

## employment - draft laws published in November 2017

**Draft Government Decision on Establishing the contingent of newly admitted workers by type on the Labor Market in 2018** was published on the Labor Ministry's website on November 6, 2017.

Under the provisions of Art. 29 para. (1) of the Government Ordinance no. 25/2014 regarding the employment and posting of foreigners on the Romanian territory and for the amendment of certain laws regarding the regime of aliens in Romania and considering (i) the dynamics of the issue of the employment/posting notices, which registered a significant increase compared to the year 2016 (ii) Romania's economic development potential, using the EU structural funds available; (iii) the need to ensure the required labour force in some sectors of activity or occupations, which cannot be covered by Romanian workers; (iv) prevention of situations in which foreigners work in Romania without legal forms, it is proposed to establish for the year 2018 the contingent of newly admitted workers on the Romanian labor market by types, as follows:

- (a) permanent workers - 4,000;
- (b) posted workers - 1,200;
- (c) persons transferred within the same company - 700;
- (d) highly qualified workers - 500;
- (e) seasonal workers - 400;
- (f) trainees - 100;
- (g) cross - border workers - 100.

The Draft Decision is published on the Ministry of Labor website until 19 December 2017 and can be accessed at the following link:

[http://www.mmuncii.ro/j33/images/Documente/Transparenta/Dezbateri\\_publice/20171106-Proiect-HG-contingent-2018-26102017.pdf](http://www.mmuncii.ro/j33/images/Documente/Transparenta/Dezbateri_publice/20171106-Proiect-HG-contingent-2018-26102017.pdf)

**The draft law on amending Government Emergency Ordinance no. 217/2000 regarding the approval of the minimum monthly consumption basket** was registered with the Senate for debate under no. B569 on November 14, 2017.

The draft law aims at introducing a new article according to which the minimum monthly consumption basket is assessed quarterly by the National Institute of Statistics and Economic Studies and its value is approved by a Government decision. It is also intended to introduce the provision whereby the minimum monthly consumption basket is the main element of basing the minimum national wage and the wage policy.

According to art. 2 from O.U.G. no. 217/2000, subsequently repealed by O.U.G. no. 11/2004, the minimum monthly consumption basket used to be assessed quarterly by the National Institute of Statistics and Economic Studies and its value was approved by Government Decision. The elimination of periodic updates has implicitly led to the cessation of the basing the minimum national wage, the wage policy and other social policies on this indicator, despite the fact that the normative act remained in force.

**The draft Order for the approval of the Methodology for the organization and operation of protected workshops** was published on the website of the Ministry of Labor on 21 November 2017.

The draft envisages the approval of the Methodology for the organization and functioning of protected workshops, which represent structures with or without legal personality, who host organized vocational training, non-formal education and occupational therapy for young people with special educational needs, aged over 16, and for disabled people. The purpose of protected workshops is to meet the education needs so as to enable / prepare for work and employment in order to gain a skill and achieve integration into active life, within a personalized and flexible framework.

According to the draft, the protected workshop can be set up in the community as a support, educational or training activity / service, within: (i) accredited educational establishments as providers of social services and / or authorized as providers of vocational training; (ii) non-governmental organizations accredited as providers of social services and / or authorized as providers of vocational training, as appropriate

The draft also includes provisions on the organization and operation of the protected workshop, as well as on the process of admission to it.

The adoption of the Order for the approval of the Methodology for the organization and functioning of protected workshops is considered necessary in view of the Operational Plan on the implementation of the National Strategy "A barrier-free society for people with disabilities" 2016-2020.

The Draft Decision is published on the website of the Ministry of Labor until January 9, 2018 and can be accessed at the following link:

[http://www.mmuncii.ro/j33/images/Documente/Transparenta/Dezbateri\\_publice/20171122-Ordin-metodologie-org-ateliere-protejateAnexa.pdf](http://www.mmuncii.ro/j33/images/Documente/Transparenta/Dezbateri_publice/20171122-Ordin-metodologie-org-ateliere-protejateAnexa.pdf)

**The draft law for supplementing Law no. 76/2002 on the unemployment insurance system and the stimulation of employment** was registered with the Senate for debate under no. B608 on November 29, 2017.

The draft aims at indexing the Social Reference Indicator (ISR) annually by 100% of the inflation rate as an indicator reflecting the average annual increase in prices. This indexing model is not a novelty, and is already provided for in the case of pensions, namely in Law 263/2010. If inflation is negative, the ISR is not indexed and remains at the value of the previous year.

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The inflation rate is the most accurate instrument for measuring the variation in the average price index. As the rationale for social benefit is to guarantee access to the daily basket for the beneficiary, the establishment of an autonomous indexing mechanism of the ISR annually guarantees subsistence for the recipients of social benefits.