

RESEARCH

**REPORTS**

RECOMMENDATIONS

ANAMARIA NĂSTASĂ

# COLLECTIVE BARGAINING DEVELOPMENT IN ROMANIA IN THE CONTEXT OF THE ADEQUATE MINIMUM WAGE DIRECTIVE (ART. 4)

INSTITUTE OF  
PUBLIC AFFAIRS

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Social Policy Programme

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## 1. Methodological preface

The study for this report used two main research methods: an in-depth interview and desk research. One in-depth interview was conducted with an expert on Romania's collective bargaining and industrial work relations law. The interview was conducted on 14 October 2024 and lasted around two hours. Although five interviews with other stakeholders at a national level were planned, time constraints and the ongoing political campaigns for the presidential elections limited the number of interviews conducted. The desk research included reviewing scientific articles, analysing national and European statistical databases, reviewing policy documents, and examining grey literature such as mass media websites.

## 2. General characteristics of the labour market and industrial relations system

### 2.1. Labour market performance

According to the interviewed expert, the labour market in Romania is relatively stable, especially since the country joined the European Union in 2008. A look at European-level statistics indicates that the employment rate for individuals aged 15 to 64 in Romania was 63% in 2023 (Eurostat, 2024a). This rate has remained relatively stable over the past ten years. However, compared to other European countries, Romania has one of the lowest employment rates, although above Greece, Italy, Turkey, and Bosnia and Herzegovina. A glimpse at the employment statistics by gender shows that men have a higher employment rate (71.6% in 2023) than women, who have a significantly lower rate (54.4% in 2023). The expert also highlighted challenges related to gender wage discrimination against Romanian nationals and wage discrimination based on nationality.

” There is pay discrimination between women and men. This means that no matter how well-trained and competent women are, men will get more money for the same jobs.

When examining employment rates by age, it is noticeable that the highest rate is among adults aged 25 to 54, at 78.1% in 2023, while for adults aged 55 to 64, the employment rate is 51%. The employment rate for youth (aged 15

to 24 years old) is much lower at only 18.7%, probably because many young individuals still participate in education at those ages (Eurostat, 2024a).

Regarding non-standard employment, Romania's share of temporary employees from the total number of employees is one of the lowest in Europe, standing at 2.5% in 2024, representing a 1% increase since 2014 (Eurostat, 2024b). Additionally, regarding part-time employment as a percentage of the total employment, Romania ranks low with 3.4% in 2023. This rate is slightly higher than that of Slovakia (3.3%), Bosnia and Herzegovina (2.8%), and Bulgaria (1.4%) (Eurostat, 2024c).

Concerning employment by the size of companies in Romania, estimated data from 2022 indicates that most employees work in small enterprises (50.7%), followed by large enterprises (32.8%) and lastly medium enterprises (16.5%) (Eurostat, 2024d).

An analysis of the labour force participation rate for the population aged 15 to 64 in Romania reveals an increase from 58.8% in 2014 to 66.8% in 2023. Despite this growth, Romania still has one of the lowest participation rates in Europe, similar to that of Italy (Eurostat, 2024e). The unemployment rate in Romania decreased from 8.7% in 2014 to 5.6% in 2023, below the European Union average of 6.1% (Eurostat, 2024f). However, statistics on young people (15 to 34 years old) who are neither in employment nor in education or training (NEETs) show that in 2023, Romania had the highest NEET rate, at 20.6%, alongside Turkey and Bosnia and Herzegovina (Eurostat, 2024g).

Statistics on self-employment in Romania indicate a decrease in the proportion of self-employed individuals within the total employment, standing at 11.5% in 2022, compared to 18.8% in 2013 (CEDEFOP, 2024).

Other challenges mentioned by the expert are related to the low level of unionisation and collective bargaining at sectorial and national levels caused by changes in the Social Dialogue Law in 2011. These changes undermined social dialogue at these levels and lowered the power of negotiations for employees.

## 2.2. Industrial relations at a glance

Specific data regarding the level of unionisation is not available. According to the Ministry of Labour and Social Solidarity's website, trade unions

representative at a national level are the National Trade Union Confederation “Cartel Alfa” (Confederația Națională Sindicală “Cartel Alfa”), the National Trade Union Bloc (Blocul Național Sindical), the National Confederation of Free Trade Unions of Romania (C.N.S.L.R “Frăția”) (Confederația Națională a Sindicatelor Libere din România — Frăția C.N.S.L.R “Frăția), and the National Trade Union Confederation “MERIDIAN” (Confederația Sindicală Națională “MERIDIAN”).

In 2023, the number of union members for the above-mentioned trade unions is as follows: the National Trade Union Bloc had 280,387 members, and the National Trade Union Confederation “Cartel Alfa” had 286,337 members. For 2024, the National Confederation of Free Trade Unions of Romania reports to have 307,804 members, while the National Trade Union Confederation “MERIDIAN” has 276,980 members. A rough estimation of the percentage of unionisation for these trade unions reveals a percentage under 20%, depending on the reference year. Although there is no recent data on the collective bargaining coverage rate, according to the statistics estimated by the International Labour Organization, the coverage rate was around 15% in 2017 (ILOSTAT, 2024).

The interviewed expert notes that the national industrial relations system is inefficient. Further, there is a significant gap in training among trade union leaders, particularly in areas such as digital skills, marketing, law, and accounting. These skills are crucial for effective negotiations with organisations and attracting new members to trade unions. In this context, the expert stresses the importance of having well-trained personnel and strong leadership. Additionally, the expert underlines the importance of new marketing strategies to engage younger workers and advocate for a more supportive legal framework to enhance social dialogue.

The main employer organisations in Romania are the Employers’ Confederation CONCORDIA (Confederația Patronală CONCORDIA) and the National Council of Small and Medium-Sized Private Enterprises in Romania (Consiliul Național al Întreprinderilor Private Mici și Mijlocii din România).

Collective bargaining at a sectorial level in Romania is relatively weak. In 2024, only three sectors had sectoral collective agreements: banking, health, and pre-university education. Furthermore, according to the interviewed expert, the right to strike is predominantly exercised in public organisations. In private organisations, this right is exercised in practice much less frequently.

At a national level, a tripartite body for social dialogue exists and is named the National Tripartite Council for Social Dialogue. The council encompasses the national representative employers' organisations and trade union federations mentioned earlier, government representatives (from each ministry, as well as from other state structures, as agreed with the social dialogue partners), and members from the Economic and Social Council (ESC). The tasks of the National Tripartite Council for Social Dialogue include, among others: consultations when deciding on the minimum wage; negotiating/concluding social agreements and pacts and other agreements at a national level and monitoring their implementation; making decisions on collective bargaining sectors; and analysing and discussing national reform programs and recommendations of the European Union for individual countries (LEGE nr. 367, 2022). On the other hand, the ESC (Consiliul Economic și Social — CES, in Romanian) is a public, autonomous institution of tripartite social dialogue at a national level between employers' organisations, trade union organisations and representatives of non-governmental associations and civil society foundations. It is an obligation to consult ESC, and it can approve (or reject) draft normative acts initiated by the government, deputies, or senators. It also develops, at the request of the government, Parliament or on its own initiative, analyses and studies on economic and social realities, as well as reports the emergence of economic and social phenomena that require the development of new normative acts, e.g. in the area of labour relations (LEGE nr. 248, 2013).

At a sectoral level, tripartite social dialogue takes place within the institutionalised framework of the social dialogue committees set up at a central level. The social dialogue committees at the central level consist of representatives from the ministry and those appointed by nationally representative trade unions and employers' confederations. These committees provide a framework for informing and consulting social partners about normative initiatives promoted by the ministry and other matters of interest to the parties involved in the ministry's area of responsibility or other central public institutions.

### 2.3. Collective labour agreements

Collective bargaining is most commonly carried out with the employees' representatives or the representative trade union at the organisational unit level.

Collective contracts are registered with the Territorial Labour Inspectorate. However, statistical data on collective employment contracts is not publicly available. According to the expert, collective agreements are usually accessible online for trade union federations in public organisations, but this is less common for private organisations. Collective agreements made at sector and organisational group levels can be found on the Ministry of Labour and Social Solidarity's website in the social dialogue section.

Organisations with fewer than ten employees are not legally required to have a collective bargaining agreement. According to the expert, employees in these organisations (who do not have a collective agreement) are technically excluded from collective bargaining. On the other hand, in practice, if collective bargaining occurs, all employees in the organisation are covered, regardless of whether or not they belong to a trade union.

#### 2.4. Opinions on the state of collective bargaining

Collective bargaining is essential, according to the expert interviewed, in regulating employment relations. Previous research, from interviewed trade unions, highlighted the critical role of collective bargaining in protecting workers' rights and improving working conditions (Dinev et al., 2024). Collective contracts usually operate on the principle of favourability: if the collective agreement is more favourable to the worker than the provisions of the relevant individual contract or general legislation, then the collective agreement prevails (or vice versa). Additionally, the interviewed expert noted that collective agreements often provide extra benefits, such as bonuses, paid leave, and protective measures for workers.

A recent research report by Dinev et al. (2024) analysing the views of social partners on collective bargaining reveals several challenges. According to this report, trade unions highlight challenges regarding national agreements and point to an overall landscape of fragmented collective bargaining (Dinev et al., 2024). On the other hand, employer organisations point out challenges in collective bargaining due to unclear negotiating sectors, inadequate communication, and a lack of initiative from trade unions (Dinev et al., 2024; Negoita & Panzaru, 2024). The same report highlights that employers are hesitant to participate in collective bargaining because they see formal agreements as obstacles to organisational flexibility.



### 3. Collective bargaining dynamics in recent years

In recent years, there has been a legislative initiative aimed at improving collective bargaining. This includes the introduction of Law 367/2022 (LEGE nr. 367/2022), which focuses on social dialogue, as well as the ongoing process of transposing the EU Directive 2022/2041 into the national legal system. A legislative predecessor that influenced the implementation of the Social Dialogue Law in 2022 was the European Union's Recovery and Resilience Facility (for the provision of funds in exchange for agreed reforms) through which the National Recovery and Resilience Plan was realised (Goran, Trif & Adăscăliței, 2024).

According to the expert interviewed, collective bargaining is more prevalent in public organisations compared to private enterprises. As previously mentioned, sectoral collective bargaining is relatively rare in Romania; in 2024, only three sectors were covered by sectoral collective agreements: banking activities, healthcare, and pre-university education. Researchers observed that over the past ten years, the healthcare sector has employed adversarial strategies for mobilisation, making it one of the strongest sectors in terms of collective bargaining, while in contrast, the education sector has relied on more cooperative strategies (Adăscăliței & Muntean, 2019).

### 4. State of play after the adoption of the directive

#### 4.1. Discussions and legal preparations

The government has taken formal steps to implement the European Directive 2022/2041 on Adequate Minimum Wages within the European Union (AMW Directive). On 11 June 2024, the Ministry of Labour and Social Solidarity posted a draft for public consultation. The Social and Economic Council and the Legislative Council approved the proposal on 20 June 2024. Shortly afterwards, on 21 June 2024, the government approved the proposed legislation. The proposed legislation modifies or adds to several national laws, including the Labour Code (Codul Muncii, 2003), the Law on Social Dialogue (LEGE nr. 367, 2022), the Law on the Establishment and Organisation of the Labour Inspectorate (LEGE nr. 108, 1999), the Law on the Status of Labour Inspectors (LEGE nr. 337, 2018), the Emergency Ordinance on the Administrative Code (ORDONANȚĂ DE URGENȚĂ nr. 57, 2019), as well as other public procurement regulations.

At present, public and mass media discussions regarding the reformation of collective bargaining systems are mostly related to the transposition of the AMW Directive into national legislation (Gava, 2024; Tomanciuc, 2024; Redacția Economedia.ro, 2024). Trade unions play a role in this transposition process, as the ESC is responsible for approving and remarking on the legislative initiative.

It is important to emphasise that the discussions of the partners of the AMW Directive focus primarily on the issue regarding minimum wage. Some trade union federations have publicly stated that the increase of the minimum wage in Romania through the introduction of the directive is beneficial but insufficient (Popovici, 2024; Ioana, 2024; Cristian, 2024). A representative of the Cartel Alfa trade union indicated that the measure aimed at increasing the level of wages maintains the current living conditions — according to the representative of this trade union, the law does not adequately address the existing social differences in terms of social exclusion and poverty (Ioana, 2024). Moreover, a representative of the National Trade Union Bloc stated that other complementary fiscal measures are needed, such as progressive taxation (Popovici, 2024; Cristian, 2024). On the other hand, employers' organisations have criticised the increase in wages with the introduction of the AMW Directive. Representatives of the National Council of Small and Medium-sized Private Enterprises in Romania and the Employers' Confederation CONCORDIA emphasised that the increase in the minimum wage hurts small businesses (Popovici, 2024; Ioana, 2024). CONCORDIA noted that the challenges affect companies exporting products (Ioana, 2024). However, there has not yet been a deeper debate on Article 4 of the AMW Directive regarding the scope of collective bargaining.

#### 4.2. Any trade union' activity dedicated to promoting/ familiarising the audience with the directive

One of the actions taken by the trade unions concerning the AMW Directive was a debate organised by the National Trade Union Bloc (Blocul Național Sindical) with the Ministry of Work and Social Solidarity. This event occurred after the government approved the proposed legislation to transpose the European Directive in August 2024 (Ministry of Work and Social Solidarity, 2024).

## 5. Action plan

The proposed legislation includes creating an action plan to enhance collective bargaining, featuring specific deadlines and measures to increase its coverage progressively. This initiative is intended to improve employees' working and living conditions. Additionally, the proposed legislation specifies that the action plan will be developed in consultation with the social partners in the Tripartite Council for Social Dialogue. Furthermore, the legislation will be reviewed periodically, or at least every five years, to support an increase in the national collective bargaining coverage rate, targeting a goal of 80%.

Currently, no steps have been taken to establish an action plan to improve collective bargaining. According to the explanatory memorandum of the proposed legislation by the Ministry of Labour and Social Solidarity, a draft government decision will be initiated regarding the action plan to promote collective bargaining after the law is approved.

## 6. Summary and conclusions

Labour force performance statistics show that Romania has one of the lowest employment and labour force participation rates in Europe, along with one of the highest rates of NEETs. Regarding collective bargaining, there are five trade union federations representative at the national level. In terms of collective bargaining, there are five nationally representative trade union federations. However, the collective bargaining system in Romania is relatively underdeveloped, with data indicating that unionisation and coverage rates are both low.

On the other hand, the European Directive 2022/2041 is currently being transposed into national legislation. The implementation process began in June 2024 and is nearing completion as of October 2024. During this process, several national laws have been modified, and additional amendments have been introduced. However, further actions are still needed, particularly regarding the decision and implementation of the action plan aimed at improving collective bargaining coverage. While there are ongoing discussions in public discourse about the transposition of the directive, concrete steps, measures, and solutions to enhance collective bargaining are expected to emerge after the legislation is adopted.

One key recommendation from experts and researchers for enhancing social dialogue in Romania is to engage workers in trade unions, particularly young workers, through information campaigns that highlight the actions and benefits of union participation. Another solution is to collaborate with other third-sector organisations, workers, and other organisations using win-win discourses that emphasise the benefits for all parties (Trif, Paolucci, Kahancová & Koukiadaki, 2023; Goran, Trif & Adăscăliței, 2024).

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