

# 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*

- 18 weeks (126 calendar days). This is made up of pre-natal birth leave (*concediul de sarcină*) and post-natal confinement leave (*concediul de lăuzie*). Mothers can take maximum 63 days before birth and the remaining 63 days after birth, or the entire period of 126 days after the birth.
- It is obligatory to take at least six weeks (42 days) of post-natal leave.

#### *Payment and funding*

- The benefit amounts to 85 per cent of the mean monthly gross income obtained in the last six months before Maternity leave, with no upper limit on payments. The calculation of the payment takes into account the mother's previous breaks from employment, including: unemployment, medical leave, the most recent

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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 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.

#### *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 their occupational status (e.g. as 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 when they have stopped contributing towards social insurance.
- 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.
- According to Law Nr. 25 from the Code of Work published in 2004, 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), and is 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 (meaning that 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*

- 5 working days.
- There is the possibility of extending the leave by a further ten days, if the father attends an infant-care course (*curs de puericultură*). This extension is granted only once and only for one child (either the first-born or the child that the father makes the application for). 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*

- 100 per cent of earnings, with no upper limit on payment. The benefit is paid by the employer.

*Flexibility in use*

- Leave can be taken at any time after the birth until the baby is eight weeks old.
- Additional time is given for multiple births.
- Paternity leave is the full right of the father, and it is granted irrespective of whether the father is married to the mother or not

*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 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 ten 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 de creștere al copilului, CCC*) (responsibility of the Ministry of Work and Social Justice)**

#### *Length of leave*

- Until the child is two years of age. 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*

- 85 per cent of earnings over the last 12 months. Monthly benefit is calculated at  $2.5 \times \text{ISR}^2$  and cannot be lower than RON1,250 [€258.71]<sup>3</sup> nor higher than RON8,500 [€1,759.29].
- A labour market insertion incentive, which applies to both parents, has been implemented with the government's intention to improve work-life balance and to promote gender equality. This incentive is given to whoever is taking Parental leave; however, in order 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 [€134.53] per month and is given until the child is three years of age (or four years in the case of children with a disability).

#### *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 (this being deducted from the mother's leave) or vice versa. In the time during which one partner is on

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<sup>2</sup> This abbreviation 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.

<sup>3</sup> Conversion of currency undertaken for 31 July 2020, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-ron.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-ron.en.html)

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 before the child reaches two years of age.
- 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; 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.
- 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 a month of leave, then this is calculated according to the father's salary; if the father takes the leave, then this is calculated according to the mother's salary.
- 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 pregnancy leave and confinement leave (the latter of which is issued for up to 126 days).

*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 twins, triplets, or other multiple pregnancies, or if there is more than one child under three years of age, an additional monthly benefit of RON1,250 [€263.95] is granted to the parent taking childcare leave.

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

No statutory entitlement.

**e. Other employment-related measures**

*Adoption leave and pay (concediul de acomodare)*

- The maximum length of this leave is up to one year.<sup>4</sup> Adoption leave has the same features as Parental leave, although it is not conditioned by the child's age as Parental leave is (which must be taken from the child's birth until the child is two years old).
- The adoptive parents must be employed and be insured in the state system of social benefits.
- The benefit is paid at 3.4xISR or RON1,700 [€358.98]. The benefit begins from the day when the adoption was legally approved in the Court of Law.

*Time off for the care of dependants*

- Each parent is entitled to 45 days leave per year to care for a sick child up to the age of seven 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.

*Flexible working*

- None.

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<sup>4</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.

### *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. Breaks or reduced hours are paid for by the employer.

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

The maximum period of post-natal leave available in Romania is up to the age of two (or three years if the child has a disability). Children are entitled to an ECEC place from any age; however, there is a shortage of places, as services for very young children are under-developed. Although, by legislation, there is supposed to be no gap between the end of Parental leave and the start of an ECEC entitlement, such a gap exists in practice – parents needing childcare predominantly rely on informal support provided by grandparents and other relatives. Levels of attendance at formal services are below the average for both the countries included in this review and OECD countries, both for children under and over three years of age. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the cross-country comparisons page.

## **3. Changes in policy since April 2019 (including proposals currently under discussion)**

Law no. 89/2019 issued on the 2 May 2019 changed how parental benefits are given to parents who apply for another benefit within a period of up to 12 months from the completion of the parental leave for the previous child (i.e. because of another birth or adoption or foster care soon after the preceding one). Irrespective of the gender of the parent, 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 leave.

Law no. 89/2019 also establishes that the dismissal of the employee who is receiving the insertion incentive is forbidden for up to six months after the return to work. Therefore, 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.

Birth grants of RON2,500 introduced in 2017 by the municipality of Bucharest continue, and several cities and communes have developed

in 2019 similar programmes, for examples Braşov (RON1,500); Rovinari and Gorj (RON1,500 at the birth of a first child and RON1,000 for the second child); Mischii and Dolj (RON1,500); Suletea and Vaslui (RON 1,000) and so on<sup>5</sup>. Vouchers for pregnant women who are resident in Bucharest, which were introduced in 2018, continue but their amount remains unchanged at RON2,000 [€413.95]; 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.

There is also a project to reintroduce the 'baby kit' (*trusoul bebeluşului*). Such state aid was granted in the past, between 2006 and 2010. The kit would contain 34 baby products, such as a mattress, a blanket, baby clothes, bath products, a thermometer, diapers and powdered milk.

## **Policy response to the Covid-19 pandemic up to end June 2020**

### *Childcare and schools*

- Three months closure for all ECEC services, for children below and above 36 months, and all schools starting 11 March 2020. ECEC and after-school childcare services re-opened 15 June, if they were able to ensure social distancing requirements. The school year ends on 15 June, so schools have not re-opened but all schools have carried out online classes during closure.

### *Parental leave*

- There were no modifications to Parental leave.

### *Other measures for parents and other carers*

- A new law, implemented on 17 March 2020, gives parents of children up to 12 years or up to 18 years old with disabilities, the right to take leave for up to 3 months in case of the temporary closure of ECEC services or schools. Leave is paid at 75 per cent of earnings up to a ceiling 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 if their work cannot be undertaken from home.
- This law also grants leave to carers of adult persons with disabilities who are enrolled in day-care services which are temporary closed.

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<sup>5</sup> [https://www.romaniatv.net/bani-de-la-primarii-pentru-familii-cine-poate-incasa-1000-de-lei\\_473706.html#n](https://www.romaniatv.net/bani-de-la-primarii-pentru-familii-cine-poate-incasa-1000-de-lei_473706.html#n)



- During the national quarantine period in Romania, from 24 March to 15 May 2020, the option was available of a temporarily suspended employment contract ('technical unemployment aid') for employees whose workplace was forced to close or to reduce its workforce (GEO 30/2020) and for the self-employed. Payment was at 75 per cent of basic earnings, with the state covering up to 75 per cent of national average gross earnings; the difference was left to employers to pay, if they chose. The measure has been extended to workplaces still unable to open (e.g., entertainment and cultural industry); there were still 102,830 workers on suspended contracts at 3 July 2020, down from a maximum of 1,035,585 on 23 April 2020. Food vouchers have been granted to workers whose employment contract is suspended under this scheme.
- Some companies offered employees the opportunity of reduced working hours and payment instead of 'technical unemployment aid'.
- Since 2005, all persons insured in the public health system have been entitled to a 'quarantine medical leave' if they are suspected to be infected or if they are required to stay in self-isolation. Payment to those on leave is at 75 per cent of basic earnings, similar to leave granted for sickness; the duration of quarantine leave does not decrease the number of days of sick leave for other illnesses.

## 4. Uptake of leave

According to the latest ANAPIS<sup>6</sup> report published for the period between January and September 2019, 179,240 people received a child-rearing benefit, in a rising trend from 2018, when 174,681 people received the benefit. A similar increase is observed also for the people who received an insertion incentive: 91,731 compared to 90,190 in 2018. There were 470 adoption leave beneficiaries in 2019. Lastly, 9,986 people received a Parental leave benefit for disabled children. Data has not been provided by gender.

### 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.

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<sup>6</sup> The National Agency for Benefits and Social Inspection Report. Available at: <http://www.mmuncii.ro/j33/index.php/ro/2014-domenii/familie/politici-familiale-incluziune-si-asistenta-sociala/725-raportari-privind-incluziunea-sociala>

## **b. Paternity leave**

According to statistical data released by the Ministry of Work, there has been an increase in the number of fathers taking up paid leave and the benefit incentive for work in recent years. Unfortunately, the data provided this year are not disaggregated by gender and, therefore, we cannot confirm the trend identified in previous years.

## **c. Parental leave**

The law encourages both parents to share one month out of the 24 months allowed, so that they will not lose this period of leave (i.e. if this one month 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 this shared month.

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

No information available.