

# 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 leave (*concediul de maternitate*) (responsibility of the Ministry of Work, Family, Social Protection and Elderly People)

#### *Length of leave*

- Eighteen (18) weeks (126 calendar days). This is made up of Birth leave (*concediul de sarcină*) given pre-natally, and Confinement leave (*concediul de lăuzie*) given postnatally. Mothers can take either nine weeks before birth and nine weeks after birth, or the entire period of 126 days after the birth. It is obligatory to take six weeks post-natal leave.

#### *Payment and funding*

- Eighty-five (85) per cent of the mean monthly gross income obtained in the last six months before Maternity leave is taken, with no ceiling on payments. The calculation of the payment takes account of the mother's previous 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.
- Maternity benefits are not taxed and are funded by the national budget for social health insurance (*Fondul național unic de asigurări sociale de sănătate*).

#### *Flexibility in use*

- Mothers are required by law to take six weeks (42 days) of post-natal leave, out of the available eighteen weeks of Maternity leave. The remaining 12 weeks (84 days) can be renounced, if not needed.

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- 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.

#### *Eligibility*

- Maternity leave is given to women who are Romanian or EU citizens, have their residency in Romania and contribute to the social security system, irrespective of occupational status (employees; self-employed; unemployed; workers on short-term contracts).
- Maternity leave is also given to pregnant women who have stopped their social insurance contributions for reasons beyond their control, but who are giving birth in the nine months preceding the date they have stopped contributing towards social insurance.

*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 still born or dies during the Confinement leave, the maternity benefit is paid for the entire duration of the leave.
- According to Law 25 from 2004, in the Code of Work, pregnant women and mothers can also take Maternal Risk leave for the protection of their own and their child's health and safety. The Maternal Risk benefit is completely supported with funds from the Unique National Fund of Health Insurances (F.N.U.S.S), calculated at 75 per cent of the average insured gross earnings over the last six months. The Maternal Risk leave is complementary to Maternity leave (the mother can take both).

#### **b. Paternity leave (*concediul de paternitate*) (responsibility of the Ministry of Work, Family, Social Protection and Elderly People)**

##### *Length of leave*

- Five working days.
- There is the possibility of extending the leave by a further 10 days, if the father attends a child-care course (*curs de puericultură*); this extension is granted only once, and for only the first of the fathers' children. If the father is a medical professional with prior knowledge of child-care he can submit an application for leave extension, rather than attend the full course.

##### *Payment and funding*

- One hundred (100) per cent of earnings, with no ceiling on payment. The benefit is paid by the employer

##### *Flexibility in use*

- Leave can be taken at any time after birth, up until the baby is eight weeks old.
- Additional time is given for multiple births.

##### *Eligibility*

- The beneficiary needs to be insured within the state system of social insurance. This applies to self-employed fathers too, as long as they are paying social insurance. Paternity leave is granted upon request, during the first eight weeks from the child's birth, and after the beneficiary presents the child's birth certificate, which stipulates his role as the child's father.
- If the father has gained a certificate upon completion of an infant care course, demonstrating basic care knowledge, the length of the Paternity leave is increased by 10 days to fifteen days; the father can benefit from this increase only once. The course and certificate are prepared by the family physician, in maternity wards or by other health state services or private consultancies which are recognized 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, and men's participation is increasing especially in urban areas.

### **c. Parental leave (*concediul de creștere al copilului, CCC*) (responsibility of the Ministry of Work and Social Justice)**

#### *Length of leave*

- Until the child is two-years-old. Leave is a family entitlement.
- If both parents are eligible for the leave, one month must be taken by the non-claiming parent in the first year of leave, or the total amount of paid leave is reduced to 11 months. This strategy is meant to foster more gender equal arrangements.

#### *Payment and funding*

- Eighty-five (85) per cent of earnings over the last 12 months. Monthly benefit cannot be lower than RON1,250 [€268.06]<sup>2</sup> nor higher than RON8,500 [€1,822.83].

#### *Flexibility in use*

- At least a month 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, a month out of this period will be given to the father (being deducted from the mother's leave) or vice-versa. In this time during which one partner is on a 'compulsory' month of Parental leave, the other partner can either return to work or can opt for unpaid leave.
- A labour market Insertion incentive, intended to improve work-life balance and to promote gender equality, applies to both parents and is given to whoever is taking Parental leave. To receive the benefit, the parent should return to work at least 60 days before the child is two-years-old. The insertion incentive is RON650 [€139.39] per month and is given until the child is three years-old (or four years-old in the case of children with a disability). The same amount will be received by those who have not

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<sup>2</sup> Conversion of currency undertaken on 13 June 2018, using: <https://www.finanzen.net/waehrungsrechner>

contributed to the social security fund before birth but have been enrolled in the labour force before the child reaches two years-old.

- 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).

#### *Eligibility*

- Both parents are eligible for leave if they have paid national insurance contributions in the last 12 months. The Parental leave benefit is awarded if the parent fulfils the following criteria: is a Romanian citizen; or a EU citizen, with a residency in Romania; is living together with the child/ren; does not have state-incurred debts in the local budget for any of the goods owned in his/her property.
- The Parental leave benefit for the month that can be given to the other partner is calculated according to which parent takes the leave: so if the mother takes the month of leave, then it is calculated according to the father's salary; if the father takes the leave then it is calculated according to the mother's salary.
- Parental leave and parental leave benefit is 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 pregnancy leave and confinement leave (the latter of which is issued for up to 126 days).
- Since LGBT rights are not legally recognized in Romania, there is no provision for same sex parents.

*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.

#### **d. Childcare Leave or career breaks (*concediul de odihnă*) (responsibility of the Ministry of Work and Social Justice)**

Currently in Romania, there are four types of paid leave: Rest leave<sup>3</sup> (Paternity leave is included here), Professional Qualification leave and Medical leave (Maternity leave is included here), and Parental leave. An annual Rest leave is guaranteed to all employees; of a minimum length of 20 working days according to the Code of Work, or 21 working days according to the applicable collective work contract; for disabled employees there is an additional three days on top of the 21 days allocated. During leave, the employee receives a leave benefit, which cannot be less than the basic wage, or less than the permanent benefits and bonuses for that respective period, which are mentioned in the individual work contract. The benefit for Rest leave is paid by the employer with at least five working days before the commencement of the leave.

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<sup>3</sup> 'Rest leave' in this context is the equivalent to 'annual leave' or 'vacation leave' in other systems.

According to the Code of Work, the paid free days – which are not included in the rest leave period – are offered in the case of special family circumstances agreed through the law and through the collective work contract. These days include: employee's own marriage (five days), the marriage of the employee's adult child (two days), the birth of the employee's child (five days; or prolonged to fifteen days if the employee participated in an infant care course), the death of the employee's partner, the child's, the parents' or parents-in-law (three days); the death of the employee's grandparents, brother or sister (one day), and for change of employee's work within the same professional unit and having to move residency to another town (five days).

Professional qualification leave can be taken in a paid or unpaid capacity, if agreed with the employer. Medical leave and social insurance health benefits given to ensured employees include: medical leave and benefit towards temporary work incapacity, caused by unusual diseases or accidents outside of the workplace; medical leave and benefit towards the prevention of sickness and recuperating work capacity, as a result of situations resulting from work-place accidents or professional diseases; medical leave and benefit for maternity, for the care of a sick child, and Maternal Risk leave and benefit. For any other personal problems, employees are entitled to unpaid leave.

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

Since January 2018, for twins, triplets or multiple pregnancy or for situations of more than one child in care (if the mother give birth before the age of two of the previous child), the additional monthly benefit (for the second, third child, etc.) is granted to the mothers and is a fixed sum of RON1,250 [€268.06]. Benefits are paid to the parent who has taken the leave. Benefits are government-funded and the payments and leave requests are the responsibility of respective local Agencies for Payment and Social Inspection.

##### *Adoption leave and pay*

- Same as for Parental leave; although Adoption leave does not equate Maternity leave, since the mother has not given birth to the child. The benefit begins from the day in which the adoption was legally accepted.

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

- Leave for the care of a chronically sick child is an entitlement for parents until the child is seven-years old; if the child is disabled; it is up until the child is 18 years old. Parents can choose between them, which one can receive the leave, as long as 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.
- The Leave benefit is paid at 85 per cent of the earned income, and is awarded for 45 days per year for one child; if there are surgical complications or additional health problems, the extent of the medical leave can be prolonged at the discretion of the child's respective doctor. The benefit is awarded on the basis of a certificate received from the family doctor (the equivalent of a GP) alongside with the child's birth certificate.

##### *Flexible working*

- None.

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

- Mothers who are breastfeeding can take 120 working days of Maternal Risk leave, given at the end of the post-natal leave as a continuation.

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

The maximum period of post-natal leave available in Romania is two years (or three years for a child born with a disability). Considering the strong emphasis in Romanian policy for parents to stay at home until the child is two years-old, the public system services for the new-born and up to two years-old group is under-developed, the additional support being predominantly informal, provided by grandparents and other relatives.

Without sufficient coverage of childcare services for small children, there is a clear deficit of possibilities for parents to plan for their respective balance of work and family tasks. In many cases, children are staying at home with their parents, grandparents or other relatives, as an alternative to the lack of resources and services. Levels of attendance at formal services are below the average for the countries included in this review and OECD countries, both for children under and over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on cross-country comparisons page.

## **3. Changes in policy since April 2017 (including proposals currently under discussion)**

A number of changes have been made to Maternity, Parental and other related leaves, since August 2017 and again in January and March 2018. The government is currently issuing a series of emergency decrees (*ordonanțe de urgență*) to change the Parental leave provision. The calculation principle remains the same: 85 per cent of the earnings that the parent has made in the last 12 months from the last two years prior to the Parental leave application. However, the parental benefit is again limited to a maximum ceiling, as it was before 2017. The minimum and maximum amounts are no longer related to the minimum wage, but to a social reference indicator (SRI) currently at RON500 [€107.23]. The minimum amount is RON1,250 [€268.06] or the equivalent of 2.5 SRI and the maximum amount is RON8,500 [€1,822.83] or the equivalent of 17 SRI. As such, there has been a cutback on the amount of the parental benefit, which based on the new method of calculation is currently subjected to market fluctuations.

In June 2017, the central administration of Bucharest headed by mayor Gabriela Vrânceanu Firea, introduced a new incentive for every new-born in the form of a birth grant<sup>4</sup> of RON500 [€107.23] for children born in the municipality of Bucharest, who have parents residing in this area. Another initiative is a programme named 'Voucher Materna'<sup>5</sup>. This is a voucher worth RON2000 [€430] given to eligible pregnant women residing in Bucharest. Mothers can use this

<sup>4</sup> Decree nr.209/2017 of the General Council of the Municipality of Bucharest. Available at: <http://dgas.ro/stimulente-financiare/stimulent-nou-nascuti>

<sup>5</sup> More information available on this website: <http://dgas.ro/voucher-materna/>

voucher to pay medical services to monitor the good development of the pregnancy, for medical treatment and to purchase medical drugs (the Mayor's group has signed a contract with a list of specific companies that can redeem this voucher)

There was a proposal for doubling the number of working days for fathers (so from just five to 10 working days); this was submitted to Senate in 2015 but it was rejected in February 2017, one of the main reason being that it was considered a burden for the employers.

#### **4. Take-up of leave**

According to the latest ANAPIS<sup>6</sup> report published in December 2017, last year 168,554 people received a child-rearing benefit, while 89,693 people received an insertion incentive; these numbers are higher than in previous years. Data has not been provided by gender this year. At a national level, from 160,807 parents who receive a child-rearing benefit, only approximately 1,100 of them receive benefits that exceed RON9,000 [€1930.05] At the moment, the outstanding payments offered represent up to 130 times the value of the minimum benefit. The largest benefits are of RON159,000 [€34,097.57], specifically of RON108,700 [€23,310.73] in Bucharest, RON140,000 [€30,023.02] in Arad, RON81,000 [€17,370.46] in Vâlcea, RON 74,000 [€15,869.31] in Constanța. Of the total sum that is offered monthly from the benefit budget, (estimated at 58.76 million € last year) approximately RON130 [€27.88] million (or 47.4 per cent) is represented by payments for parents who receive the minimum of the benefit (that is 85 per cent of the minimum wage guaranteed at a national level or RON 1,233 [€264.42]). Out of these, 1,100 parents receive a benefit larger than RON8,500 [€1,822.83] counting towards RON16 [€3.43] million [€] per month or 5.9 per cent of the total state budget.

##### **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 Work<sup>7</sup>, there has been an increase in the number and share of fathers taking up paid leave and incentive for work in the last years. Unfortunately, the data provided this year are not disaggregated by gender and we cannot confirm the increasing trend identified in previous years.

##### **c. Parental leave**

It is compulsory for parents to share one month out of the 24 months allowed; if this month is not taken up by the other parent, the Parental leave is shortened, with a loss of benefit payment for that month. However, no data are available to know precisely how well this compulsory month is.

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The National Agency for Benefits and Social Inspection Report. Available at: [http://www.mmuncii.ro/j33/images/Documente/Familie/RaportariPrivindIncluziuneaSociala/Raport\\_decembrie.pdf](http://www.mmuncii.ro/j33/images/Documente/Familie/RaportariPrivindIncluziuneaSociala/Raport_decembrie.pdf)

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

None reported.

### **5. Research and publications on leave and other employment-related policies since April 2017**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

#### **a. General overview**

There seems to be scarce academic research published, apart from the data released by the Ministry of Work and the National Institute of Statistics. From the point of view of the legislation, the situation is at the moment in a state of fluctuation, with a number of governmental revisions aiming to change the system of social services in Romania.

#### **b. Selected recent publications**

Billingsley, S, Duntava, A. (2017) 'Putting the pieces together: 40 years of fertility trends across 19 post-socialist countries', *Post-Soviet Affairs*, Vol.33, No.5: 389-410.

Demographic change has been a key consequence of transition, but few studies trace fertility trends across countries over time. We describe fertility trends immediately before and after the fall of state socialism across 19 Central and Eastern European and Central Asian countries. We found a few common patterns that may reflect economic and political developments. The countries that experienced the most successful transitions and integration into the EU experienced marked postponement of parenthood and a moderate decline in second and third births. Little economic change in the poorest transition countries was accompanied by less dramatic changes in childbearing behavior. In western post-Soviet contexts, and somewhat in Bulgaria and Romania, women became more likely to only have one child but parenthood was not substantially postponed. This unique demographic pattern seems to reflect an unwavering commitment to parenthood but economic conditions and opportunities that did not support having more than one child. In addition, we identify countries that would provide fruitful case studies because they do not fit general patterns. behavior. In western post-Soviet contexts, and somewhat in Bulgaria and Romania, women became more likely to only have one child but parenthood was not substantially postponed. This unique demographic pattern seems to reflect an unwavering commitment to parenthood but economic conditions and opportunities that did not support having more than one child. In addition, we identify countries that would provide fruitful case studies because they do not fit general patterns.

Brodeala, E. (2017) 'The Changing Status of Women as Others in the Romanian Constitution', *ICL – Vienna Journal on International Constitutional Law*, Vol.11, No.4: 540-563.

This article investigates the extent to which the Romanian Constitution has provided for adequate means to enhance women's equal citizenship in its first twenty-five years of existence. Taking as its starting point Simone de Beauvoir's



thought, encompassed in the idea that gender inequality is derived from defining women as 'the Others' or as totally opposite to men, the article shows that since its adoption in 1991, the Romanian Constitution began to depart from the stereotypical and antagonistic understanding of women and men's roles in society that Romania had inherited from its Socialist past. In 2003, when the Constitution was reviewed for Romania's EU and NATO accession, the requirement that only men should serve in the military was replaced with the guarantee of equal opportunities for men and women to occupy public, civil or military positions. Meanwhile, the Constitutional Court inched toward being an active actor in advancing gender equality. For example, in 2005 the Court held that allowing only women in the military, but not men in the same position, to take parental leave was unconstitutional and, in that same year, it gave women's reproductive rights a rather liberal interpretation. However, this article argues that the developments that have taken place have not been progressive enough. The Constitution still provides only for paid maternity leave, provides special working conditions only for women, does not explicitly mention the protection of reproductive autonomy, does not connect bodily rights with equality but with privacy, and lacks clarity on the admissibility of measures - such as gender quotas - to promote more women into the public sphere.

Ravenscroft, J, Wazny, K and Davis, J.M. (2017) 'Factors associated with successful transition among children with disabilities in eight European countries', *Plos One*, Vol.12, No.6. Available at: <https://doi.org/10.1371/journal.pone.0179904>

This research paper aims to assess factors reported by parents associated with the successful transition of children with complex additional support requirements that have undergone a transition between school environments from 8 European Union member states. Quantitative data were collected from 306 parents within education systems from 8 EU member states (Bulgaria, Cyprus, Greece, Ireland, the Netherlands, Romania, Spain and the UK). The data were derived from an online questionnaire and consisted of 41 questions. Information was collected on: parental involvement in their child's transition, child involvement in transition, child autonomy, school ethos, professionals' involvement in transition and integrated working, such as, joint assessment, cooperation and coordination between agencies. Survey questions that were designed on a Likert-scale were included in the Principal Components Analysis (PCA), additional survey questions, along with the results from the PCA, were used to build a logistic regression model. To support a child with complex additional support requirements through transition from special school to mainstream, governments and professionals need to ensure children with additional support requirements and their parents are at the centre of all decisions that affect them. It is important that professionals recognise the educational, psychological, social and cultural contexts of a child with additional support requirements and their families which will provide a holistic approach and remove barriers for learning.

Ducu, V. (2018) *Romanian Transnational Families: Gender, Family Practices and Difference*, Basingstoke: Palgrave Macmillan.

This book explores novel aspects of transnational family research through the study of Romanian transnational families. A range of topics are covered, including the impact of lodging type upon life strategies; understudied elements in transnational relationships; gender roles in transnational communication; multinational relationships; the role of polymedia in the formation of couples; and the lives of the children of Romanian transnational families. The author presents the experiences of 'leavers' as well as of 'stayers'; of the 'highly-skilled'

as well as the 'low-skilled'; that of women and that of men - through individual testimonies and couple-interviews.

Kovács, B. (2018) *Family Policy and the Organisation of Childcare. Hierarchies of Care Ideals*. Basingstoke: Palgrave Macmillan

This book explains and theorises the ways in which family policy instruments come to shape the routine care arrangements of young children. Drawing on interviews with close to a hundred parents from very different occupations in urban and rural Romania, the book provides a rich account of the care arrangement transitions these parents experience during their children's first five years of life. The influence of family policies emerges as complex and uneven, affecting childcare decisions both directly and indirectly by contributing to the reproduction and legitimisation of age-related hierarchies of care ideals. These cultural artefacts, reflective of both longstanding institutional legacies and recent policy innovations between 2006 and 2015, are the prism through which mothers and fathers from diverse backgrounds view and make decisions about their children's care.

### **c. Ongoing research**

None reported.