

**Romania**  
**Social dialogue as a tool to exclude atypical workers**

**Law No 62/2011 of Social Dialogue**  
(Excerpt)

Article 1

To the purposes of this law, the below terms and wordings shall have the following meanings:

(i) Information – transmission of data by the Employer to the Trade Union or the elected representatives of the **Employees**, as the case may be, to enable them to familiarize with the discussion issues and to wittingly review them;

(iii) **Collective bargaining** – the bargaining between the Employer or Employer’s Association and the Trade Union or the Trade Union Organization or the **Employees’** representatives, as the case may be, aiming to regulate the labor or employment relations between the two Parties, as well as **any other agreements** related to issues of common interest;

g) **Employee** – the natural person, party of an Individual Labor Contract or employment relation, who performs his/her work for and under the authority of an Employer and benefits of the rights established by law, as well as the provisions provided for in the Collective Labor Agreements or Contracts, as applicable;

h) **Employees’** representatives – the individuals elected and authorized by the Employees to represent them, according to the law;

i) **Collective Labor Contract** – the convention concluded in writing between the Employer or the Employer’s Association and the Trade Union representatives, by which provisions are established concerning the rights and obligations arising from the labor relations;

n) **Labor conflict** – the conflict between **Employees** and Employers on the social, professional or economic interests or the rights arising from the development of the labor or employment relations. The labor conflict may be **collective** or **individual**;

q) **Parties entitled to bargain a Collective Labor Contract** – Employers, Employers’ Associations or Trade Union Organizations, which meet the legal requirements to participate in the bargaining of a Collective Labor Contract;

w) **Trade union** – a form of voluntary organization of the **Employees** to defend their rights and promote their social, professional and economic rights in their relation with the Employer.

Article 3

(1) Individuals employed under Individual Employment Contract, **civil servants (fonctionnaire public FR)** and civil servants with special statute by law, employed cooperative members and

farmers shall be entitled, without any limitations or prior authorization, to establish and/or **to adhere to a Trade Union.**

(2) **To establish a Trade Union**, it shall be required at least 15 **Employees** within the same company.

Article 51

(1) There shall be representative at national or business sector level:

**B. At business sector level:**

c) The Trade Union Organizations joining **at least 7% of the Employees** working in the relevant business sector;  
(aprox 100.000 employees in Culture and Mass-Media Sector)

Article 122

(1) **The Social Dialogue Committees organized within ministries and public institutions**, as provided for in Annex 1, shall be built of:

- a) The representatives of the relevant ministries or public institutions, appointed by Order of the concerned Minister, or Public Institution Manager;
- b) The representatives appointed by the **Employers' ConFederations** representative at national level;
- c) The representatives appointed by the **Trade Union ConFederations** representative at national level.

Article 129

(1) Collective **bargain** shall only **be mandatory at company level**, unless such company has less than **21 Employees**.

**(not to concluded and registred)**

CHAPTER II: Collective Labor Contract Effects

Article 133

(1) The Collective Labor Contract provisions shall produce effects as it follows:

- a) **For all** the relevant company **Employees**, in case of Collective Labor Contracts concluded at such level;
- b) For all **Employees** employed in the companies of the Group for which the Collective Labor Contract was concluded;
- c) For **all the Employees employed** within the companies of the business sector related to which the Collective Labor Contract was concluded **and which are members of the Employers' Associations signatories** of the relevant Contract.

(2) **For each of the levels** provided for at paragraph (1), **only one Collective Labor Contract** shall be **concluded and registred**.

Article 138

(1) By the **Collective Labor Contracts/Agreements concluded for the budgetary sector**, provisions related to **rights in kind or cash** other than those established by the law in force concerning the relevant personnel class **may not be bargained or included**.

#### Article 141

(1) The Collective Labor Contract shall be concluded for a fixed term, which **shall not be less than 12 months and longer than 24 months**.

(2) **Parties may decide to extend** the enforcement term for the Collective Labor Contract, according to the provisions of this Law, **only once and with maximum 12 months**.

#### Article 164

**During the valid term of a Collective Labor Contract/Agreement, the Employees may not initiate the collective labor conflict.**

#### Article 182

**The strike may be declared only:** if all settlement solutions related to the collective labor conflict were previously used through the mandatory procedures provided for by this Law; after the warning strike development ends; and if the initiation date was notified to the Employers by the strike organizers with at least two working days in advance.

#### Article 201

(1) The ordinary court and the appeal court shall rule the request or the appeal, as the case may be, according to the procedure provided for the settlement of the collective labor conflicts.

(2) If the court decides the cessation of the strike as being unlawful, **the court**, upon the request of the concerned parties, **may order the obligation of the strike' organizers and unlawful strike participating employees to pay indemnities**.

Types of contracts used by the freelancers:

1. Civil Contract
2. Service Contract
3. Copyright and Related Rights Assignment Contract
4. Self-employed Person

No minimum wage negotiated.

No paid leave.

No Collective Labor Contract