the baby is 8 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 5 days to a total of 15 days. 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>469</sup>) (responsibility of the Ministry of Labour)<sup>470</sup>**

#### *Length of leave*

- Until the child is 2 years of age.
- Leave is a family entitlement.
- If both parents are eligible for the leave, 2 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.

#### *Payment and funding*

- Eighty-five per cent of earnings over the last 12 months. Monthly benefit cannot be less than 2.5xISR<sup>471</sup>, currently RON1,651 [€332.25] per month, nor more than RON8,500 [€1,710.54] per month.
- Payments are made to parents by local authorities.
- Payments are not taxed.
- Funded by local authorities from their budgets..
- *Insertion incentive* is given to the parent (whoever is taking childcare leave) who returns to work. The insertion incentive is RON1,981 [€398.66] 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 RON858 [€172.66] per month if the parent returns to work when the child is 2 years-old<sup>472</sup> (3 years in the case of children with a disability) and is given until the child is 3 years of age (or 4 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 6 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 3 years, or 4 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

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<sup>469</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>470</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'.

<sup>471</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 RON660 [€132.82] per month.

<sup>472</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.

income from the initial benefit, whichever is higher. The period during which the insured person was on paid leave for raising the first child constitutes the period assimilated to the contribution period necessary to be able to benefit from leave and allowance for raising the 2<sup>nd</sup> child. During any overlapping period, in which the insured person has the right to paid leave both for raising the 1<sup>st</sup> and 2<sup>nd</sup> child, the payment is raised by 50 per cent, to ensure the parent receives at least the same financial support for their 2<sup>nd</sup> 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, 2 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 1 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 2 years of age.
- Parents can take leave in one continuous period or in several periods of time.
- Parents who return to work from Parental leave cannot be dismissed in the first 6 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).

### *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; single parent); or delegation of leave to person other than the parents*

- Parental leave is extended until the child is 3 years old in the case of a disability.
- In the case of multiple births, or if there is more than 1 child under 3 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 2 years.<sup>473</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 2 years. The benefit begins from the day when the adoption is legally approved in the Court of Law.

*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

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<sup>473</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.

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 1 hour breastfeeding breaks per day until their child is 12 months old or reduce their working hours by 2 hours per day (see 'Flexible working' below). 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 as being in full-time work for the 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' in the [cross-country tables](#) at the front of the review.

## **3. Changes in policy since April 2023 (including proposals currently under discussion)**

Starting from September 2023 (GD 865 / 2023) the payment for Parental leave increased by 50 per cent for parents with multiple births or who had another child during the Parental leave for raising a previous child. Also, the level of tax-free income parents can receive during the period of Parental leave has been increased from RON6,500 [€1,308.06] to RON10,512 [€2,115.43].

## **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 no longer disaggregated by gender. Recent data provided by the Ministry directly to the authors show that there were 36,500 fathers (14.1 per cent of parents taking Parental leave) in 2022 and 33,689 (14.3 per cent) in 2023 who took paid leave and the incentive for work.

### **c. Parental leave**

According to the latest information,<sup>474</sup> for 2023, 168,194 people received a child-rearing benefit while taking Parental leave, continuing a steady decrease since 2020 (178,912). A slightly decreasing trend is also observed in the number of those receiving an insertion incentive: 85,575 in 2023 compared to 88,520 in 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 continuing decrease in the number of parents.

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 2 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>474</sup> The National Agency for Benefits and Social Inspection Report. Available at: [https://mmuncii.ro/j33/images/Documente/Familie/Incluziune\\_statistici/Tabele\\_Raport\\_2\\_023\\_R.xlsx](https://mmuncii.ro/j33/images/Documente/Familie/Incluziune_statistici/Tabele_Raport_2_023_R.xlsx)