

# Country Report

## *Dynamics of Industrial Relations and Collective Bargaining in Romania*

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## Contents

<b>1</b>	<b>Trade Unions in Romania – Desk Research</b>	<b>3</b>
1.1	<i>Development of trade unions in historical perspective</i>	3
1.1.1	An overview of collective bargaining in Romania	6
1.1.2	The Covid 19 crisis impact on the union movement	9
1.2	<i>Legal and political-economic context for trade unions</i>	9
1.2.1	Legal framework for trade unions: representation and functioning of trade unions; tripartism, bipartism, collective bargaining and resolution of collective labour disputes; rights for unionisation and strike; legislation for collective bargaining.	10
1.2.2	Political-economic context for trade unions: Relationship between political parties and the unions, ties and contradictions over the years; Power and strength of trade unions in social dialogue system	14
1.2.3	Challenges, threats and opportunities faced by trade unions in expanding their power and the scope and coverage of collective agreements	15
1.3	<i>Trade unions strategies</i>	17
1.3.1	Organisational strategies in attracting members	17
1.3.2	Strategies in collective bargaining processes: negotiations with social partners' organisations and state institutions, coalition building with other organisations	18
1.4	<i>Trade unions, civil society and social movements</i>	18
1.4.1	The relationship between trade unions, civil society organisations and social movements: ties and contradictions over the years	18
1.4.2	The most important mobilizations of industrial actions such as strikes, demonstrations and symbolic actions in the latest three decades in regard to issues concerning the bargaining process	20
<b>2</b>	<b>Quantitative data findings – Protest Events Analyses (PEA)</b>	<b>24</b>
2.1	<i>Main characteristics of trade union mobilizations in your country</i>	25
2.2	<i>Main campaigns</i>	29
2.3	<i>Conclusion</i>	32
<b>3</b>	<b>Qualitative data findings – Interviews</b>	<b>35</b>
3.1	<i>Introduction</i>	35
3.2	<i>Views on collective bargaining process</i>	36
3.3	<i>Practices and strategies</i>	41
3.4	<i>Conclusion</i>	43
<b>4</b>	<b>Discussions</b>	<b>46</b>
<b>5</b>	<b>Recommendations</b>	<b>50</b>

## Introduction

The labour market in Romania has undergone significant changes in recent years, with economic transition from socialism to capitalism and globalisation having a profound impact on the functioning of trade unions. Despite these challenges, the trade union system in Romania appears to be relatively resilient compared to some other countries in Europe. According to data from the National Trade Union Confederation (Cartel Alfa), as of 2021, there were approximately 1.5 million trade union members in Romania, representing around 20% of the total workforce. However, this is a decline from the peak of trade union membership in the early 1990s, when trade union density exceeded 80%.

This report provides insights into industrial relations and collective bargaining in Romania both from historical perspective and recent changes in social dialog legislation.

The first chapter of the report provides a historical overview of the development and evolution of trade unions in Romania through a review of relevant literature and data analysis. It describes the legal and political-economic framework and the relations between the social partners and other stakeholders that have impacted industrial relations and collective bargaining over more than 30 years of trade union activity.

The second chapter explores the trade union protests in Romania, offering a deeper understanding of the labour movement, its historical context, and the key events and actors that have shaped its course between January 2021 and June 2022.

In the third chapter, a deeper understanding of the collective bargaining process is illustrated from the perspective of the various stakeholders involved, such as trade union representatives, employers' organisations, representatives of public authorities and civil society.

Final discussions and recommendations are presented in the fourth and fifth chapters.

# 1 Trade Unions in Romania – Desk Research

This section provides an overview of the current state of trade unions in Romania, exploring their membership and bargaining power, as well as their role in decision-making. We examine the factors that have contributed to the decline of trade unions in Romania, such as the financialization of the economy and the liberalization of labour markets. Additionally, we explore the unique characteristics of the Romanian labour market and the historical experience of trade unionism in Romania that have enabled the trade union system to remain relatively strong.

## 1.1 Development of trade unions in historical perspective

The history of trade unions in Romania dates back to the late 19th century, when workers in the textile and metal industries formed the first unions. The trajectory of trade unions in Romania has been significantly impacted by the country's political and economic conditions. The first professional association, the Association of Printing Workers in Bucharest, was established in 1858. However, it ceased its activity in 1871. In 1872, the General Association of all workers in Romania was founded.

After 1900, unions were established within specific professions or related professions. On February 22, 1905, the Carpenters' Union, was established, followed by the establishment of the General Commission of Trade Unions in Romania in 1906. In the same year, the general statute of the trade union movement was adopted, and mutual aid houses for trade unions were established.

Between 1919 and 1921, the development of trade unions accelerated, and by 1924, trade unions were reorganized as legal entities. In 1949, all trade union assets were collected under the umbrella of the General Confederation of Labour, which was established in 1945.

During the communist era (1945-1989), trade unions were controlled by the state and lacked independence. They were considered a tool for the government to control and manipulate the workforce, but they also played a crucial role in providing basic social benefits such as health care, education, and housing to workers.

After the fall of communism in 1989, trade unions in Romania began to gain more independence and freedom. The first free and independent trade unions were established in 1990, and the number of unions rapidly grew in the following years.

In January 1990, the Romanian Drivers' Union (Sindicatul Soferilor din Romania) was established, bringing together employees from the Heavy Equipment Company for Construction and the Bucharest Autobase. In February 1990, the Romanian Drivers' Union, with 250,000 members, joined forces with the Independent Free Trade Union "Policolor" Bucharest (Sindicatul Liber Independent "Policolor") and the Free Trade Union "Aviație" (Sindicatul Liber "Aviație") to form the Trade Union Confederation "Brotherhood" (Confederația Națională Frăția). In March 1990, the National Confederation of Free Trade Unions in Romania (CNSLR) was established. However, some members later left the CNSLR to form the Cartel Alfa Trade Union (Confederația Națională Sindicală "CARTEL ALFA" - (C.N.S. "Cartel Alfa").

In 1993, the CNSLR-Frăția was formed after the merger of the two unions (CNSLR and CSI Frăția). Later, several federations split from the CNSLR-Brotherhood to establish the Confederation of Democratic Trade Unions in Romania (CSDR). In 2004, the CNSLR-Frăția and the National Trade Union Bloc announced plans to merge, but the proposal was abandoned by the end of the year.

In 2007, the CNSLR-Frăția, along with the National Trade Union Bloc and CSN Meridian, formed the Alliance of Trade Union Confederations in Romania (ACSR). This was a legal entity with a defined status, headquarters, and management structure, and represented the first step towards merging the three trade union confederations.

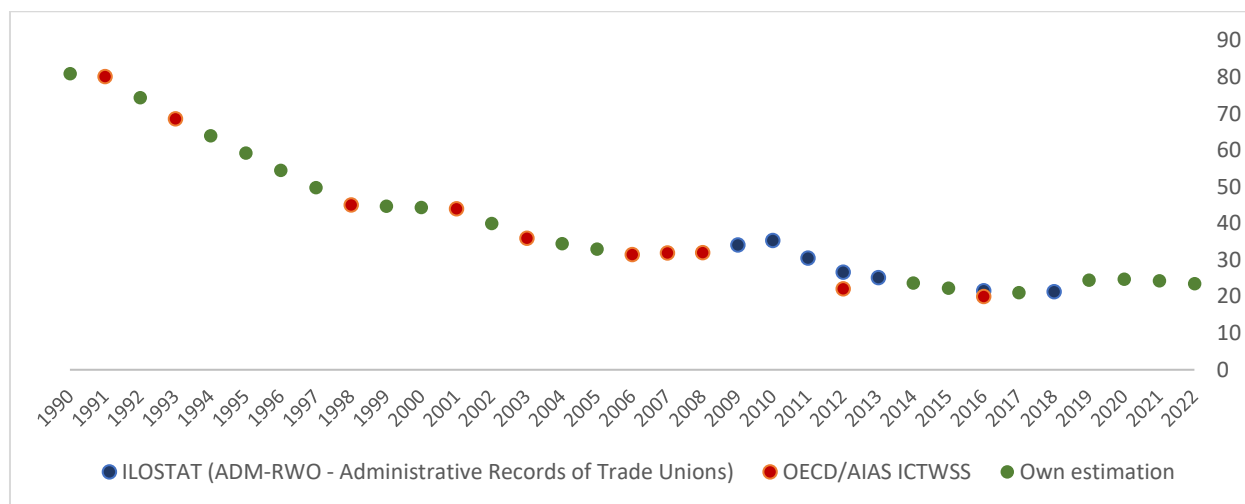
At its peak, the trade union density in Romania, which measures the proportion of workers who are union members, reached around 80% in the early 1990s. Since then, the trade union density has steadily declined and currently stands at around 23%<sup>1</sup>. The decline is attributed to several factors, including the negative impact of economic reforms, the growth of the informal economy, and the weakening of the collective bargaining system. However, union density is higher in Romania, compared to many other countries in Central and Eastern Europe, with approximately 20 to 25 percent of the workforce being unionized. The trade union density is displayed in the Figure 1. Data are compiled from ILOSTAT (ADM-RWO - Administrative

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<sup>1</sup> It is difficult to assess very accurate this indicator, since data are unreliable and often conflicting, depending on the source. Moreover, only the Unions keep the record of members.

Records of Trade Unions), ICTWSS database (OECD/AIAS - Amsterdam Institute for Advanced Labour Studies) and our own estimations based on the number of members reported by main Trade Unions and number of employees.

Figure 1: Trade Union Density



Source: ILOSTAT, OECD, Own estimation

Currently, the functioning of the Trade Unions is regulated by Art. 9 of the Romanian Constitution, Art. 214 of the Labour Code, and Law no. 367/2022 regarding social dialogue. Trade unions formed and registered may be affiliated with trade union federations, trade union confederations or territorial trade unions. Generically, they will be designated under the name of trade unions.

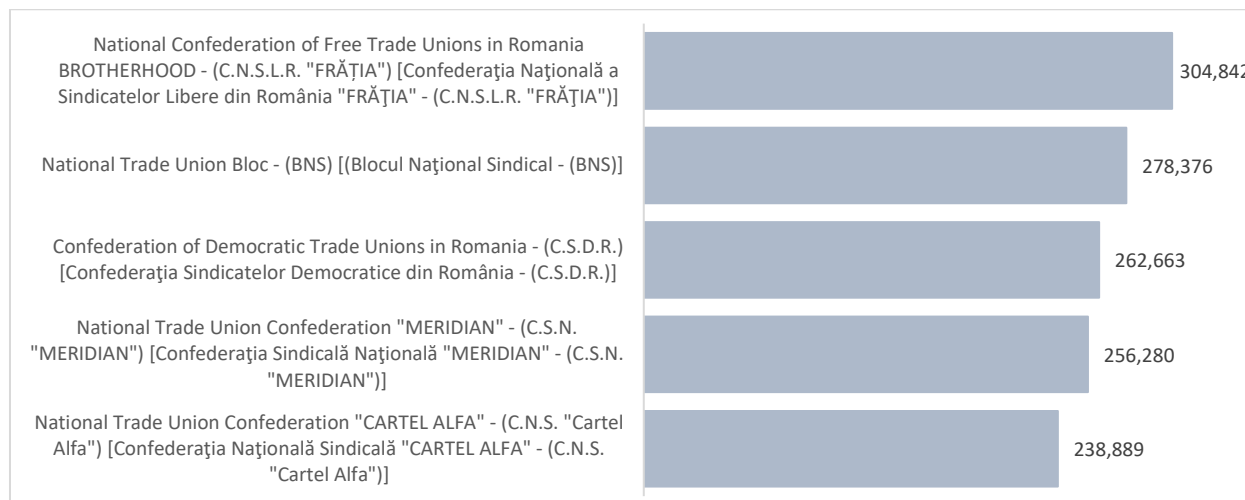
Trade unions can be associated, according to the criteria of the sectors of activity, in the following trade unions:

- Trade union federations - established by the association of two or more trade unions from the same sector of activity;
- Trade union confederations - established by the association of two or more trade union federations from different sectors of activity;
- Territorial trade union unions - constituted by federations and confederations of component trade unions.

A trade union can be affiliated, at national level, to a single trade union federation. Also, a trade union federation may be affiliated, at national level, to a single trade union confederation. Trade unions can also join similar organisations (federations and confederations) at European or international level.

At present, the union landscape is divided into five different confederations, namely CNSLR-Frăția, BNS, CNS Cartel Alfa, CSDR, and CSN Meridian, each having similar membership numbers and a range of affiliated federations (Figure 2).

Figure 2: Trade Union Confederations and their membership number



Source: Ministry of Labour and Social Protection

Approximately 1.3 million individuals in Romania are affiliated with trade unions. This estimate is reliable as the confederations are required to report their membership numbers to obtain national representative status, and these reports are made available on the website of the Ministry of Labour and Social Protection. These five main union confederations are all very similar size, mainly due to the requirement to have at least 5% of total employment in membership to be nationally representative. Therefore, they all need to have at least around 250,000 members to keep that status.

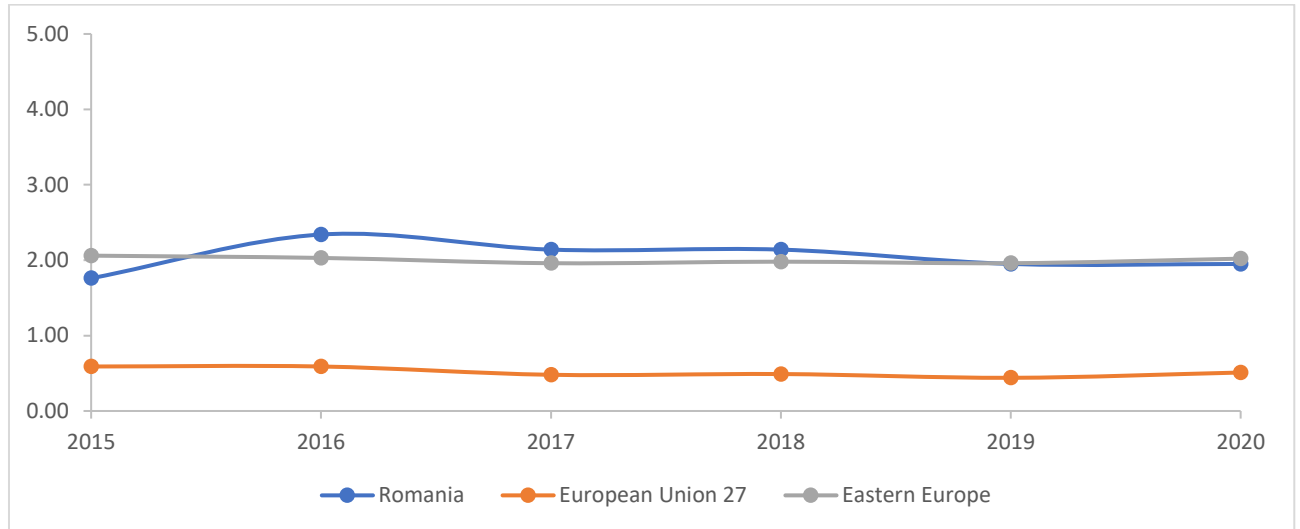
In recent years, trade unions in Romania have faced challenges such as declining membership, lack of support from the government, and difficulties in organizing workers in the informal economy. Despite these challenges, trade unions continue to play an important role in advocating for workers' rights and better working conditions in Romania.

### 1.1.1 An overview of collective bargaining in Romania

In terms of freedom of association and collective bargaining (FACB) level<sup>2</sup>, Romania reaches a lower level than the European Union (27) average but is situated at a similar level with the Eastern European level, see Figure 3 below.

<sup>2</sup> The measure the level of national compliance with fundamental labour rights (freedom of association and collective bargaining or FACB) is made by ILO based on six ILO supervisory body textual sources and on

Figure 3: Freedom of association and collective bargaining (FACB) level



Source: ILO

In Romania the collective bargaining is regulated by the Law 367/2022 which entered in force at the end of December 2022. This replaced the old regulation covered by the Law 62/2011 on social dialogue.

According to the Law 367/2022, the collective bargaining is mandatory both at group level, if the unit has at least 10 employees, and sectoral level<sup>3</sup>. At group (company) level, the employer or the employees can initiate the negotiation process. If they do not, the representative union will initiate it. The negotiation process must be completed within 45 calendar days, unless both parties agree to an extension.

During the collective bargaining, the employer must provide the trade union/employee representatives with supplementary information including plans for organizing work, setting work schedules and determining work hours for the upcoming contractual period, measures to safeguard employee rights in the event of a transfer of a business or parts thereof, and proposals for enhancing employee safety and well-being at work for the forthcoming contractual period.

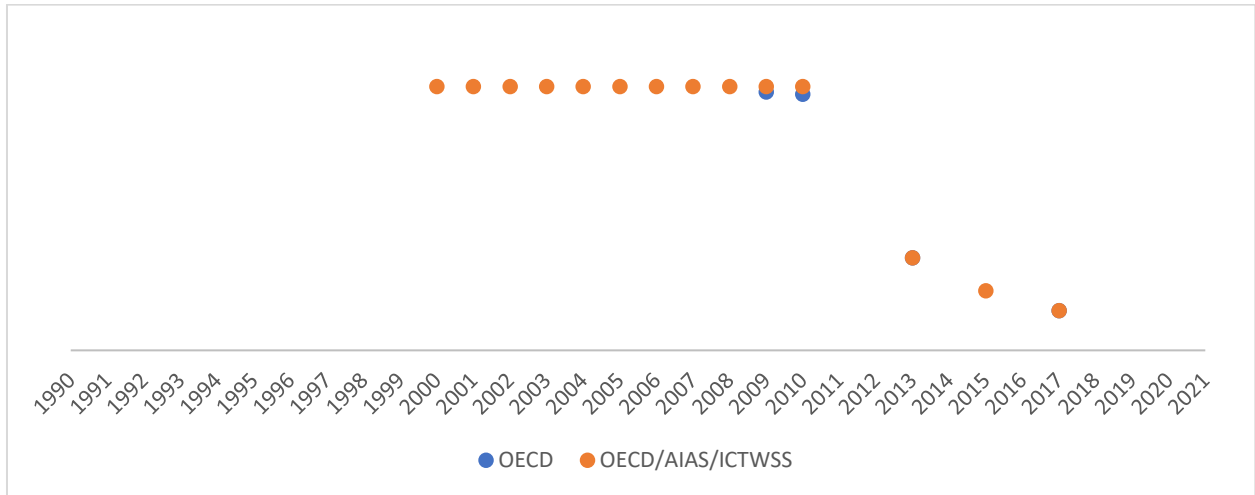
The collective bargaining coverage is presented in the Figure 4.

national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights)

<sup>3</sup> Sector agreements (when the signing employers' organisations represent more than 50% of the employees in the sector) and group-level agreements (when the share is below 50%).



Figure 4: Collective bargaining coverage

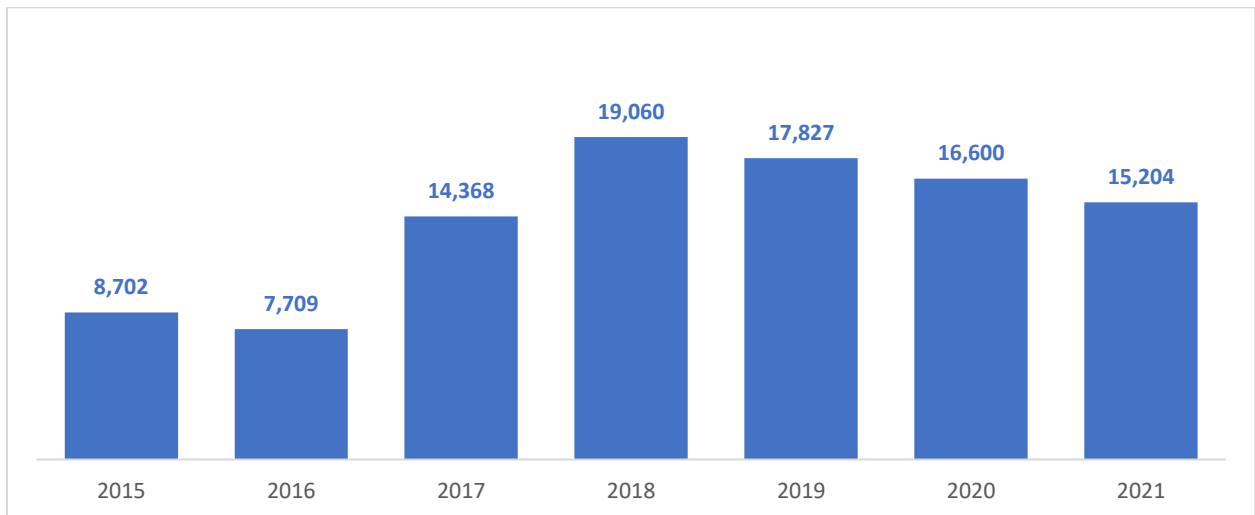


Source: OECD/AIAS/ICTWSS

Even though sectoral collective bargaining is mandatory, in practice there are very few agreements. For instance, in 2021 no collective agreement was concluded. Instead, collective bargaining at group level (company) are more present.

Figure 5 highlights the number of collective agreements (at company level) concluded between 2015 and 2021.

Figure 5: Number of collective agreements at company level



Source: Ministry of Labour and Social Justice, and Labour Inspection Office (2021)

There is a poor collective wage bargaining coverage. According to Eurofound, European Company Survey (2019), in 2019 the collective wage bargaining coverage was 48% of all employees (at all levels). In 2020, Romanian Labour Inspections estimates that 32% of employees are covered by such an agreement (estimation available only at company level).

### **1.1.2 The Covid 19 crisis impact on the union movement**

In the year 2020, a major focus of the national trade unions was their involvement in the creation of government initiatives aimed at mitigating the impact of the COVID-19 pandemic on the workforce. These initiatives included short-time work, technical unemployment, and compensation for childcare during school closures. However, the trade unions initially expressed criticism of the emergency ordinance that introduced short-time work, alleging that it gave employers too much control over changing work schedules without consulting employees or unions. Following negotiations and the threat of protests, the unions were able to secure amendments to the bill that were more favourable to employees.

In light of the increase in unemployment, the national trade unions called for an increase in unemployment benefits, which had remained unchanged since 2008. They argued that, according to the ILO Convention 168/1988 ratified by Romania, unemployment benefits should be a minimum of 50% of the minimum wage for those without unemployment insurance, and 50% of their last wage for those with insurance.

The trade unions also played a role in discussions surrounding a draft law to amend the Social Dialogue Act 62/2011 (Law 367/2022 was finally entered in force and replaced the Law 62), advocating for modifications to revitalize collective bargaining, defend freedom of association, and simplify the criteria for organizing strikes. The number of nationally representative trade unions remained unchanged from 2019, and the level of multi-employer collective bargaining remained low, with only five multi-employer collective agreements reached in 2020, compared to nine in 2019. Two sector-level agreements from 2019 continued to be in effect in the public health care and pre-university education sectors.

In the initial months of 2020, prior to the declaration of a state of emergency, three labour disputes were recorded, which was two fewer than in the same period in 2019. During the state of emergency, no labour disputes were recorded as all collective agreements were automatically extended, and no collective bargaining took place. In the third quarter of the year, only three labour disputes were recorded, and the number of employees involved decreased from 2,501 to 1,471.

## **1.2 Legal and political-economic context for trade unions**

Trade unions in Romania are established and operate under a series of legislative regulations. The main sources of the current legislative framework are the Romanian Constitution, the

Labour Code and the Social Dialogue Law, which has undergone several amendments over the years.

The right to work, social protection of labour, freedom of association and the right to strike are guaranteed by the Romanian Constitution ((1991), as stipulated in Articles 40, 41, 42 and 43, amended and supplemented by Law No 429/2003 revising the Romanian Constitution.

Labour Code (Law 53/2003) governs the field of labour relations, the way in which the enforcement of labour relations regulations is carried out, as well as labour jurisdiction.

The legal landscape of Romanian industrial relations is amid transformation. Positive changes are expected by social partners through a new Social Dialog Law (SDL) after many years of struggling to overcome the negative impact of the labour legislation changes in 2011.

In the following sections, we will refer to the organisation and activity of trade unions regulation in relation to SDL 62/2011 in force by December 2022, as time is too short for the new SDL 367/2022 to have produced effects in this respect, and which is already subject to legislative amendments/adjustments (Ministry of Labour and Social Solidarity, 22 March 2023) together with Law 53/2003 (Labour Code) which should be correlated accordingly. However, we will mention the long-awaited important changes comprised in the latter.

### **1.2.1 Legal framework for trade unions: representation and functioning of trade unions; tripartism, bipartism, collective bargaining and resolution of collective labour disputes; rights for unionisation and strike; legislation for collective bargaining.**

The social partners in Romania are now implementing a new Social Dialogue Law (367/2022) published in the Official Monitor no. 1238/ 22 December 2022. With this new act, the legislator has chosen to expressly abolish the old Social Dialogue Law 62/2011. For more than 11 years, in Romania, the trade unions organisation, representativeness and its entire activity (including collective bargaining, freedom of association, labour disputes, organisation of strikes) have been regulated and deeply negatively affected by the older one. Other social partners, such as employers' organisations, have also been affected by the negative effects of this law, which, although designed to improve social dialogue, has managed to do exactly the opposite. This law has been strongly criticized (Stoiciu 2016; ILO 2021) because it has weakened the role of the social partners in social dialog and reduced trade union rights and even raised the discrimination phenomenon. It has also forcibly decentralized collective bargaining (European Trade Union Institute 2016).

One of the main changes concerning trade unions brought about by the new Law on Social Dialogue (SDL) reduces the percentage required for a trade union to become representative, stating that a trade union can be representative if it comprises at least 35% of the employees/workers in a legal employment/service relationship with the company in question (as opposed to at least 50%+1, as was the case in SDL 62/2011).

Furthermore, the conditions for setting up a trade union are now more flexible, a trade union can now be set up by at least 10 employees in the same unit (as opposed to 15, as was the case in SDL 62/2011) or at least 20 employees in different units but in the same sector. Also, the possibility of union membership has been extended to include, for example, unemployed or self-employed workers. However, unemployed trade union members will not be considered when determining the number of trade union members in relation to which trade union representativeness is established.

Another important change is the mandatory requirement for trade union representativeness for collective bargaining at sector level or unit group level that member trade union organisations should have a membership of at least 5% (as opposed to 7%, as was the case in SDL 62/2011) of employees/workers in the collective bargaining sector or unit group, as appropriate.

Concerning employee representatives, the new regulations extend the scope of situations in which the representation of employees' interests is allowed, stating that in an employer where at least 10 employees/workers are employed (as opposed to at least 21 employees, as was the case by now) and where there is no trade union, the interests of employees/workers may be promoted and defended by their representatives, elected and mandated specifically for this purpose, in accordance with the law.

The new law also reintroduces the possibility of a national collective labour agreement, as SDL 62/2011 abolished collective bargaining at national level.

Given both the adverse effects of the old law on industrial relations and the recent legislative changes aiming to optimize them, the main changes in fundamental rights of unions over the years are presented in a comparative register in Table 1.

Table 1. Main changes in fundamental rights of trade unions

		Before Social Dialog Act - SDA 62/2011	Key changes after adoption of SDA 62/2011	Key changes after adoption of SDA 367/2022
<b>Collective Bargaining</b>	<b>National level</b>	Trade unions negotiate collective labour agreements (CLA) annually national, cross-industry collective agreements, binding on all.	Unions cannot negotiate national and cross-sectoral CLAs. Collective agreements can be negotiated at unit, group and sector level.	CLAs can be negotiated: ✓ at unit level, ✓ at unit group level, ✓ at sector level ✓ at national level
	<b>Sector level</b>	20 sectors (out of a total of 32) were covered by CLA in 2011	0 CLAs active at sectoral level in 2021, with only a few at group of units and units' level.	
	<b>Company level</b>	Trade unions were considered representative if their density was $\geq 33\%$ . Union representatives could take up to five days paid leave per month to deal with union affairs.	Unions are considered representative if their density is $\geq 50\%+1$ and the component trade union organisations have a combined membership of at least 7% of the workforce in the sector or group of units. => Unions with a density below 50% are not entitled to conclude CCs, but can ask representative union federations to negotiate on their behalf. Collective bargaining is only compulsory at unit level, unless the unit has fewer than 21 employees. Union representatives can take up to five days unpaid leave per month to deal with trade union matters.	Unions are considered representative if their density is $\geq 35\%$ and member trade union organisations have a membership of at least 5% of the employees/workers in the collective bargaining sector or group of units. Collective bargaining is mandatory at the unit level with at least 10 employees/workers and at collective bargaining sector. Trade union federations may be representative simultaneously in several collective bargaining areas, at the level of several groups of units or at the level of several units.
<b>Freedom of association</b>		A minimum of 15 employees from the same profession can form a trade union.	A minimum of 15 employees from the same company is required to form a union. => Trade unions cannot be formed in more than 90% of companies in Romania with less than 15 employees.	At least 10 employees/workers from the same unit or at least 20 employees/workers from different units in the same collective bargaining sector are required to form a union.
<b>Actions of protest</b>		Conciliation/mediation before the strike was not compulsory. Trade unions had the right to organize protest actions to enforce the CLA.	Conciliation/mediation mandatory before initiation of the protest. Employees do not have the right to strike if: - CLA provisions do not apply; - Settlement of the dispute requires legislative changes.	Conciliation/mediation mandatory before initiation of the protest. Employees do not have the right to strike if: - CLA provisions do not apply, now with some exceptions at sectoral level. - Settlement of the dispute requires legislative changes.

Source: Trif (2015), SDL367/2022

Referring to SDL 62/2011, Eurofound (2022) summarizes the industrial action and disputes in Romania as follows: The strike cannot be declared unless all other legally binding mechanisms for the reconciliation have been exhausted and a warning strike has taken place. A strike cannot be organized during the period of application of the collective agreement that is in force or during the mediation and arbitration procedures (or if so, it is considered illegal).

Under the SDL 62/2011, the decision to declare a strike could be taken by the representative trade union organisations participating in the collective labour dispute only with the written agreement of at least 50% plus 1 of the members of these trade union.

In the SDL 367/2022 it is stated that: the decision to declare a strike shall be taken by the trade union organisations entitled to negotiate the collective labour agreement and which have initiated the collective labour dispute; in the absence of representative trade unions, the decision to strike shall be taken by non-representative trade unions with the written agreement of at least one quarter of the employees/workers of the establishment (same regulation for the employees in units without any union organisation).

In Romania, social dialogue between stakeholders takes place at both bipartite and tripartite levels which are regulated by the social dialog law. The SDL 367/2022 defines bipartite social dialogue as “dialogue conducted only between trade unions/trade union organisations and employers/employer organisations” while tripartite social dialogue is defined as “dialogue between trade unions/trade union organisations, employers/employers’ organisations and central/local government authorities”.

Bipartite social dialogue can take the form of an autonomous dialogue (trade unions, employers), without any involvement of the Government in its regulation and organisation, or it is understood as a dialogue between trade unions and employers, expressed within the framework of compulsory collective bargaining (regulated by law) or in the form of consultation between Government - trade unions or Government - employers for the solution of problems of economic and social interest. Autonomous (bipartite) dialogue goes beyond legislative regulation and is based on mutual respect between the partners, voluntary capacity for action and negotiation, and committed involvement of the parties. However, practice shows that in Romania, autonomous dialogue remains misunderstood and poorly developed, due to the central role assumed by the Government throughout history in regulating and conducting collective bargaining and social dialogue in general.

The bipartite social dialogue is particularly evident in mandatory collective bargaining, regulated by law (old and new SDL), and in the procedure for settling collective labour disputes.

The Ministry of Labour and Social Solidarity describes the tripartite social dialog settings as taking place at different levels and taking the form of consultation and mutual information and, in the advanced form of social partnership, negotiation. Tripartite social dialogue at national level is manifested both in the institutionalised framework of the National Tripartite Council for Social Dialogue, a high-level structure regulated by Law 367/2011, and in other occasional tripartite consultation frameworks such as parliamentary working committees or other ad hoc structures such as interministerial committees. A particular manifestation of social dialogue at national level, similar to the social cooperation between the European institutions and the European Economic and Social Committee, is the consultation between Parliament/Government and the Economic and Social Council, set up as a structure for (civic) dialogue between representatives of civil society, i.e. the social partners and organised civil society organisations (see civic dialogue in the section 1.4).

### **1.2.2 Political-economic context for trade unions: Relationship between political parties and the unions, ties and contradictions over the years; Power and strength of trade unions in social dialogue system**

Political-economic context was a turbulent one for emerging trade unions in Romania after the fall of communist regime in 1989. One of the main tasks of the post-communist trade unions was the transformation from communist instruments of state control over the workplace into representation mechanisms of workers (Varga 2013). The years of transition were extremely provocative for both gaining workers confidence and struggling to influence the new emergent labour landscape as all governments (no matter the political colour) in the 1990s and early 2000s were highly committed to the privatization of the state-owned factories (mainly from heavy industry).

The influence of Romanian trade unions on state policies was strongest in the 1990s and progressively declined in the 2000s and beyond, becoming virtually insignificant after the government's unilateral legislative changes in 2011. The recession was used by the centre-right government as a pretext to reform the industrial relations system (Trif 2013).

In the first 15 years of the Post Communist Europe transition, Romanian trade unions organized and participated in significant worker protests. However, while protest capacity stayed relatively high, the extent of influence over national policies decreased.

After the 1990s post-communist socio-economic transition, privatizations often carried out without trade union consultation, and de-industrialisation process between 2000 - 2020 Romanian economy has started to gradually shift from industry to services, following the EU pattern, with impact on sectoral negotiations (PwC 2022).

There is a complex relationship between trade unions and politics in Romania. From the perspective of organisational ties, despite the legal provision that trade unions do not get involved in politics, a few collaborations of trade union confederations with political parties were mentioned by scholars (Stoiciu 2016; Trif 2004). In many cases, trade unions have been politically involved and have used their influence on secure favourable labour laws. They have sought to use their political influence to advance their interests but have also faced criticism from members who see this as a betrayal of their role as worker representatives.

Some unions have formed cooperation agreements with political parties - CNSLR Frăția had several cooperation agreements with Social Democratic Party, while BNS cooperated with Great Romania Party switching to centre-right political alliance DA - and have used their electoral support to secure positions for union members on party lists (Stoiciu 2016).

Some union leaders have switched to politics, becoming MPs or government officials themselves. In addition, there were organisational ties at regional level, where union representatives could join local or county councils.

### **1.2.3 Challenges, threats and opportunities faced by trade unions in expanding their power and the scope and coverage of collective agreements**

For many years the social dialogue process in Romania has been classified as rigid and inefficient at national level (by social partners) and in the international country evaluations (Chivu et al. 2013, European Commission 2019; ILO 2022), both legislative changes and the institutional architecture of the sectors contributing to this inefficiency (PwC 2022).

Repeated violations of the rights of freedom of association and collective bargaining have been reported by the main trade unions in Romania and relevant international bodies. Notably, ILO Conventions C087, C098 ratified by Romania since 1958 have been infringed.

Studying the period between 2015-2019, Eurofound (2020, 42) noticed that “in Romania, the 2011 social dialogue reform was still having effects on social partners and institutions, with significantly reduced collective bargaining coverage at sectoral level. Meanwhile, collective bargaining at company level in 2018 barely achieved the number of agreements reached in



2008, and agreements were mostly negotiated with employee representatives, not representative trade unions.” Also, Romania was identified one of the European countries with ineffective involvement of social partners, with social dialogue practices requiring further action. Despite CSRs (Country Specific Recommendations) and CEACR (Committee of Experts on the Application of Conventions and Recommendations - ILO) persistently addressing the issue, the shortcomings identified in participation in Romania have remained almost unchanged throughout the years, and the effectiveness of social dialogue itself was characterized by stagnation.

As of PwC study conducted in 2022 for Concordia employer organisation, the majority of interviewed stakeholders (Ministry of Economy, CNS Cartel Alfa, CNSLR Frăția, BNS, UGIR, Employers’ Federation of Financial Services, National Union of ITC, Support Services and Outsourcing Employees - SITT, Employers’ Confederation Concordia) still found the social dialogue ineffective in Romania as a result of: the lack of social dialogue culture, in general; the lack of national objectives to support the process of social dialogue at all levels; the type of regulated sectors in the social dialogue process; the distribution of employees in companies; the rigidity of the tripartite social dialogue; the lack of legislation and strategy alignment to the structural changes of the Romanian economy; the lack of social partners on both sides for sectoral collective bargaining; the legal barriers for setting up trade unions, respectively the representativeness thresholds associated with Law 62/2011.

Currently, 30 sectors of activity<sup>4</sup> cover the sectoral bargaining process in Romania, according to HG 1260/2011 (Ministry of Labour and Social Solidarity 2011). For 20 of the 30 sectors there are no representative social partners on both sides of industry who could bargain collectively, which blocks the premises social dialogue (PwC 2022).

In the Recovery and Resilience Plan (RRP)<sup>5</sup>, the Romanian Government pledges to improve social dialogue by implementing a new social dialogue law (Law 367/2022 mentioned above) and by supporting the main stakeholders (including trade unions and employers’ representatives) to have a relevant impact in the policy-making process (Ministry of Investment and European Projects 2021). The RRP also addresses digitisation and transparency, both at the level of consultation processes and at the level of legitimacy of the social partners, by digitising representation. “From a social point of view, the RRP includes reforms regarding the setting of the minimum wage and the modernisation of the Romanian social benefit system with the help

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<sup>4</sup> defined according to the Statistical Classification of Economic Activities -NACE Rev. 2

<sup>5</sup> approved by the Council of the European Union on 28 October 2021

of a subsistence minimum, aimed at combating poverty and creating fairer working conditions” (Dumitriu 2022, 1), stressing the importance of consulting social partners. This creates new hopes and opportunities for trade union representatives in Romania to expand the power, scope and coverage of collective agreements and to boost public trust in the institution.

### **1.3 Trade unions strategies**

Trade unions operate in a complex and rapidly changing environment, facing significant challenges in the form of global economic shifts, technological disruption, and political instability. In response to these challenges, trade unions in Romania have developed a range of strategies to protect the rights and interests of their members, including collective bargaining, social dialogue, political lobbying, and community mobilisation.

#### **1.3.1 Organisational strategies in attracting members**

Trade unions in Romania use a large combination of strategies to attract new members and strengthen their organisation. Online presence is the most common strategy for attracting members. All main trade unions have a website and social media pages to communicate with members and potential members. Through these they offer online resources, information about activities and initiatives, and promote the value of union membership.

In 2021, the Federation of Free Unions in the Petroleum and Energy Sector (FSLI) in Romania has launched a digital campaign aimed at attracting and engaging with members. Specifically, the campaign involves the launch of a new mobile application that allows members to access a range of services and resources directly from their smartphones. The new mobile application provides a range of features and benefits for members, including access to news and updates, information on collective bargaining agreements, legal assistance, and training and education resources. The app also provides a way for members to communicate with the organisation and stay up-to-date on events and initiatives.

Recently (2023), the National Trade Union Bloc (BNS) in Romania has implemented a significant digital transformation strategy aimed at improving the organisation’s ability to attract and retain members. The digital transformation strategy has involved the creation of a new online platform ([mybns.bns.ro](http://mybns.bns.ro)) that allows members to access a range of services and resources, including legal assistance, job postings, training and education materials, and information on collective bargaining agreements. The platform also provides a secure and

convenient way for members to communicate with the organisation and stay up to date on news and events.

### **1.3.2 Strategies in collective bargaining processes: negotiations with social partners' organisations and state institutions, coalition building with other organisations**

The provision in the Romanian Constitution (Art. 41 (5)) guaranteeing the right to collective bargaining and the binding force of collective agreements is an important recognition of the role that collective bargaining plays in protecting the interests of workers and promoting social justice.

There is not available too much information about the particular strategies that trade unions have. However, they often mobilize their members to support their bargaining positions during negotiations. This can involve organizing strikes, work stoppages, and other forms of industrial action to put pressure on employers to negotiate in good faith. In some cases, the trade unions use data and research to support their bargaining positions, such as by presenting evidence on wages, benefits, and working conditions in their industry or sector. An example of using evidence-based arguments to support their bargaining positions came from 2019 when BNS mobilized its members and engaged in a series of negotiations with employers across several key sectors, including healthcare, education, and public administration. They proposed a minimum wage increase of 400 lei (about 90 euro) per month, which would bring the minimum wage to 2,800 lei (about 600 euro) per month citing data showing that Romania has one of the lowest minimum wages in the European Union.

## **1.4 Trade unions, civil society and social movements**

The relationship between trade unions, civil society, and social movements is complex and dynamic, with each group having a unique role to play in shaping the social and political landscape of Romania. The next section explores the intersection of these three groups, with a particular focus on the challenges and opportunities facing trade unions in the context of civil society and social movements in Romania.

### **1.4.1 The relationship between trade unions, civil society organisations and social movements: ties and contradictions over the years**

The existing information and literature describe two types of possible relations (formal, informal) that should be considered referring to relationships between trade unions, civil society organisations and social movements.

On the formal side (regulated by law), both trade unions and employers' representatives agree on the importance of differentiating between social and civil dialogue (Concordia 2021; National Trade Union Bloc n.d.). Thus, the defining features of the two types of dialogue are described as follows: Social dialogue takes place between employers' and workers' representatives, plus central or local authorities. The participants in the civil dialogue are employers, trade unions and representatives of civil society (NGOs), to which may be added, in other formats, representatives of government or other public authorities; Social partners are only employers and trade union organisations.

The civic dialogue structure CES (The Economic and Social Council of Romania) is an advisory body to the Romanian Parliament and Government in the specialized fields established by law 248/2013. It is a public institution of national interest, tripartite, autonomous, set up for the purpose of carrying out tripartite dialogue at national level between employers' organisations, trade union organisations and representatives of non-governmental civil society associations and foundations. It is compulsory for the CES to be consulted on draft laws initiated by the government or on legislative proposals by deputies or senators, the result of which is expressed in advises on draft legislation.

The fields of expertise of the Economic and Social Committee are: economic policies; financial and fiscal policies; labour relations, social protection, wage policies and equal opportunities and treatment; agriculture, rural development, environmental protection and sustainable development; consumer protection and fair competition; cooperation, liberal professions and self-employment; citizens' rights and freedoms; health policies; education, youth, research, culture and sport policies.

The advisory body shall examine the draft legislative acts received and shall deliver its opinion within a maximum of 10 working days of receipt of the request. If not, the initiator is entitled to submit draft legislation for adoption without the opinion of the Economic and Social Council.

CES also has attributions to both establish relations with national and international bodies and organisations in the social and economic fields and to analyse and propose measures to improve the implementation of international agreements and conventions to which Romania is a party, as well as assistance programs initiated by specialized international bodies in its own field of activity.

On the other side, the relationship not necessarily regulated by law, between trade unions, civil society and the social movements (including popular or mass protests) of the last 30 years in Romania reveals an ideologically divided society.

While the 1990s were dominated by trade union-led workers' social movements struggling to frame the political-economic scene in transition, after 2011 emerged another type of social movements perceived as middle-class protests (Margarit & Rammelt 2020) described as being founded on the interests of young people (environment, anti-corruption, reform of justice system) with their intrinsic appreciation of Western models of democracy and meritocracy. Thus, Margarit & Rammelt (2020) emphasize that despite the high level of social mobilization Romania witnessed since 2012, the mobilization efforts of trade unions and popular protests did not manage to converge because of the incompatible mobilization frames. Furthermore, a gap was identified (Heemeryck 2018) between the Romanian civic and environmental<sup>6</sup> local movements and the transnational NGOs actively working to implement "democracy" and "civil society" programs in Romania.

#### **1.4.2 The most important mobilizations of industrial actions such as strikes, demonstrations and symbolic actions in the latest three decades in regard to issues concerning the bargaining process**

Traditionally, in Romania the industrial actions were difficult to initiate due to strict legislative provisions. In the old Law 62/2011 on social dialogue was stipulated that "collective labour conflicts may be initiated (therefore, also strikes) only on the occasion of bargaining about a collective labour contract. i.e. if the employer refuses to bargain; if the employer rejects the employees' claims; or if the parties do not reach an agreement".

The Law 367/2022 which entered in force in December 2022, includes some more permissive provisions, indicating that collective labour conflicts can be triggered in the following situations: the employer refuses to start the negotiation of a contract (if it has not concluded such a contract or the previous one has terminated); the employer/employer organisation does not accept the claims made by the employees/workers; the parties do not reach an agreement on the collective labour contract (until the date established by mutual agreement for the completion of negotiations); period agreed by the parties for their renegotiation has expired or if the parties do not reach an agreement regarding the renegotiation of the clauses to be

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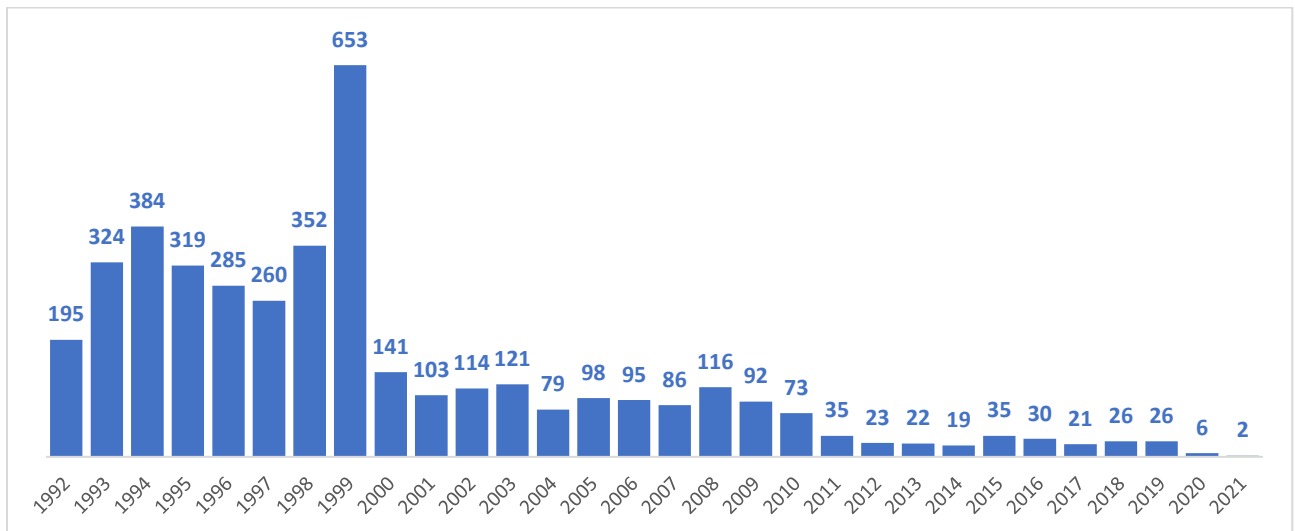
<sup>6</sup> The new social movements that emerged in 2012, built around gold-mining issues in the Roşia Montană region reveals a gap between two civil societies with divergent interests: one favouring the reproduction of capitalism, the other representing local aspirations.

periodically renegotiated; if the employer refuses to adhere to the collective labour contract/agreement at the collective bargaining sector level (although he participated in the negotiations).

There are not available longitudinal data about the context in which the industrial actions emerged, but a recent study published by Eurofound (2022), based on data from IAM revealed that, at the level of 2021, about 14% of total labour disputes were connected to collective bargaining issues, 43% to grievances over company-level policies, 14% to grievances over public policies, 7% to restructuring, and 7% to other issues.

According to INS, in the period between 1992 and 2021 there were 4,135 conflicts of interest<sup>7</sup>, see Figure 6.

Figure 6: Yearly frequency of conflicts of interest



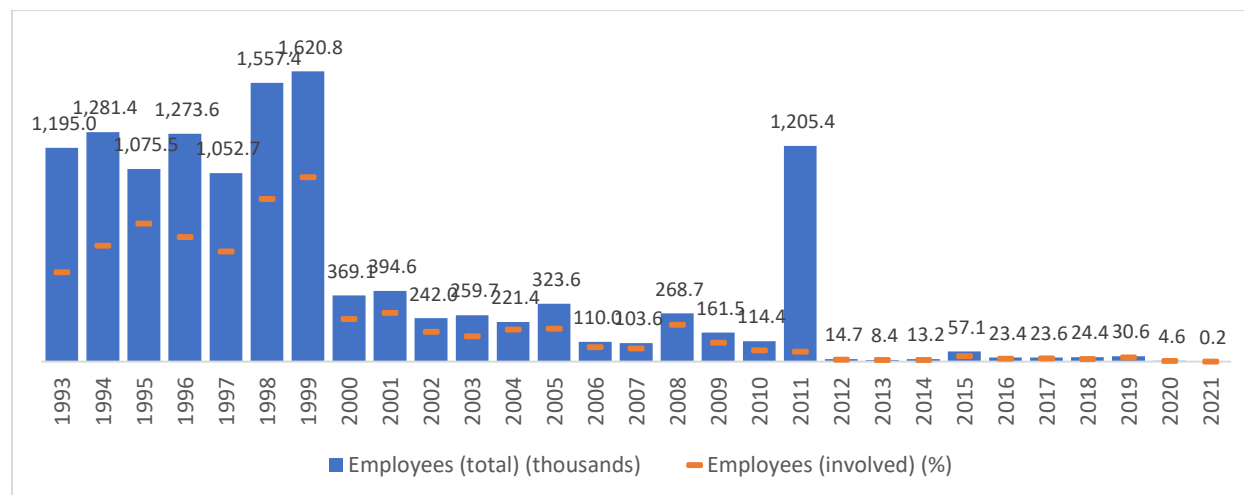
Source: INS

There was a general trend of increasing conflicts of interest in Romania during the 1990s, peaking in 1999 with 653 cases reported. However, since the early 2000s, there has been a general downward trend in the number of reported conflicts of interest, with occasional spikes in certain years. In recent years, there has been a relatively low number of reported conflicts of interest, with only six cases reported in 2020 and two cases reported in 2021. It is worth noting that the actual number of conflicts of interest may be higher than reported, as cases may go unreported or unnoticed.

<sup>7</sup> Conflicts of interest refer to the work temporary interruptions, generally for claiming purposes or normal labour relationships between the unit, on the one side, and its employees, on the other side

These labour disputes involved an average of about 60% of employees from the total number of employees from companies where disputes were taken place (Figure 7).

Figure 7: Number of employees from units where conflicts of interest took place and percent of employees involved



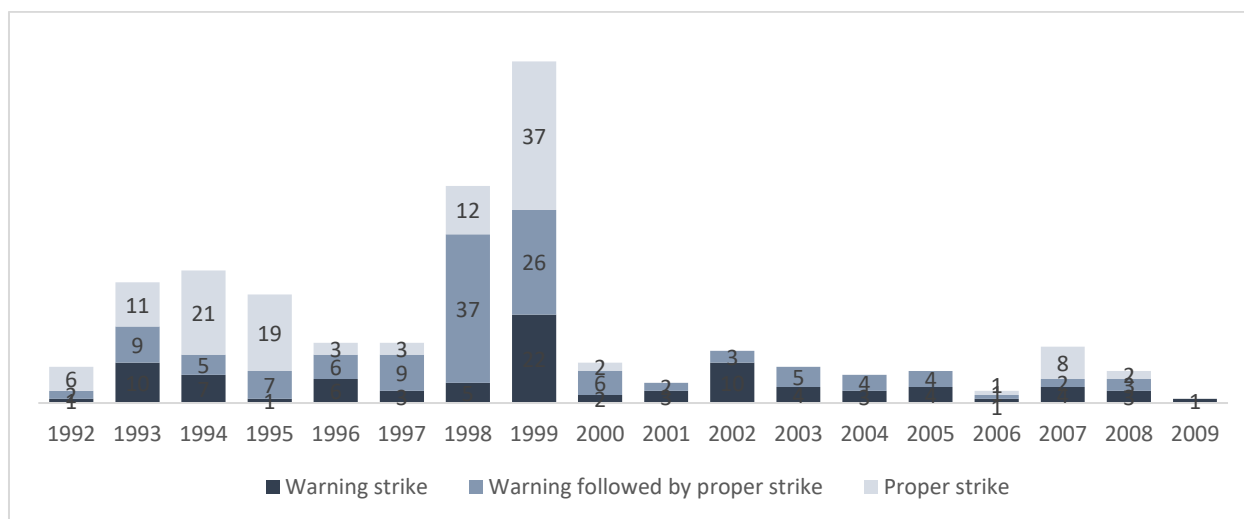
Source: INS

Labour disputes in Romania have fluctuated over the years. There was a significant increase in labour disputes in the mid-1990s, with over 70% of employees (from units where conflict had taken place) involved in 1995. However, the number of disputes decreased in the following years, with a few exceptions. In recent years, the number of disputes has been relatively low, with less than 75% of employees involved in any given year since 2010.

However, not all these labour disputes led to the strike. Since 2010, no strike was reported in Romania (it is about the strikes initiated by observing the procedure provided by law)<sup>8</sup> (Figure 8). The data shows that there has also been a decline in the number of strikes in Romania over the years. In the early 1990s, there were more warning strikes than proper strikes, but by the late 1990s, the trend shifted towards more proper strikes. However, after 2000, there has been a significant decrease in the number of strikes, with only a few warning strikes and proper strikes occurring each year.

<sup>8</sup> The Labour Code and the Social Dialogue Law (Law 367/2022) govern the right to strike, specifying that it can only be declared after exhausting all other legal means for reconciliation and conducting a warning strike. It is not permitted to organize a strike during the period of application of a collective agreement or during mediation and arbitration procedures. Two other forms of industrial action, the solidarity strike and warning strike, are also regulated. The solidarity strike is intended to support the demands of employees in the same group of units or sector, and it cannot last more than one working day. The warning strike must last a maximum of two hours and must be organized at least two days prior to the main strike.

Figure 8: Strikes initiated by observing the procedure provided by law by type of strikes



Source: INS

A significant proportion of labour disputes in Romania are connected to collective bargaining issues, with the majority being grievances over company-level policies. The number of labour disputes and strikes in Romania has fluctuated over the years, with occasional spikes in certain years but a general downward trend since the early 2000s. In recent years, there have been relatively few reported labour disputes and no strikes initiated by observing the procedure provided by law since 2010.

Thus, industrial actions in Romania were difficult to initiate due to strict legislative provisions that limited the circumstances in which strikes could be triggered. However, the new Law 367/2022 has introduced more permissive provisions that enable collective labour conflicts to be triggered in various situations.



## 2 Quantitative data findings – Protest Events Analyses (PEA)

This section examines trade union protests in Romania from January 2021 to August 2022. The data for this report was collected during the months of May and June 2022, from a variety of sources, including Agerpres, Digi24, and Hotnews.

“Agerpres” is the national news agency of Romania. Founded in 1889, it is one of the oldest news agencies in the Eastern Europe. Agerpres is a key source of official news and information for the Romanian government and public.

“Digi24” is a Romanian news television channel. Launched in 2012, it has become one of the country’s leading news channels. Through its web portal provides reports, news, and in-depth analysis on various topics being well-known for its objective and balanced news presentation.

“HotNews.ro” is a prominent Romanian online news platform. Established in 1999, it is one of the leading independent news websites in Romania.

All these sources provide news in multiple formats, including text, photo, and video, covering a wide range of topics from politics and economics to culture and sports.

Data collection involved an examination of news articles and press releases related to protest events from the aforementioned sources. The content about protest events not only provide insights into the nature and scope of trade union protests but also help identify the key actors, issues, and outcomes associated with these events.

One of the main challenges in collecting data on trade union protests was the unstructured format of the data. Each of the sources previously mentioned, presented data in different formats, styles, and levels of detail. Integrating and making sense of such diverse data has been challenging.

Another problem was that most of the local trade union protests are often not reported by the mainstream media. This is because the protests are often small and localised, and they do not always fit with the traditional news agenda. Therefore, in many cases, the content provided by the sources mapped was very poor and possible some events have been overlooked or underrepresented.

Another challenge is that there is no single repository of information on trade union protests in Romania. In the absence of a centralised system, data can be scattered, inconsistent, and harder to access and analyse. This means that we have to rely exclusively on the previously mentioned.

However, the cross-checking the facts and reputation of the sources provide credibility that the information is accurate. In addition, the informal expert consultation provides extra insights and context to the events.

Despite these challenges, the data collected for this report provides a comprehensive overview of trade union protests in Romania in 2021 and 2022.

This report is a comprehensive exploration of the trade union protests in Romania, offering a deeper understanding of the labour movement, its historical context, and the key events and actors that have shaped its course during the period from January 2021 to June 2022.

The following section of this report will examine the main characteristics of trade union mobilizations and the causes of the trade union protests in 2021 and 2022. There will also be analysed the actors, demands, repertoires, outcomes, and strategies applied by trade unions.

## **2.1 Main characteristics of trade union mobilizations in your country**

The number of protest events varies from month to month. The dynamic of protests is displayed in the Figure 9. Data shows a significant monthly fluctuation. In early 2021, there was a notable increase in protest activity, with 24 events in January and 18 in February. This suggests that the early months of 2021 saw a surge in labour-related grievances and calls for action.

However, there is a distinct decrease in protest events during the spring and summer months, particularly in April, May, and June 2021, data showing a seasonal patterns of protest events. This is a common trend in many regions, as protest activity often slows down during these months. The warmer weather and holiday seasons can contribute to this decline.

The number of protests increases in November and December 2021, indicating a resurgence in labour-related concerns during the later part of the year.

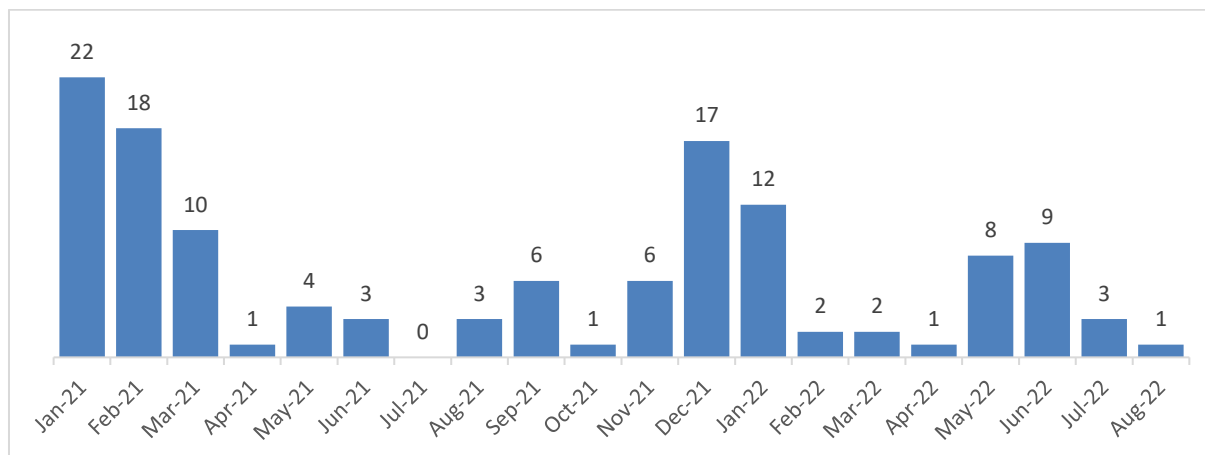
The trend continues into the beginning of 2022, with 12 protests in January 2022. This suggests that the labour movement remained active in advocating for workers' rights and other issues.

The number of protests then decreases in February, March and April 2022, only to rise again in May. This indicates that the landscape of labour issues is dynamic, with fluctuations in the intensity of protests.

While the number of protests remains relatively steady in May and June 2022, there is a slight decrease in the number of events compared to earlier in the year.

The data reflects a pattern of seasonal variations, with the lowest number of protests in summer and a possible resurgence in protest activity during the colder months.

Figure 9: Total number of protest events in Romania, Jan-21 to Aug-22



Source: protest events dataset

The chart illustrates the dynamic of trade union protest events in Romania over the course of a year and a half. It is important to mention that the variations in the number of events may be influenced by a multitude of factors, including labour policies, economic conditions, and social or political developments.

One possibility is that the COVID-19 pandemic has led to a deterioration in working conditions for many workers, which has in turn led to increased dissatisfaction among workers and trade unions, and this could explain the large number of protest events at the beginning of 2021.

Notably, several protests in early 2021, were tied directly to health and safety concerns amid the pandemic. For example, from January 10th to 16th, employees from the health sector, under the coordination of the “Solidarity in Health Federation”, organised protests in all counties. Their primary demand was centred around the health and safety of workers in their sector. Similar demonstrations persisted into February; for instance, on February 16th, railroaders rallied in front of the Ministry of Transport, and unionists from penitentiaries protested in Iasi.

Another possibility that influences the fluctuation of the number of events is that the government’s economic and social policies have contributed to the increase in protests. For instance, the government has implemented a number of austerity measures in recent years, which have led to cuts in public services and social benefits.

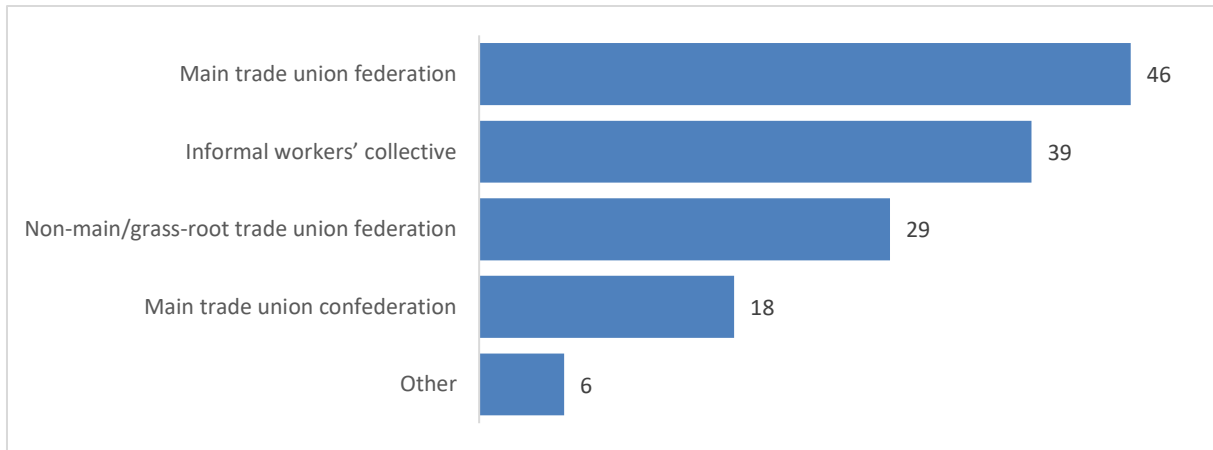
Actually, most of the trade union protests in 2021 and 2022 were marked by demands for increased wages, better working conditions, and improved social protection. On January 13th, “Publisind” highlighted the adverse effects of the government’s austerity measures on the

public sector, leading to public outcry. This sentiment was echoed in Galați on January 14th, where over 70 healthcare workers rallied against wage-related austerity actions. Mureș saw similar demonstrations on January 15th, organized by Cartel ALFA, protesting against wage sector austerity policies. Giurgiu experienced a notable protest on February 10th, with approximately 100 members of the Free Trade Union voicing their discontent regarding these measures. During April and May 2022, the National Trade Union Bloc (BNS) organised several protests regarding the reform of salary and pension laws. In June and July 2022, employees of the General Directorate of Social Assistance and Child Protection (DGASPC) demanded fair wages and the implementation of Law no. 153/2017 for all union members, as well as improved support for disadvantaged professional categories within the social assistance system. Trade Union of the National Institute of Statistics organised a series of protests to draw attention to wage discrimination within the institution and in comparison to other public sector categories, demanding fair implementation of salary laws. Also, pensioner representatives organised protests, shedding light on the widespread impact of these austerity decisions across various demographic groups in Romania.

Therefore, 2021 and 2022 were marked by persistent trade union protests in Romania. Central to these demonstrations was a consistent call for enhanced wages, improved working conditions, and robust social protection. The government's austerity measures, especially concerning the public sector wages and pensions, met with widespread disapproval. Various unions, from healthcare workers to statisticians, rallied against these policies, highlighting the adverse effects on their respective sectors.

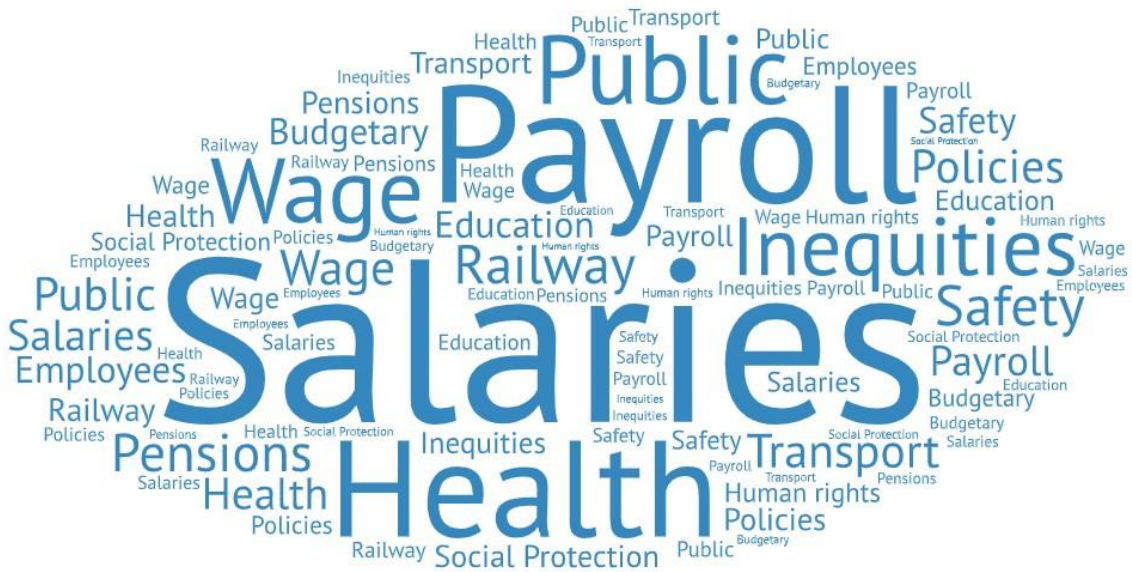
There were documented 138 protest events, reflecting the active engagement of 43 unique organisations. These organisations represent various sectors, each with its distinct set of demands and strategies. Among the participating organisations, the “Publisind Federation” emerges as a key player, participating in 10 events, underlining their steadfast commitment to eliminating wage inequities in the public system. The “National Trade Union Confederation Cartel ALFA” and the “Romanian Policemen’s Trade Union Diamantul” are also noteworthy, each involved in six events. In terms of types of actors, the main trade union federations were the primary organiser, followed by informal worker’s collectives and grass-root trade union federation (Figure 10).

Figure 10: Type of organised actor participating in the event



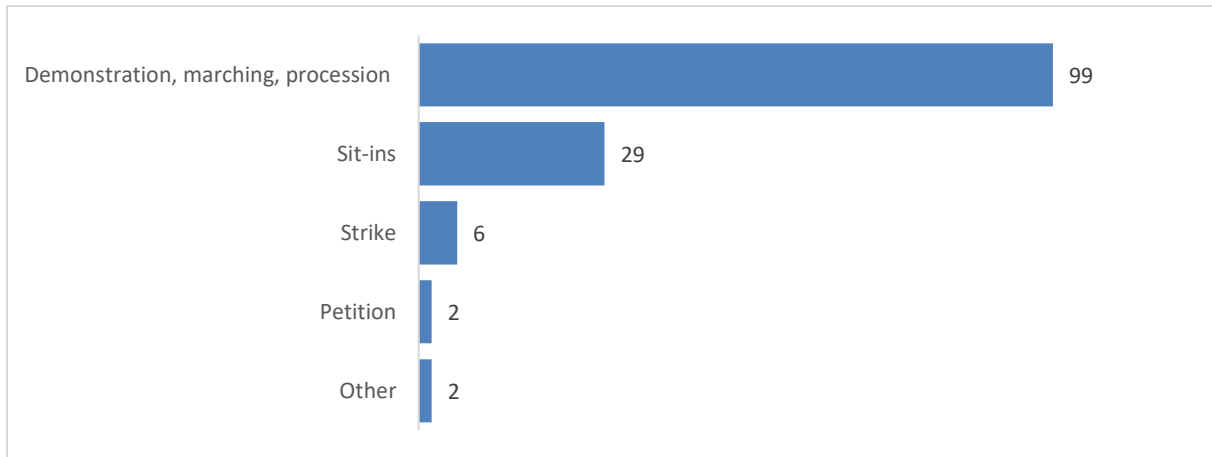
Among the most prevalent demands were the “wage inequities in the public system” and “salary policies”, each occurring 12 times, see Figure 11. These demands underscore the pervasive issues of wage disparities and the importance of fair compensation, especially within the public sector and law enforcement.

Figure 11: Demands of protest events



Remarkably, the dominant form of mobilisation across all these protests was “Demonstration, marching, procession”. It was also identified a substantial presence of sit-ins, see Figure 12.

Figure 12: Protest events by type



Overall, during 2021 and 2022, Romania witnessed a various trade union protests, unified in their demand for better wages, improved working conditions, and enhanced social protection, reflecting widespread disapproval of the government’s austerity measures that impacted diverse sectors and demographic groups.

## 2.2 Main campaigns

The years 2021 and 2022 were marked by a series of protests organised by various trade union organisations, federations and confederations reflecting deep-seated concerns about systemic issues and working conditions. Their demands resonated with the previous year’s themes, emphasising the continuity of their concerns. Over the two years, the trade unions showcased an array of protest forms. From demonstrations, marches, and processions to strikes and petitions, the unions strategically employed diverse repertoires to keep the momentum going and maintain public interest. Collaboration emerged as a cornerstone strategy. On several occasions, multiple trade union federations and confederations acted together, presenting a unified front against the challenges they faced. This collective approach amplified their message, showcasing strength in numbers. While the immediate outcomes of these protests varied, their consistent presence indicated the unions’ resilience and determination. The persistence of federations like the Sanitas Federation or Publisind, visible through their multiple protests over the two years, underscored the unions’ commitment to their causes.

Among those 138 protest events documented, some of them stood out through large participation.

The early days of 2021 set the tone, with federations like the Health Solidarity Federation and the Sanitas Federation making their voices heard. Their demands primarily encompassed improving working conditions, addressing unemployment, and challenging discrimination within the healthcare sector. On January 27, 2021, the National Trade Union Confederation “Cartel ALFA” organised a significant demonstration, drawing over 10,000 participants to the streets. Their march aimed to gain visibility and rally public backing against familiar systemic issues. This public demonstration, characterised by its large participation, highlighted systemic issues including budget cuts and the economic status quo.

Later, on December 22, 2021, over 100,000 employees from the education sector expressed their grievances. They address a petition to Government expressing dissatisfaction with salaries, considering the increase of about 65 lei as humiliating and announced a possible “prorogation” of the school situation for the first semester. This petitionary approach signifies a hope that collective signatures might rally broader support, drawing attention to their cause. Their concerns mirrored the issues raised in the previous protests, focusing on the economic landscape, budget cuts, and political dynamics.

2022 continued the trend, with trade unions such as the Federation of Free Trade Unions in Education and the National Federation of Administrative Trade Unions, among others, leading protests.

On January 19, 2022, the trade unions from Education Sector’s mobilised over 100,000 participants, employees from the education sector initiated a warning strike. This colossal turnout emphasised their readiness to escalate their demands if authorities remained unresponsive. The core issues revolved around systemic challenges: economic status quo, budgetary restraints, and political repression. The strategic use of strikes underscores the willingness of these employees to exert pressure, signalling a potential for further intensification if their concerns remain unaddressed.

On January 21, 2022, Sanitas Federation employed a petition to voice the concerns of over 5,000 health unionists. This approach, juxtaposed against their earlier demonstration, indicates a multifaceted strategy: oscillating between active and passive forms of protest based on the situation’s nuances.

On June 15, 2022, the Sanitas Federation, representing healthcare workers, organised a demonstration with 10,000 participants. The protest spotlighted the myriad challenges facing the healthcare sector, especially in the backdrop of systemic economic and political concerns.

The choice of a public demonstration underscores the healthcare sector's intent to make their struggles visible, emphasizing the urgency of their demands.

These protests underscore the pivotal role of trade unions and federations in mobilizing large-scale protests. Actually, trade unions and federations play a pivotal role in organizing and mobilizing large numbers of participants. While their demands often centre around systemic challenges, the strategies range from active mobilizations like strikes to passive ones like petitions. The recurrent themes across these protests highlight the pressing need for addressing economic and political challenges, reflecting a broader landscape of socio-economic discontent in Romania.

Out of the protest actions documented, 30 actions involved more than one organised actor, indicating a coalition or partnership. The most common coalitions were between main trade union federations and between non-main/grass-root trade union federations. There were also evidence of collaborations between trade unions and informal workers' collectives. Interestingly, only one instance of a coalition with a political party was observed.

Main trade union federation were most often involved in various coalition, around 15 times. They were followed by non-main/grass-root trade union federation - 7 times and main trade union confederation - 4 times. Informal workers' collective were involved 3 times in different coalitions. In this regard, several noteworthy examples can be highlighted.

A notable protest was spearheaded by employees of OMV Petrom in tandem with the Petrom National Trade Union. Their primary demands revolved around improving working conditions and addressing issues of unemployment and discrimination. This joint effort materialised as a picket, with members of the Petrom National Trade Union at the forefront.

Another significant demonstration saw the Manifest Trade Union collaborating with the "Iuris" Trade Union of Jurists. They rallied together to champion better working conditions, specifically highlighting concerns about unemployment and discrimination. Their collective voice echoed the sentiments of the members of both the Manifest Union and the Iuris Trade Union of Jurists.

The Romanian Policemen's Trade Union "Diamantul" and the National Trade Union of Police Officers also joined hands in organizing a protest. Their united front sought to shed light on the challenges faced by employees of the County Police Inspectorate, with a primary focus on working conditions, unemployment, and discrimination.



A collaborative effort was witnessed between the National Trade Union Confederation “Cartel ALFA” and the Federation of Free Trade Unions in Education. Their unified protest revolved around pressing demands concerning working conditions and the rights of workers, emphasising issues like unemployment and discrimination. This joint action showcased the dedication and commitment of trade unionists from Cartel ALFA.

Lastly, the Trade Union of Police Officers and Contract Staff collaborated with the Federation of Trade Unions of the Ministry of Internal Affairs to organize a protest. The joint action aimed to address concerns related to working conditions, unemployment, and discrimination, particularly focusing on the challenges faced by employees from the County Police Inspectorate.

Protests with multiple actors predominantly adopt the form of “Demonstration, Marching, Procession”, which accounts for over 96% of such protests. In contrast, when a single actor is involved, this form is chosen around 66% of the time.

“Sit-ins” are more common in protests led by a single actor (25%) compared to those with multiple actors (3.85%).

Forms like “Strike”, “Petition”, “Building Occupation”, and “Other” are observed in protests with single actors but not in those with multiple actors.

This analysis suggests that when multiple actors are involved, they prefer large-scale, visible demonstrations. In contrast, single actors usually opt for a wider range of protest forms, including sit-ins and strikes.

## **2.3 Conclusion**

Trade unions in Romania have showcased a robust capacity to mobilise protest campaigns during the observed period. Multiple instances of collective action, including demonstrations, marches, and sit-ins, punctuate the landscape of labour movements. The choice of demonstration as a primary form of protest, especially among coalitions, underscores the unions’ ability to rally large numbers of participants. This is evident in protests such as those led by the Federation of Free Trade Unions in Education (that mobilised protesters in front of the Government to voice concerns about systemic issues in Education sector), and the National Trade Union Confederation “Meridian” (that organised protests in various regions, highlighting their geographic reach).

Geographically, while the capital, Bucharest, remains a significant hub for such mobilizations, protests are not confined to this urban centre. Actions in various regions indicate that unions' influence is spread across the country, not just centralized in metropolitan areas. This widespread reach suggests that unions can rally support in diverse locales, irrespective of their urban or rural nature. For example, the CFR Employees protest in front of the Ministry of Transport witnessed solidarity from a political party and other main trade union confederation, showcasing a confluence of interests and shared concerns. Also, the Alro Free Trade Union and associated entities, along with a non-main/grass-root trade union federation, organised protests in front of the Government. This coalition of unions from the same sector exemplifies sectoral solidarity in action.

On the other hand, sectoral analysis reveals that union-led protests aren't restricted to a single economic sphere. From education and health to transport and industry, multiple sectors witnessed collective actions. This breadth might be indicative of where unions have a stronger presence, resources, and membership.

One of the standout features of the protest landscape is the solidarity showcased by different entities. Multiple protests saw collaborations between trade unions and other actors such as political parties and non-mainstream trade union federations. The recurrent presence of secondary and tertiary actors in these mobilisations indicates a shared concern and collaborative spirit. For instance, the National Trade Union Confederation "Cartel ALFA" and the Federation of Free Trade Unions in Education jointly protested for working conditions and rights. The sheer scale and combined force of such actions pushed the government to engage in negotiations. In another situation, the Romanian Policemen's Trade Union "Diamantul" and the National Trade Union of Police Officers organized a protest focusing on working conditions and discrimination. Given the essential nature of police services, such protests prompt swift governmental responses, either in the form of negotiations or policy adjustments.

However, it's essential to note that not all protests enjoyed such broad support. Some actions were primarily spearheaded by singular entities, suggesting that while solidarity is common, it's not ubiquitous.

The efficacy of these protest actions, in terms of achieving their demands, is a multifaceted issue. While some actions might have led to policy changes or negotiations with authorities, others might not have seen immediate results. The PEA help us to get insights into the nature of the demands, ranging from systemic changes to specific working conditions, but a longitudinal analysis would be required to measure their success rate over time.

The government's reaction to these protests varied. In some instances, there have been direct engagement and negotiations, while in others, a more standoffish approach could have been adopted. The diverse nature of the demands, coupled with the varying scales of protests, influenced the authorities' responses.

## 3 Qualitative data findings – Interviews

### 3.1 Introduction

The interviews conducted with a diverse range of stakeholders involved in the collective bargaining process such as trade unions representatives, employer organisations, state authorities representatives and civil society revealed a comprehensive overview of perspectives across different sectors and levels of involvement in collective bargaining. The interviews covered topics such as the efficacy and challenges of collective bargaining, the role and impact of collective agreements, the dynamics of negotiation and dialogue among stakeholders, etc.

Trade union representatives came from both unions with and without collective agreements, highlighting the varied experiences and challenges faced by labour representatives in negotiating worker rights and conditions. Employer organisations without collective agreements offered the perspective of businesses and employers navigating the complexities of labour relations. State authorities provided a regulatory and oversight perspective, while civil society organisations contributed an external viewpoint focused on advocacy and policy implications.

The number of respondents varied across the different categories, reflecting the diversity and breadth of stakeholders involved in the collective bargaining process. Each respondent was affiliated with a specific organisation, ranging from national trade unions and employer federations to state authorities and non-profit groups. Overall, at the study participated a number of nine organisations (Figure 13).

Figure 13: Interviewed organisations

Trade Union with CA	<ul style="list-style-type: none"> <li>• National Confederation of Free Trade Unions of Romania - Fratia [CNSLR - Fratia]</li> <li>• National Trade Union Confederation MERIDIAN</li> <li>• Trade Union of the National Institute of Statistics Bucharest (Grassroot level)</li> <li>• Federation of Trade Unions "Gaz Romania" [FSGR]</li> </ul>
Trade Union without CA	<ul style="list-style-type: none"> <li>• Federation of Trade Unions in the Ministry of Labour</li> <li>• Trade Union of European Workers</li> </ul>
Employer Organisation without CA	<ul style="list-style-type: none"> <li>• National Council of Small and Medium-Sized Private Enterprises in Romania (CNIPMMR)</li> </ul>
State representative	<ul style="list-style-type: none"> <li>• Ministry of Labour and Social Solidarity</li> </ul>
Civil Society	<ul style="list-style-type: none"> <li>• Global Forum Center</li> </ul>

The data collection process encountered challenges, which are common in qualitative research involving multiple stakeholders. One notable issue was the difficulty in finding respondents, most of them were hesitant to engage in the study. The reluctance manifested in non-responses to emails and calls, posing a significant hurdle in obtaining a balanced view from both sides of the bargaining table. When they were accepted, some were reticent to answer specific questions or complete sets of questions. Informally, they argued that they have concerns about confidentiality, the political sensitivity of the topics discussed, and the potential implications of their responses on their organisations and the broader collective bargaining landscape.

Despite challenges in data collection and the low number of respondents, their diversity and the depth of the conversations however contributes to a nuanced understanding of the dynamics, challenges, and opportunities in collective bargaining. The findings from these interviews are instrumental in informing policy recommendations, advocacy strategies, and future research in the field of labour relations.

### 3.2 Views on collective bargaining process

The analysis of the collective bargaining process, as delineated from the perspectives of various stakeholders, sheds light on the multifaceted nature of labour negotiations and the challenges therein. From trade unions with collective agreements to those without, and from employer organisations to state authorities and civil society, each group offers unique insights into the dynamics of collective bargaining.

**Trade unions that have collective agreements** express mixed views among union members and representatives regarding the efficacy and direction of the collective bargaining process. Some members acknowledge positive developments, suggesting that these agreements have been instrumental in securing better working conditions and rights. However, there is a prevailing sentiment that there are significant areas that require improvement. The critiques point towards a need for broader, more inclusive agreements that not only address national concerns but also align with European standards, thus ensuring a cohesive approach to workers' rights across different regions. A major challenge highlighted by trade unions with collective agreements is the lack of comprehensive national contracts. This absence leads to a fragmented bargaining landscape, where agreements might not uniformly cover all workers or sectors, potentially leaving some groups at a disadvantage. The need for enhanced dialogue is also emphasized, indicating that current communication channels between unions, employers, and other stakeholders may not be as effective or inclusive as required. This calls for a more robust framework for social dialogue, where all parties can engage in meaningful discussions to address and resolve issues pertaining to labour rights and conditions. The negotiation process itself, while not detailed explicitly in terms of specific issues, is hinted to be fraught with challenges. These include the limited scope of some agreements and potential inefficiencies in the dialogue mechanisms. The responses suggest a disconnect between the expectations of trade unions and the contributions or willingness to negotiate on the part of employers. This gap underscores the necessity for a more cooperative and open negotiation environment, where the concerns and needs of workers are adequately addressed and respected.

However, the effectiveness of these agreements and the overall bargaining process is subject to various challenges, including the need for more comprehensive contracts, improved dialogue, and greater inclusivity in negotiations. While there are elements that are appreciated, there is a consensus that there is significant room for improvement. Some respondents advocate for the establishment of collective work contracts at both national and European levels to ensure broader and more cohesive bargaining agreements. The main hurdles identified include the absence of a comprehensive national collective work contract, which leads to a fragmented approach to collective bargaining, and the necessity for better support for social dialogue at various levels.

For **trade unions without collective agreements**, the challenges are more pronounced. The absence of formal agreements places these unions in a less advantageous position when it comes to negotiating terms of employment with employers, which can significantly impact their

effectiveness and the overall well-being of the workforce they represent. One of the primary barriers encountered by these unions is restrictive legislation, which can severely hamper their ability to initiate and engage in collective bargaining. Such legislative environments create obstacles, making it difficult for unions to establish sectorial or enterprise-level collective agreements. This situation is further compounded by the reluctance of employers to enter into negotiations. Many employers prefer to maintain flexibility in setting employment terms, viewing formal agreements as potentially limiting or burdensome. This reluctance can stem from a variety of motivations, including a desire to avoid the perceived rigidity of formal agreements or a lack of recognition of the union's authority. The consequences of these challenges are multiple. Trade unions without collective agreements often find it challenging to secure favourable conditions for their members, which can lead to a diminished capacity to influence wages, working conditions, and other critical aspects of employment. This limitation can, in turn, affect the union's perceived value, potentially leading to reduced membership and overall influence within the workplace and broader labour market.

In response to these adversities, trade unions without formal agreements adopt alternative strategies to advocate for their members. Some unions seek support from political parties or engage in social actions, such as organizing protests and strikes, to highlight the need for the right to collective bargaining and to pressure both employers and legislators to create a more conducive environment for negotiations. Additionally, despite the absence of collective agreements, some unions manage to negotiate other types of benefits for their members, such as healthcare partnerships or improved workplace safety measures, through internal regulations or informal mechanisms. These efforts, while not a substitute for formal collective bargaining, can provide some level of support and improvement for workers' conditions.

The challenges faced by trade unions without collective agreements indicates the critical importance of a supportive legislative framework and a collaborative approach among workers, employers, and policymakers. It is essential to foster an environment conducive to collective bargaining to ensure that workers' rights and interests are adequately represented and protected, even in the absence of formal agreements.

**Employer organisations that operate without collective** agreements navigate a unique landscape within the labour market, characterised by distinct challenges and considerations. The absence of formal agreements with trade unions or employee representatives lead to a variety of implications for both the employers and the workforce involved. One of the key issues faced by these employer organisations is the need for clearer definitions and stabilisation of

negotiation sectors. The fluidity or uncertainty in sector boundaries can complicate the negotiation process, making it difficult for employers to engage in meaningful dialogue with employee representatives or trade unions. This lack of clear sector definitions can hinder the establishment of standardized terms and conditions of employment across an industry, leading to potential disparities and inconsistencies. Another significant challenge is the absence of invitations to negotiate from trade unions. This situation points to possible communication or engagement issues between employer organisations and trade unions, suggesting a disconnect or lack of mutual recognition that can stifle the initiation of collective bargaining processes. Without formal invitations or avenues for dialogue, employer organisations may find themselves isolated from constructive negotiations that could benefit both parties. Employer organisations are also confronted with a lack of familiarity with legal provisions related to collective bargaining. This knowledge gap can act as a barrier to effective dialogue and negotiation, as employers may not fully understand their rights, obligations, or the potential advantages of engaging in collective bargaining. The absence of collective agreements leads to frequent changes in salaries and employment conditions, creating an unstable environment for both employees and employers. Employers seek to maintain flexibility in adjusting salaries, but this can result in a lack of predictability and security for employees, potentially affecting workforce morale and stability.

Despite these challenges, employer organisations often maintain relationships with trade unions, indicating the presence of some level of dialogue or interaction. This engagement, however limited, suggests a foundation upon which more structured and formalised negotiations could potentially be built. Additionally, many employers' organisations report engagement with political parties and involvement with civil society movements, demonstrating an openness to dialogue and cooperation across different sectors of society.

**From the perspective of state authorities**, the collective bargaining process is viewed as being in alignment with European directives. The transposition of the EU directive on minimum wage into national law is seen by respondents as a step toward enhancing social dialogue and the collective bargaining process. This legal framework provides a foundation for negotiations, ensuring that all parties operate within a set of predefined rules that protect the rights of workers while also considering the needs of employers. State authorities are also responsible for monitoring the coverage and effectiveness of collective work agreements. This involves assessing how extensively these agreements cover the workforce and evaluating their impact on labour conditions. Monitoring helps authorities identify gaps in coverage or areas where the



effectiveness of collective bargaining may be improved, allowing for targeted interventions or policy adjustments. On the other hand, the respondents from the side of state authorities are concerned with the inclusion of non-standard forms of work within the collective bargaining framework. This includes workers in temporary, part-time, or gig economy roles, who may not traditionally be covered by collective agreements.

**Civil society** maintains project-based or analytical relationships with both trade unions and employer organisations, fostering an environment conducive to dialogue and mutual understanding. This collaborative stance is indicative of civil society's role as a facilitator of communication and cooperation, rather than a direct participant in negotiation processes. During the negotiation phases of collective agreements, civil society's involvement is notably indirect. Civil society organisations do not engage directly with trade unions or employer organisations in the negotiation of collective agreements, which highlights their supportive and auxiliary role in the broader collective bargaining environment. Their engagement tends to be more pronounced outside the negotiation phases, focusing on broader issues that might influence the collective bargaining context, such as policy advocacy, public awareness campaigns, and research. The facilitation of dialogue by civil society is primarily achieved through collaborative projects, analyses, and various activities that aim to build understanding and capacity among stakeholders. This approach emphasizes the development of a robust foundation for negotiations, rather than intervening in the negotiations themselves. By fostering an atmosphere of cooperation and mutual respect, civil society contributes to a more informed and equitable bargaining process. Regarding the right to strike, civil society's perspective suggests satisfaction with the current legislative framework, indicating that existing laws are deemed sufficient to protect this fundamental labour right. This viewpoint implies that, from the perspective of the civil society organisations analysed, there is no pressing need for legislative revision or further limitation on the right to strike.

In conclusion, the collective bargaining process is characterised by mixed evaluations regarding its direction. Challenges such as legislative clarity, employer reluctance, the need for clearer sector definitions, and the necessity for improved dialogue and engagement are prominent. The motives of employers, inferred from these challenges, include a desire for clear sector definitions and a tendency to maintain flexibility in employment terms. State authorities view the process as aligned with European standards, while civil society focuses on supporting the process through education and awareness initiatives. The engagement of trade unions with political parties and the active role of social movements in advocating for collective bargaining

rights highlight the political dimensions influencing the process. Overall, the interviews indicate the need for comprehensive improvements in the collective bargaining framework, emphasising the importance of stakeholder engagement, legislative clarity, and effective dialogue.

### 3.3 Practices and strategies

**The process of reaching collective agreements**, as highlighted by the responses from interviews, highlights the critical role of active social dialogue between labour representatives and employers. The respondents unanimously pointed out that such active engagement through social dialogue has been the primary mechanism through which collective agreements have been successfully reached in the past five years. However, the process is not without its challenges. One significant hurdle identified is the responsiveness of leadership, including management and employer representatives. The success of negotiations heavily relies on the willingness of leaders to engage in meaningful dialogue. Furthermore, a lack of genuine will and interest from employers to participate in the collective bargaining process has been noted as a barrier to reaching agreements. Transparency in negotiations and adherence to legal frameworks also emerged as crucial factors. These elements are essential for building trust between the negotiating parties and ensuring that the outcomes of negotiations are fair and comply with existing laws. Changes in legal frameworks, such as the revision of the Social Dialogue Law, were also mentioned as influencing the collective bargaining process, affecting the dynamics of negotiations and the rights and responsibilities of each party involved.

Civil society organisations, emphasise the role of education and information programs to improve the collective bargaining process, suggesting that an informed and engaged membership is crucial for effective social dialogue.

The state's perspective suggests alignment with European directives and emphasises the role of legal frameworks and institutional support in facilitating social dialogue and collective bargaining.

Respondents did not explicitly mention the coalition building as a way to reach collective agreements. On the other hand, the employer organisation acknowledges having relationships with trade unions, indicating an awareness and interaction with labour representatives. However, they highlighted the importance of constructive discussions and negotiations between labour representatives and employer organisations.

In some situations, the respondents refer to the use of collective disputes, mobilisation, protests, or strikes to reach a collective agreement. However, such actions were not indicated as key method for reaching collective agreements. The state representatives interviewed indicates that the legal framework regulates both collective labour disputes and the right to strike, suggesting an acknowledgment of these tactics within the legal and institutional structure of collective bargaining.

Therefore, the collective agreements are predominantly reached through active social dialogue, with a significant emphasis on constructive discussions between trade unions and employer organisations. While coalition building was not explicitly mentioned, it is likely an underlying strategy within social dialogue efforts. Collective disputes, including mobilization, protests, and strikes, are recognized tactics within the collective bargaining landscape, supported by legal frameworks and indirectly facilitated by civil society through capacity building and information dissemination.

The relationship between various actors in the process of collective bargaining is complex and multifaceted, involving interactions between trade unions, employer organisations, political parties, and social movements or civil society.

Trade unions engage directly with employer organisations in negotiations to reach collective agreements. The process is characterized by social dialogue, where constructive communication and negotiations are pivotal. The effectiveness of this relationship is crucial for the successful conclusion of collective agreements, with an emphasis on active engagement and responsiveness from both parties. Trade unions also interact with political parties and governmental entities, advocating for labour rights and policies that support workers' interests.

The state's role, as seen from the perspective of respondents, involves creating a conducive legal and regulatory framework for collective bargaining and social dialogue. The responses indicate that specialized institutions may be involved in monitoring and assisting with the collective bargaining process.

Trade unions collaborate with civil society organisations on issues of common interest, such as workers' rights, social justice, and labour standards. Civil society organisations support trade unions by providing platforms for dialogue, education, and capacity-building initiatives.

Employer organisations are the counterparts to trade unions in the collective bargaining process. The relationship is defined by the need for mutual understanding, negotiation, and compromise to reach collective agreements that are acceptable to both parties. Employer organisations

engage with political parties and the state to influence labour policies and regulations that impact the business environment and employer interests. The state's regulatory framework, as mentioned in the responses, provides the structure within which collective bargaining takes place. Employer organisations also engage with civil society, especially on broader socio-economic issues that affect both employers and the workforce. This engagement can range from participation in forums and discussions to collaboration on specific projects or initiatives.

Social movements and civil society organisations support the collective bargaining process by advocating for workers' rights, social justice, and fair labour practices. Their role is often supportive and facilitative, providing education, information, and platforms for dialogue among labour market actors.

The relationships among trade unions, employer organisations, political parties, and civil society are integral to the collective bargaining process. These relationships are characterised by negotiation, collaboration, and sometimes conflict, with each actor playing a role in shaping the outcomes of collective bargaining.

### 3.4 Conclusion

Our analysis explores the multidimensional issue of labour negotiations, focusing on the roles and interactions of trade unions, employer organisations, state authorities, and civil society.

The analysis revealed that trade unions, employer organisations, state authorities, and civil society hold **diverse views on collective bargaining**. Stakeholders such as trade unions, employer organisations, state authorities, and civil society exhibit varied perspectives on collective bargaining. Trade unions prioritise the establishment of comprehensive agreements that safeguard workers' rights and promote equitable working conditions. Conversely, employer organisations tend to emphasise the need for flexibility and the capacity to address specific needs within different sectors, occasionally voicing concerns about the perceived inflexibility of collective agreements. State authorities, on their part, advocate for strict adherence to legal frameworks and European directives, striving to find a balance between protecting workers' rights and accommodating economic imperatives. Civil society plays a unique role, encouraging inclusive dialogue and initiatives to raise awareness, with the goal of bolstering the collective bargaining process.

**The distinction between organisations that have collective agreements and those that do not** is significant. Organisations with collective agreements often acknowledge the significant

benefits these agreements bring in terms of establishing clear and stable employment terms, which in turn contribute to more harmonious labour relations. In contrast, organisations without collective agreements face numerous challenges in kick-starting and maintaining meaningful negotiations, frequently attributing these difficulties to legislative hurdles or a lack of reciprocal recognition among negotiating parties. The absence of collective agreements can lead to a fragmented bargaining scenario, marked by inconsistencies in working conditions across various sectors. The absence of formal agreements undermines trade union's negotiating power, exacerbated by restrictive legislation and employer reluctance to engage in negotiations. These unions resort to alternative strategies, such as political advocacy and social actions, to defend collective bargaining rights and secure better terms for their members, despite the formal agreements' absence. In case of employer organisations, those which operate without collective agreements face their own set of challenges, including unclear negotiation sector definitions and a lack of engagement invitations from trade unions. These issues, coupled with a knowledge gap regarding legal provisions for collective bargaining, create an unstable environment that affects both employers and employees.

The interviews allow us to identify the **common practices in reaching collective agreements**. Reaching collective agreements typically involves a process of active social dialogue, primarily between trade unions and employer organisations. This dialogue is underscored by the necessity for effective communication and a mutual willingness to find common ground. In certain situations, methods such as collective disputes, mobilisation, and even protests or strikes are employed as strategies to either commence or further negotiations. The success of these methods can vary, prompting some stakeholders to call for a more organised and formalised approach to ensure that the concerns of all parties are adequately addressed. For example, challenges such as leadership responsiveness, employer engagement, and the need for more comprehensive contracts are highlighted. Legal framework changes, like the Social Dialogue Law revision, also impact the negotiation dynamics.

In terms of **frameworks and procedures supporting collective bargaining coverage**, the analysis shows that the development and maintenance of collective bargaining coverage are significantly influenced by the existence of frameworks that promote wide-ranging, inclusive dialogue and strict compliance with legal standards. The role of supportive legislation, transparent negotiation processes, and effective dispute resolution mechanisms are highlighted as key elements in this context. Furthermore, the incorporation of European directives into

national laws, along with the creation of guidelines specific to both national and sectoral levels, are seen as vital steps towards a more unified and efficient bargaining environment.

**The relationships between stakeholders in collective bargaining** are marked by negotiation, collaboration, and sometimes conflict. Trade unions and employer organisations are direct counterparts in negotiations, with the success of collective agreements hinging on their ability to engage in meaningful dialogue. Both groups also interact with political parties and state authorities, advocating for supportive labour policies and regulations. Civil society plays a supportive role, advocating for workers' rights and facilitating dialogue among labour market actors. The state plays a crucial role by establishing a clear legal framework, overseeing compliance, and sometimes acting as a mediator in disputes. The collaboration with civil society organisations can significantly enhance efforts in education, awareness, and advocacy, leading to a better-informed array of stakeholders and a more supportive backdrop for collective bargaining.

Overall, the analysis revealed that the collective bargaining process is shaped by a complex interplay of diverse perspectives and motives, with each stakeholder group contributing to the broader dialogue.

## 4 Discussions

The industrial relations in Romania has been significantly impacted by the country's political and economic conditions. Political-economic context was a turbulent one for emerging trade unions in Romania after the fall of communist regime in 1989 (Varga 2013). The years of transition were extremely provocative for both gaining workers confidence and struggling to influence the new emergent labour landscape as all governments (no matter the political colour) were highly committed to the privatization of the state-owned factories (mainly from heavy industry). The influence of Romanian trade unions on state policies was strongest in the 1990s and progressively declined in the 2000s and beyond, becoming virtually insignificant after the government's unilateral legislative changes in 2011. The recession was used by the centre-right government as a pretext to reform the industrial relations system (Trif 2013).

Trade unions in Romania have faced challenges such as declining membership, lack of support from the government, and difficulties in organizing workers in the informal economy. However, union density is higher in Romania, compared to many other countries in Central and Eastern Europe, with approximately 20 to 25 percent of the workforce being unionized (Figure 1). In terms of freedom of association and collective bargaining level, Romania reaches a lower level than the European Union (27) average but similar with the Eastern European level (Figure 3).

The legal landscape of Romanian industrial relations is amid transformation raising expectations for positive changes. The social partners in Romania are now implementing a new Social Dialogue Law (SDL No. 367/22 December 2022). With this new act, the legislator has chosen to expressly abolish the old SDL No. 62/2011. For more than 11 years, in Romania, the trade unions organisation, representativeness and its entire activity (including collective bargaining, freedom of association, labour disputes, organisation of strikes) have been regulated and deeply negatively affected by the former legislation. The social dialogue process in Romania has been classified as rigid and inefficient (Chivu et al. 2013, European Commission 2019; ILO 2022), both legislative changes and the institutional architecture of the sectors contributing to this inefficiency (PwC 2022). Repeated violations of the rights of freedom of association and collective bargaining have been reported by the main trade unions in Romania and relevant international bodies. Notably, ILO Conventions C087, C098 ratified by Romania since 1958 have been infringed.

Other social partners, such as employers' organisations, have also been affected by the negative effects of this law, which, although designed to improve social dialogue, has managed to do

exactly the opposite. In Romania, social dialogue between stakeholders takes place at both bipartite and tripartite levels which are regulated by the social dialog law. SDL No. 62/2011 has been strongly criticized at national and international level (Stoiciu 2016; ILO 2021) mainly because it has weakened the role of the social partners in social dialog and reduced trade union rights and even raised the discrimination phenomenon. It has also forcibly decentralized collective bargaining (European Trade Union Institute 2016). The new SDL reintroduces the possibility of having a national collective labour agreement, as the former one abolished collective bargaining at national level in 2011.

The main Trade Unions are using a variety of strategies to attract new members and retain existing ones. Most unions have developed their websites and official pages on social media platforms and some of them use specialised apps to facilitate communication, provide members with legislative information or educational materials, and attract new members. Strategies used by unions in the collective bargaining process often involve mobilising union members to support their positions during negotiations (organising strikes, work stoppages and other forms of industrial action) or using data and research to support their bargaining positions (e.g. presenting evidence on wages, benefits and working conditions in their industry or sector).

Despite the challenges faced over time, trade unions continued to play an important role in advocating for workers' rights and better working conditions in Romania, even in the pandemic restrictive time.

The protest events driven by the trade unions between January 2021 and August 2022, despite the pandemic constraints imposed by the government, showcase the power of mobilisation and solidarity of trade unions in Romania at all levels (local, regional, national). Trade unions in Romania have showcased a robust capacity to mobilise protest campaigns during the observed period. There were documented 138 protest events, reflecting the active engagement of 43 unique organisations. The landscape of labour movements is marked by many forms of collective action. These include demonstrations, marches and sit-ins. Most of the trade union protests in 2021 and 2022 were marked by demands for increased wages, better working conditions, and improved social protection. The choice of demonstration as a primary form of protest, especially among coalitions, underscores the unions' ability to rally large numbers of participants. As the results of qualitative research highlight, when the legal framework for social dialogue and collective bargaining doesn't sufficiently respond to workers' needs, various forms of protest and strikes can come into play to signal to policymakers the need to adjust the law.



Traditionally in Romania, industrial action has been difficult to initiate because of strict legislative provisions. However, SDL No. 367/2022 provides more permissive regulations for organising protests and strikes when collective agreements are infringed. There are not available longitudinal data about the context in which the industrial actions emerged in the last years, but a recent study (Eurofound 2022), based on data from IAM revealed that, at the level of 2021, about 14% of total labour disputes were connected to collective bargaining issues, 43% to grievances over company-level policies, 14% to grievances over public policies, 7% to restructuring, and 7% to other issues. Our analysis of protest events for the same period also reflects the complexity of employees' grievances across a wide range of economic sectors, from education and health to transport and police.

From the perspective of civil society, the agenda of social movements (including popular or mass protest) is different from that of trade unions. The relationship not necessarily regulated by law, between trade unions, civil society and the social movements of the last 30 years in Romania reveals an ideologically divided society. Yet, on the formal side, civil society (NGOs) participates in the civil dialogue (in the Economic and Social Council of Romania - CES) along with employers' organisations and trade unions, which may be joined by representatives of the government or other public authorities.

The qualitative part of the research sheds light on the collective bargaining process in Romania from the different stakeholders' perspectives, such as trade unions, employer organisations, state authorities, and civil society. For their part, trade unions stress the need for comprehensive agreements that protect workers' rights and promote fair working conditions. Employers' organisations, on the other hand, tend to emphasise the need for flexibility and the ability to respond to specific needs in different sectors, sometimes expressing concern about the perceived inflexibility of collective agreements. Public authorities, in their role as mediators, advocate strict compliance with legal frameworks and European directives and seek to strike a balance between protecting workers' rights and meeting economic needs. Civil society has a unique role to play in promoting inclusive dialogue and awareness-raising initiatives to strengthen the collective bargaining process. Social partners with and without collective agreements gave different perspectives on the difficulties encountered in implementing collective bargaining.

As was underlined in the different parts of the research, the absence of collective agreements can lead to a fragmented bargaining scenario, marked by inconsistencies in working conditions across various sectors. It should be noted that in 2021 there were no sectoral collective

agreements in force, and only a few collective agreements at the level of unit groups and units, due to the limitations of the regulatory framework at the time. However, there are hopes with the recent trends, developments, and challenges in collective bargaining in general and sectoral bargaining in particular, brought by the new SDL no. 367/2022 and HG no. 171/March 2023. The HG no. 171/2023 redefines the collective bargaining sectors extending them from 30 to 58, aiming to make collective bargaining more flexible and encourage collective bargaining at sectoral level between the social partners on the basis of common interest and by agreement of the parties and improve the legislative framework for social dialogue in order to increase the number of collective labour agreements and protect resources and workers.

In view of all the recent legislative changes and the improvements that can be expected as a result, it is recommended that the monitoring of industrial relations in Romania be extended to follow the integration of the new regulations into the collective bargaining process.

## 5 Recommendations

As a result of the extensive research carried out, the persistent problems identified in the collective bargaining process, the declining strength and power of trade unions in Romania and the dynamics of the legislative and political-economic landscape, a series of operational recommendations emerged. The social partners should consider some possible steps to achieve their scope to support workers' rights in the actual dynamic labour relations, as follows:

- Ongoing monitoring of how the new legislative provisions will be implemented and enforced and reporting any violations.
- Extend, improve and strengthen social dialogue with social partners at all levels, as it becomes imperative for European countries to align minimum wages, employment and adult education and training policies with European directives.
- Active involvement in redefining collective bargaining sectors in order to conclude appropriate collective agreements at this level.
- Extending the digitisation of organisations to facilitate online communication, both to inform union members and the general public about union actions and their impact on labour market regulations, thus increasing awareness of the importance of social dialogue and collective bargaining.
- Facilitate participation in targeted training courses for union members to support the adaptation of employees' skills to a dynamic and sustainable labour market (e.g. digital and green skills).

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