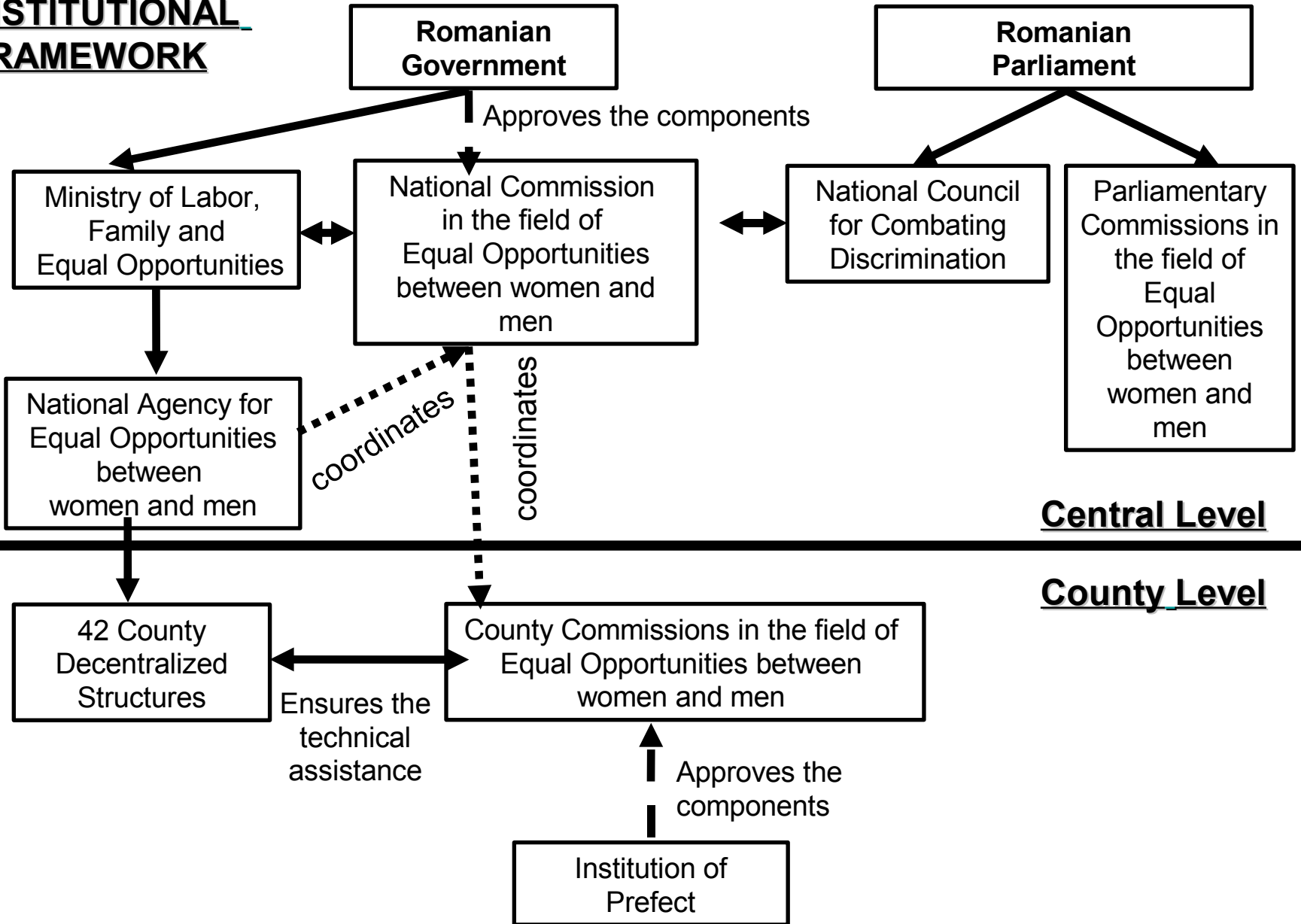


ROMANIAN LEGISLATION AND INSTITUTIONAL FRAMEWORK ON THE GENDER FIELD

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**INSTITUTIONAL
FRAMEWORK**



1. Transposing of the *acquis communautaire* in the Romanian legislation on gender

Directive no. 117 of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women

Corresponding in the Romanian legislation:

- **Romanian Constitution**
- **Law no. 53/2003** on Labor Code
- **Law no 202/2002** on equal opportunities between women and men, republished with modifications and completions in 2007
- **Law no. 304/2004** on judicial organisation

Directive no. 207 of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, amended by Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002

Corresponding in the Romanian legislation:

- **Law no 202/2002** on equal opportunities between women and men, republished with modifications and completions in 2007
- **Law 53/2003** - Labor Code

Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security

Corresponding in the Romanian legislation:

- **Law no 202/2002** on equal opportunities between women and men, republished with modifications and completions in 2007
- **Law no 76/2002** on the unemployment insurance system and employment stimulation, completed and amended
- **Law no 346/2002** on the insurance for work accidents and occupational diseases, completed and amended
- **Law no 19/2000** on public system of pensions and other social insurance benefits, completed and amended
- **Law no 578/2004** regarding the granting of a monthly aid for the surviving spouse

Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood

Corresponding in the Romanian legislation:

- **Romanian Constitution**
- **Civil Code**
- **Law no. 53/2003** on Labor Code
- **Law no 19 /2000** on Public System Pensions and Other Social Insurance Rights
- **Law no. 300/2004** on autorisation of natural persons as self-employed and of family associations developing economical activities independently
- **Law no. 92/1992** on judicial organisation
- **Law no 202/2002** on equal opportunities between women and men, republished with modifications and completions in 2007

Council Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes, amended by the Council Directive 96/97/EC of 20 December 1996 are both following the procedure of transposition within the Romanian legislation

Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding

Corresponding in the Romanian legislation :

- **Emergency Ordonance 96/2003** on maternity protection at workplaces
- **Law No. 25 from 5 March 2004** for approval of the Emergency Ordonance 96/2003 regarding the maternity protection at workplace
- **Law 53/2003** on Labor Code, with all amendments
- **Law no 202/2002** on equal opportunities between women and men, republished with modifications and completions in 2007
- **Law no. 340/2006** for the modification and completion of Law No. 202/2002 on equal opportunities between women and men
- **Governmental Decision 158/2005** regarding the leaves and the indemnities for the social health insurances

Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC

Corresponding in the Romanian legislation:

- **Law no. 53/ 2003** on Labor Code
- **Law no 19 /2000** on Public System Pensions and Other Social Insurance Rights
- **Governmental Decision no. 250/1992** concerning the annual paid leave and other leaves for the state employees

Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex

Corresponding in the Romanian legislation:

- **Law 53/2003** on Labor Code
- **Romanian Code of Civil Procedure,**
- **Law no 202/2002** on equal opportunities between women and men, republished with modifications and completions in 2007

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

Corresponding in the Romanian legislation

- **Law no 202/2002** on equal opportunities between women and men, republished with modifications and completions in 2007
- **Law 53/2003** - Labor Code

Council Directive nr. 2004/113/CE of 13 december 2004 on equal treatment and equal access of women and men in matter of providing and acces to goods and services

Is still under analysis

Council Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)

Is still under analysis

2. National Strategies and Programs with gender component

The National Strategy on Equal Opportunities between Women and Men 2006-2009

Economic life

- Improving awareness of women's situation on the labor market
- Supporting equal access of women and men to the labor market
- Work - life balance
- Supporting the principle of equal opportunities between women and men in professional promotion
- Facilitating the insertion on the labor market of women being in social exclusion situation or at risk

Social Life

- Promoting of equal participation of women and men in the community
- Promoting of equal participation of women and men in the family life
- Men's involvement in promoting the principle of equal opportunities between women and men
- Supporting measures for preventing and fighting against women trafficking
- Supporting measures for preventing and fighting against gender based violence
- Preventing of sexual harassment

Participation to decision-making process

- Enforcement of legal provisions for ensuring equal participation of women and men in the decision-making process
- Encouragement of equal participation of women and men at all levels of the decision-making process

Gender Roles and Stereotypes

- Ensuring the gender mainstreaming in programming, preparing, implementing and assessing all public policies
- Combating the stereotypes and the gender roles in the educational system
- Promoting the principle of equal opportunities between women and men within culture and mass media

The National Plan for Combating the Poverty and for Promoting the Social Inclusion 2006-2008

- Encouragement of equal access of women and men on labor market by elaboration of programs regarding the equal access of women and men to initial and continuous professional trainings, programs for promoting the access of women to traditional masculine jobs
- Ensuring of the work - life balance, the development of community social services programs for children and dependent persons, the improvement of legal provisions regarding the flexibility of work time
- Facilitating the insertion on labor market of women being in social exclusion situations or at risks- the women over 45 years, women victims of domestic violence, women victims of trafficking, women with HIV/AIDS, drugs addicted women, women liberated from detention
- Initiating programs for raising awareness of Roma population on the importance of educational participation and professional trainings of Roma girls and women

The National Strategy on Employment 2004-2010

The Strategy stipulates the development of policies regarding equal opportunities in view to combat the gender pay gap.

General objectives

- development of institutional building to sustain and to promote the equal opportunities politics based on the absorption of ESF – deadline 2007
- elaborating and implementing of coherent policies on equal opportunities on labor market – deadline 2010

Specific Objectives

- raising of the women' employment level in all economic fields – deadline 2010
- active measures for the women' employment in IT field
- measures regarding the work life balance– deadline 2010
- implementing of monitoring indicators system, for identifying the basic reasons for gender pay gap

The National Strategy for Improving the Roma' s Situation 2001-2010

- elaborating and implementing of an inclusive approach program emphasizing on Roma' s employment, especially of the Roma women
- drawing up a community development program which enforces the entrepreneurship abilities of the Roma, as well as revitalizing the traditional trades
- Development and implementation of certain programs for financing the small family and community enterprises, including the ones lead by Roma women
- Encouraging the development programs for creating jobs for Roma women
- Elaborating and implementing of medical informative programs, medical assistance and family planning for the Roma women
- Ensuring the nondiscriminatory access of Roma women within protection and educational programs for their children
- Identifying, preventing and solving of the conflict situations raised from domestic violence

The National Program 2005-2008 for the Development of the Entrepreneurial Culture of the Women Manager

The objectives of this program are promoting an informational and training system which will provide women's mobility on the labor market and the development of their entrepreneurial abilities in order to involve them in the private economic field, such as:

- Stimulating self-employment and raising the number of the women entrepreneurs in the business community
- Developing the entrepreneurial abilities of women
- Efficient using of human resources of potential women entrepreneur
- Improving of economic performances of the existing enterprises managed by women by raising the professional level of their staff
- The equal access to economy based on knowledge
- Exchange of experiences and good practices between women entrepreneur and managers
- An improved civic participation of women entrepreneur

The National Strategy for Preventing and Fighting against Domestic Violence 2005-2007

The general objectives of this strategy are:

- Improving of the legislative framework in the field of social services for preventing and combating the domestic violence
- Improving the institutional capacity of the central and local public administration in order to develop and implement programs and social services provided to the victims of domestic violence
- Developing of a partnership and social solidarity culture in the field of preventing and combating domestic violence
- Raising awareness of the Romanian society concerning domestic violence
- Participation and active involvement of the state in international activities in the field of preventing and fighting against domestic violence

The National Strategy for Fighting against the Human Trafficking 2006-2010

Specific objectives:

- Raising awareness and information campaigns for the general public regarding associated risks of human trafficking
- Decreasing the vulnerability of groups at risk – especially women
- Providing the efficiency of the prevention activities of human trafficking
- Decreasing of the demand for sexual exploitation of women
- Providing the efficiency of activities for assisting and protection of the victims of human trafficking
- Combating of the tertiary victimization
- Social inclusion and reinsertion of victims of human trafficking

The National Development Plan 2007-2013

Key issues:

- facilitating access for women to economic sectors that were less accessible to them - facilitating access to professional development, counseling, support for managing independent activities, promoting the modern employment methods, especially by means of using the IT technologies, studies and analysis on the situation of women on the labor market, identifying and eliminating the prejudices with regard to traditional professional
- the decreasing of the salary gap and the other differences between men and women
- the professional and family life re-conciliation activities – the importance of development of the childcare services
- elimination of sexual harassment in the workplace
- decreasing the forms of domestic and social violence against women

The deficiencies of the institutional organisation:

- The overlapping of the competences of responsible institutions on gender
- It does not exist a coherent methodology of communication between institutions with responsibilities on gender
- Low level of awareness of gender policies in public administration
- Low level of awareness regarding the importance of equal opportunities between women and men in mass media
- The lack of information on the principle of equal opportunities and in its functioning both in civil society and among state officials
- There is insufficient number of data's regarding the gender differences on the labour market, in decision making, education

The deficiencies of the legislation on gender:

- There are no legal provisions regarding the definition of gender mainstreaming
- There are no legal provisions regarding the methodology to implement gender mainstreaming into practice
- There are no legal provisions on the methodology of monitoring, evaluation, control of the implementing gender mainstreaming
- The legal provisions on settlement of notifications, complaints regarding the discrimination based on gender should be revised to create a coherent, integrated and efficient procedure
- The legal provisions on sanctions regarding the infringement of legislation on equal opportunities should be revised to ensure a high level of prevention