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Improving Collective Bargaining in
European Union. Comparison of
Different Industrial Relations
Regimes – ImproCollBar 101052292

FINAL CONFERENCE

Presentation of the implemented research - ROMANIA

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Desk Research

Introduction

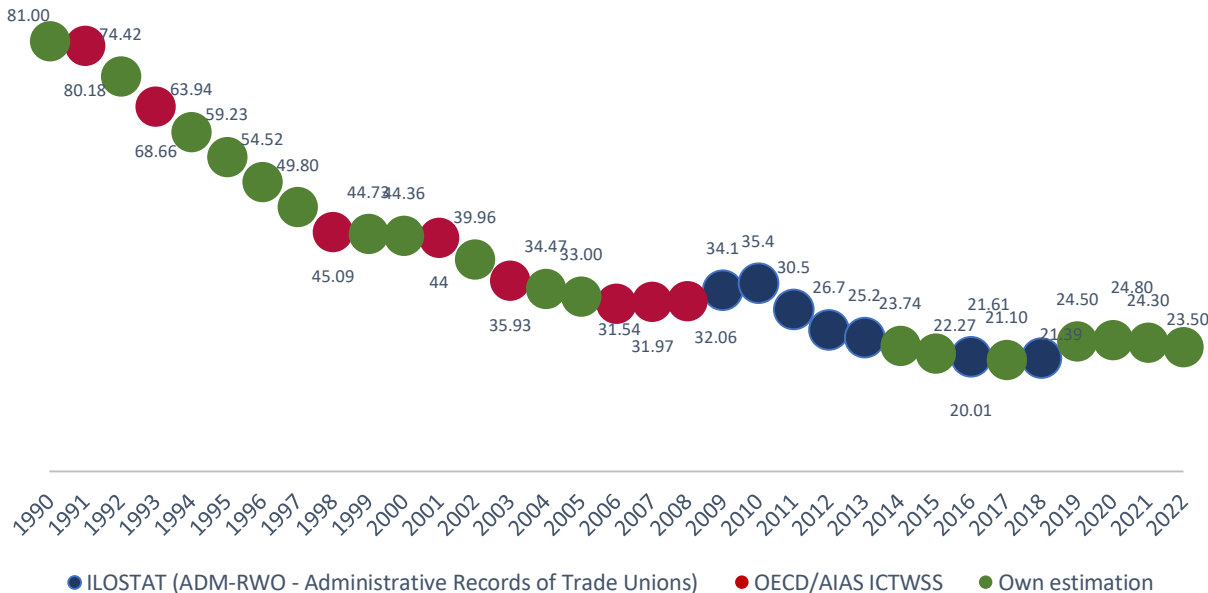
Population | 19.9 million people

Labor force | 8.381 million people (47.17% of population)

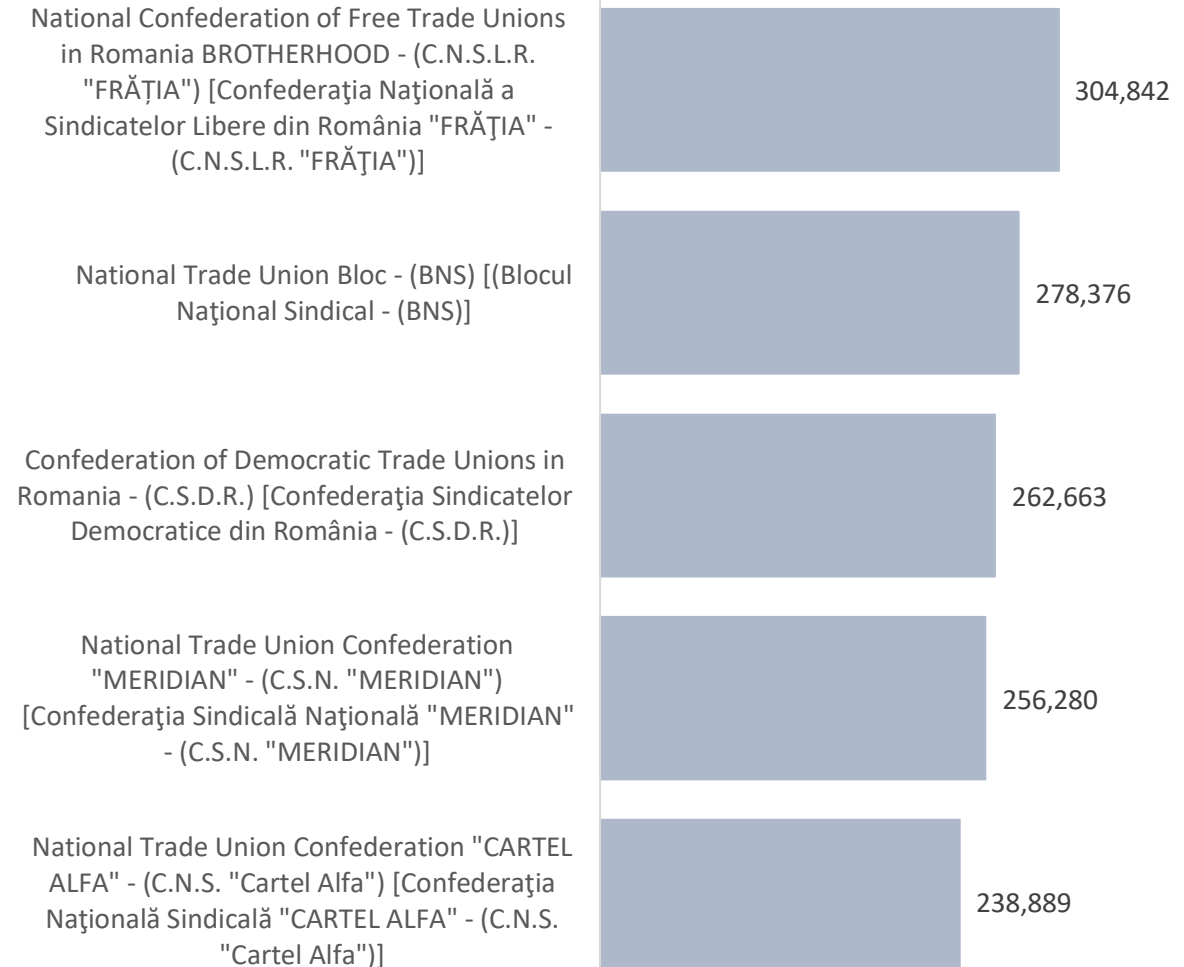
Unemployment rate | 5.17%

Long-term unemployment rate | 2.79%

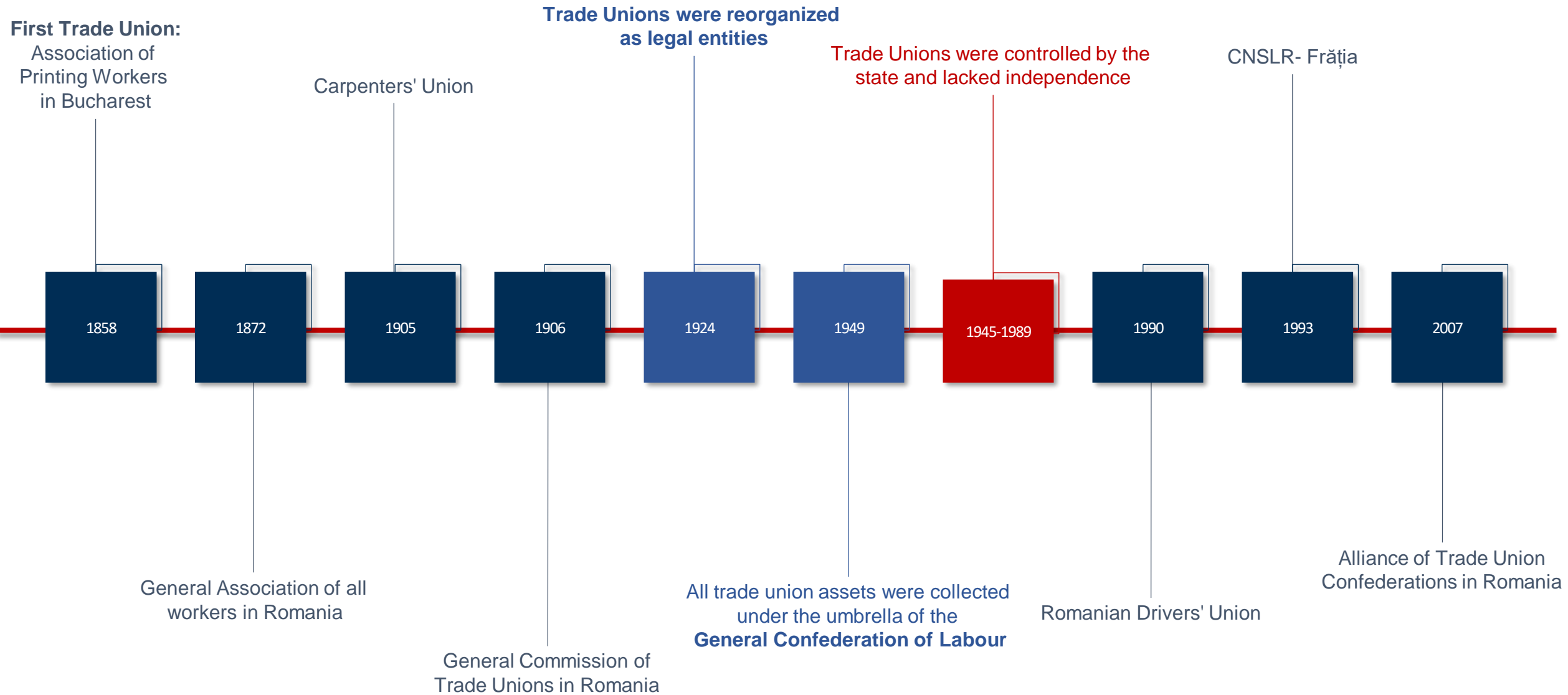
The trade union density



Main Trade Union Confederations (no. of members)



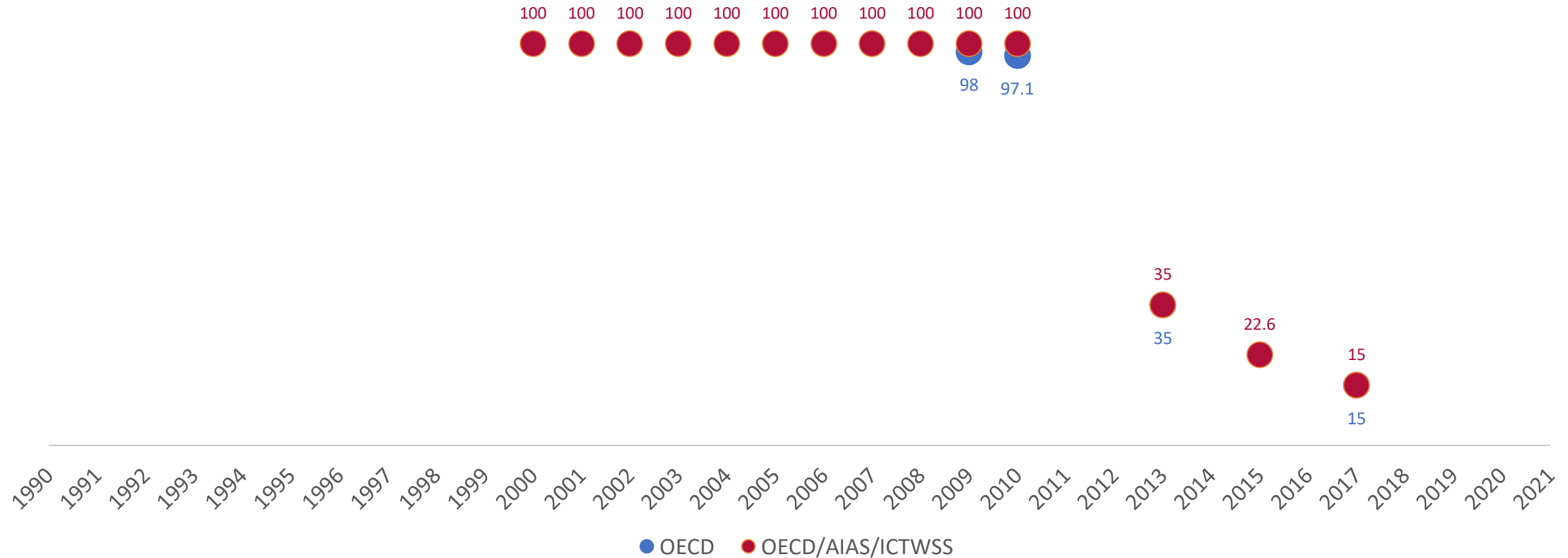
Development of trade unions in historical perspective



Development of trade unions in historical perspective

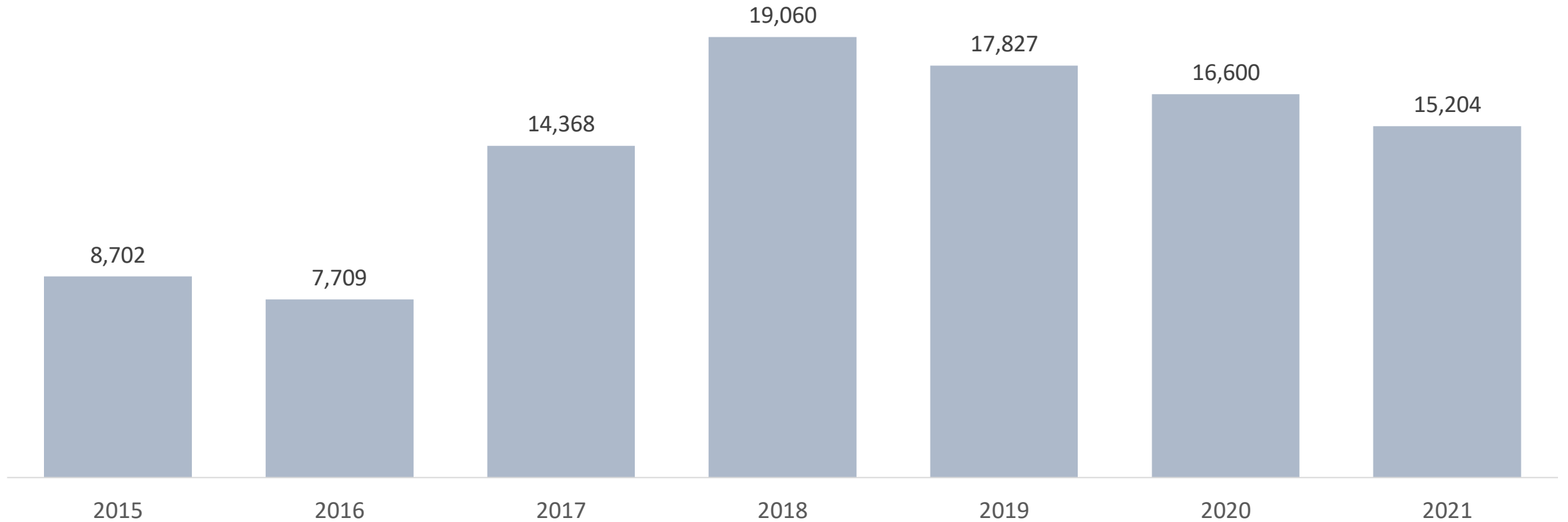
Collective bargaining coverage

Collective bargaining is mandatory
both at **group level**, if the unit has at
least 10 employees, and **sectoral level**



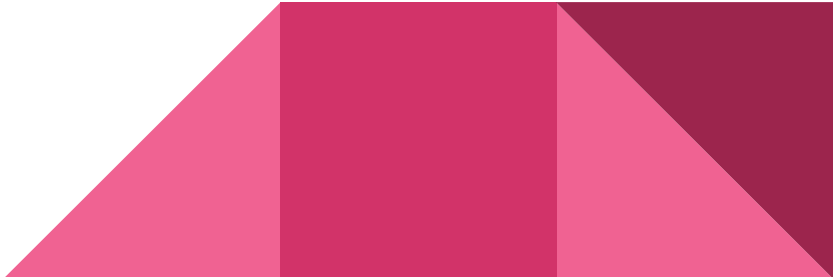
Development of trade unions in historical perspective

Number of collective bargaining (company level)



Legal and political-economic context for trade unions

Legal framework for trade unions

- The legal landscape of Romanian industrial relations is amid transformation. Social partners in Romania are now implementing a **new Social Dialogue Law** (367/2022).
 - Positive changes are expected by social partners (trade unions and employers' representatives) after many years of struggling to overcome the negative impact of the labor legislation changes 'back in 2011.
 - For more than 11 years, in Romania, the trade unions organization, representativeness and its entire activity (including collective bargaining, freedom of association, labor disputes, organization of strikes) have been regulated and deeply negatively impacted by the older one (SDL 62/2011).
- 

Legal and political-economic context for trade unions

Legal framework for trade unions

Main changes in fundamental rights of trade unions		Before Social Dialog Act SDA 62/2011	Key changes after adoption of SDA 62/2011 SDA	Key changes after adoption of SDA 367/2022
Collective Bargaining	National level	<ul style="list-style-type: none"> ➤ Trade unions negotiate collective labour agreements (CLA) annually national, cross-industry collective agreements, binding on all. 	<ul style="list-style-type: none"> ➤ CLA at national level abolished; ➤ Trade unions can't negotiate cross-sectoral CLAs. ➤ Collective agreements can be negotiated at unit, group and sector level. 	<ul style="list-style-type: none"> ➤ CLAs can be negotiated: <ul style="list-style-type: none"> ➤ at unit level; ➤ at unit group level; ➤ at collective bargaining sector level; ➤ and at national level.
	Sector level	<ul style="list-style-type: none"> ➤ 20 sectors (out of a total of 32) were covered by CLA in 2011 	<ul style="list-style-type: none"> ➤ 0 CLAs active at sectoral level in 2021 	
	Company level	<ul style="list-style-type: none"> ➤ Trade unions were considered representative if their density was $\geq 33\%$. 	<ul style="list-style-type: none"> ➤ Trade unions are considered representative if their density is $\geq 50\%+1$ and the component trade union organizations have a combined membership of at least 7% of the workforce in the sector or group of units. ➤ Collective bargaining is only compulsory at unit level, unless the unit has fewer than 21 employees. 	<ul style="list-style-type: none"> ➤ Trade unions are considered representative if their density is $\geq 35\%$ and member trade union organizations 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 the level of the collective bargaining sector.

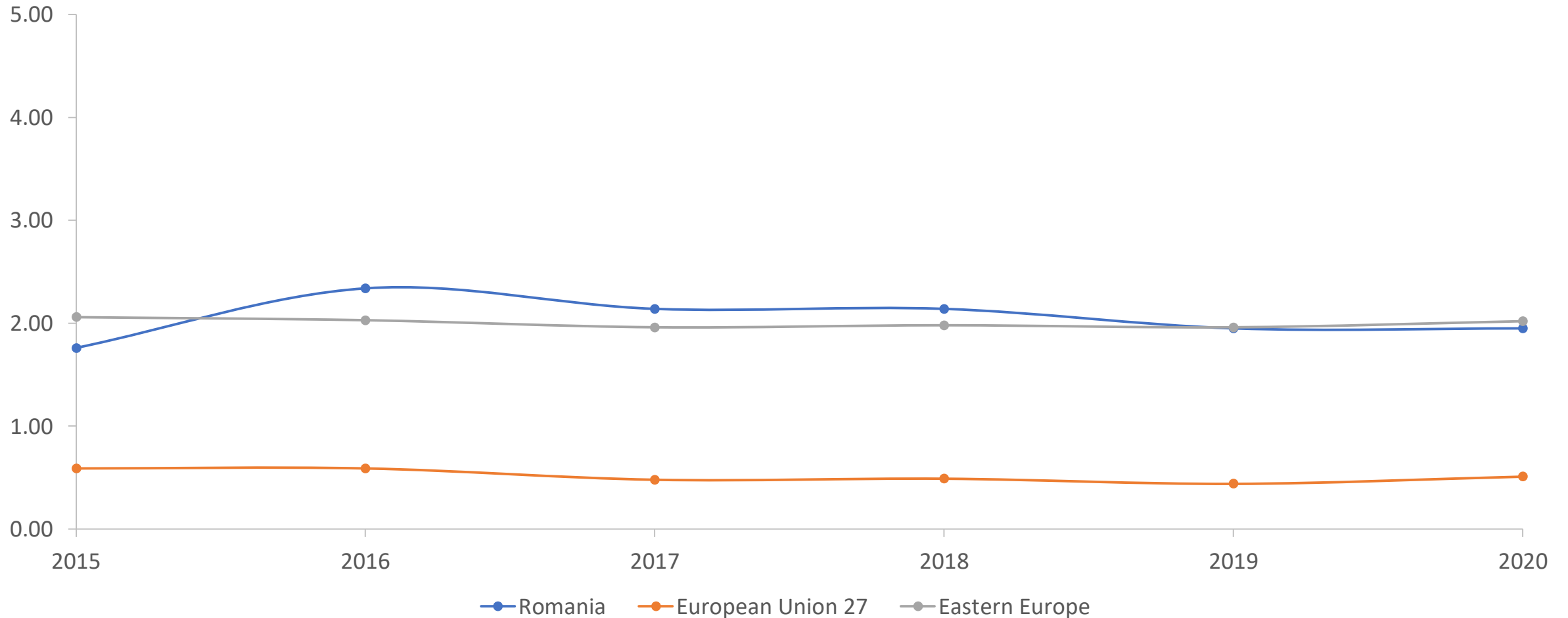
Legal and political-economic context for trade unions

Legal framework for trade unions

Main changes in fundamental rights of trade unions		Before Social Dialog Act SDA 62/2011	Key changes after adoption of SDA 367/2022
<i>Freedom of association</i>	<ul style="list-style-type: none"> ➤ A minimum of 15 employees from the same profession can form a trade union. 	<ul style="list-style-type: none"> ➤ 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. 	<ul style="list-style-type: none"> ➤ 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.
<i>Actions of protest</i>	<ul style="list-style-type: none"> ➤ Conciliation/mediation before the strike was not compulsory. ➤ Trade unions had the right to organize protest actions to enforce the CLA. 	<ul style="list-style-type: none"> ➤ Conciliation/mediation mandatory before initiation of the protest. ➤ Employees do not have the right to strike if: <ul style="list-style-type: none"> - CA provisions do not apply; - Settlement of the dispute requires legislative changes. 	<ul style="list-style-type: none"> ➤ Conciliation/mediation mandatory before initiation of the protest. ➤ Employees do not have the right to strike if: <ul style="list-style-type: none"> - CA provisions do not apply, with some exceptions at sectoral level. - Settlement of the dispute requires legislative changes.

Trade unions, civil society and social movements

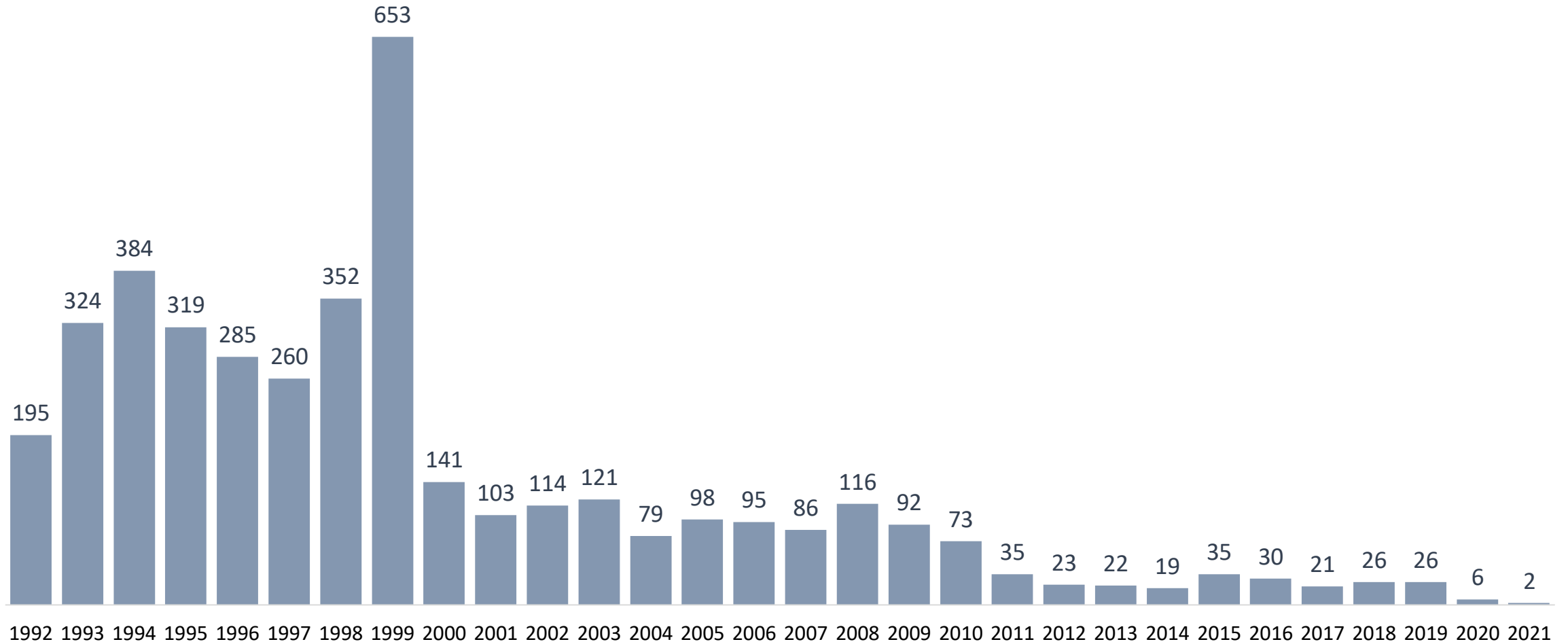
Freedom of association and collective bargaining (FACB) level



Source: ILO

Trade unions, civil society and social movements

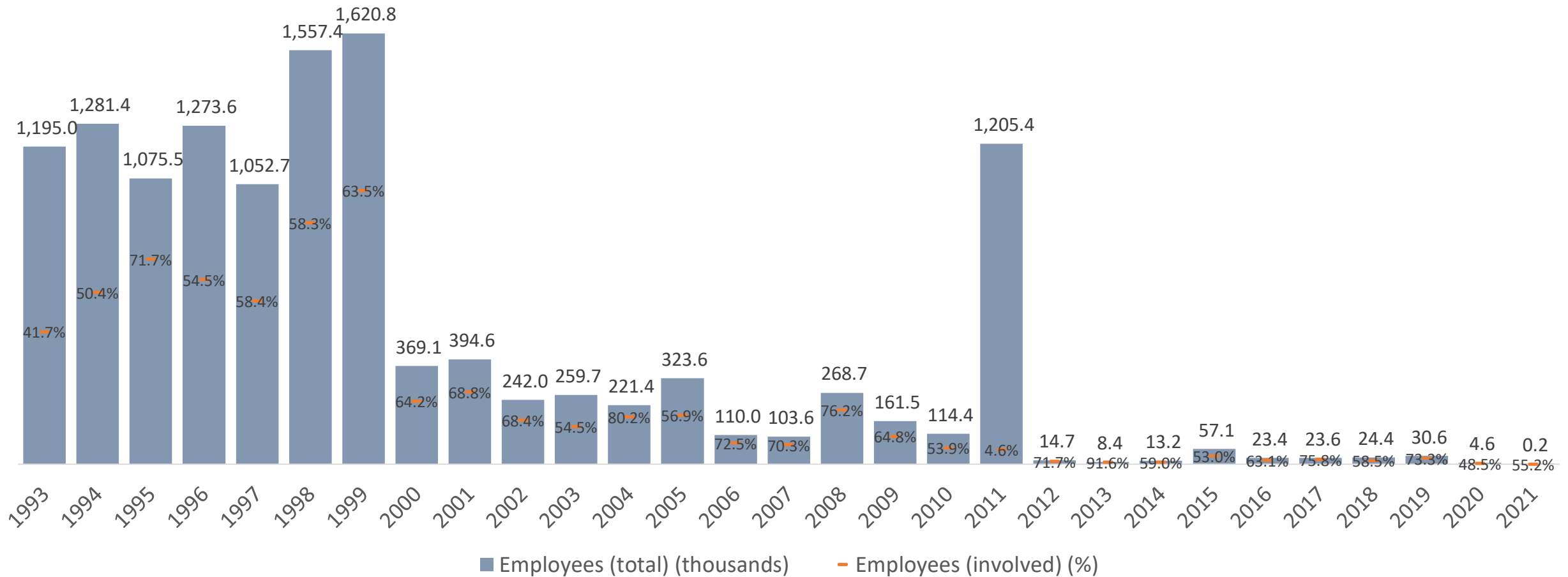
Conflicts of interests



Source: INS – National Institute of Statistics

Trade unions, civil society and social movements

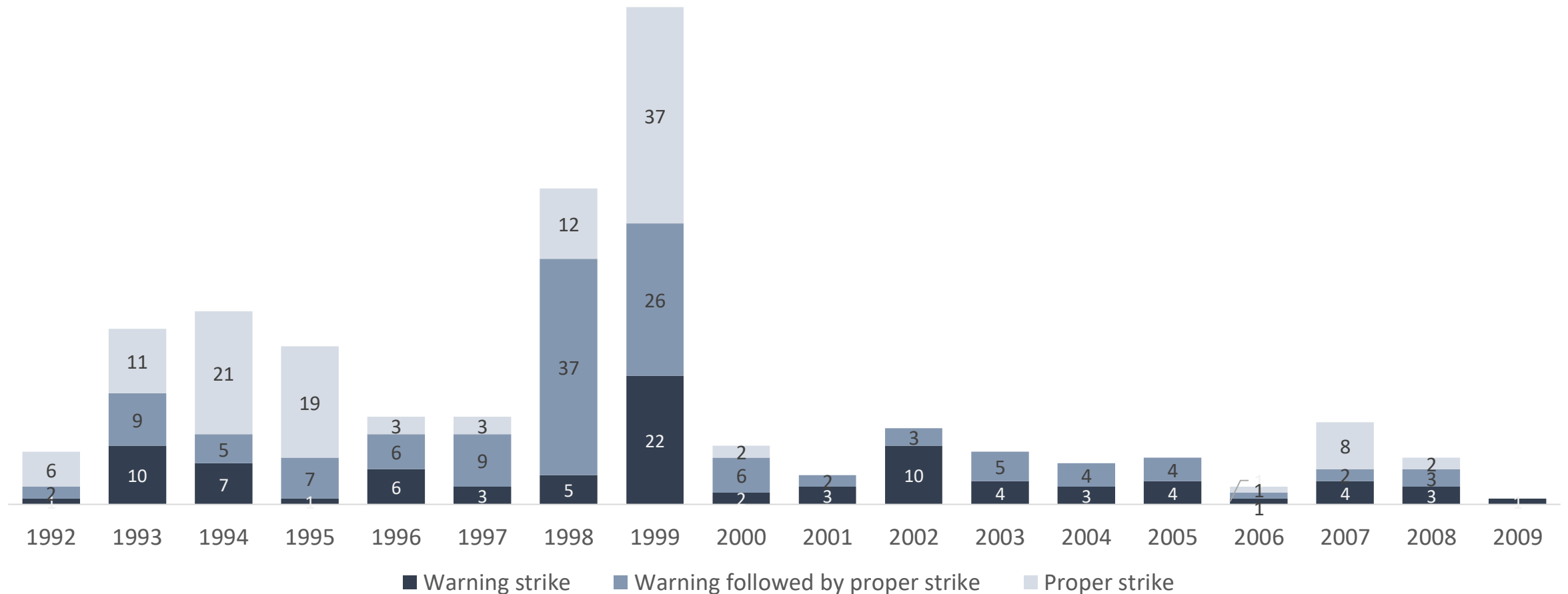
Number of employees from units where conflicts of interest took place and percent of employees involved



Source: INS – National Institute of Statistics

Trade unions, civil society and social movements

Strikes initiated by observing the procedure provided by law, by type of strikes



Source: INS – National Institute of Statistics



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- *Quantitative part* –
Protest Event Analysis

Protest Event Analysis – key figures



20 MONTHS

TIME PERIOD COVERED

JANUARY 2021 – AUGUST 2022

Protest Event Analysis - Romania

The research examines trade union protests in Romania from January 2021 to August 2022. The data was collected during the months of May and June 2023, from a variety of sources, including Agerpress, Digi24, and Hotnews.

3 Main
SOURCES

Agerpres (Official News Agency), Digi24 (private news portal - 11 million visitors by month) and Hotnews.

312 Mapped
DOCUMENTS

A total of 312 news and press releases were mapped

138 Protest
EVENTS

News and press-releases were related to about 116 protest events



250,000
PARTICIPANTS



2,000
AVERAGE PARTICIPANTS



98
ORGANISATIONS

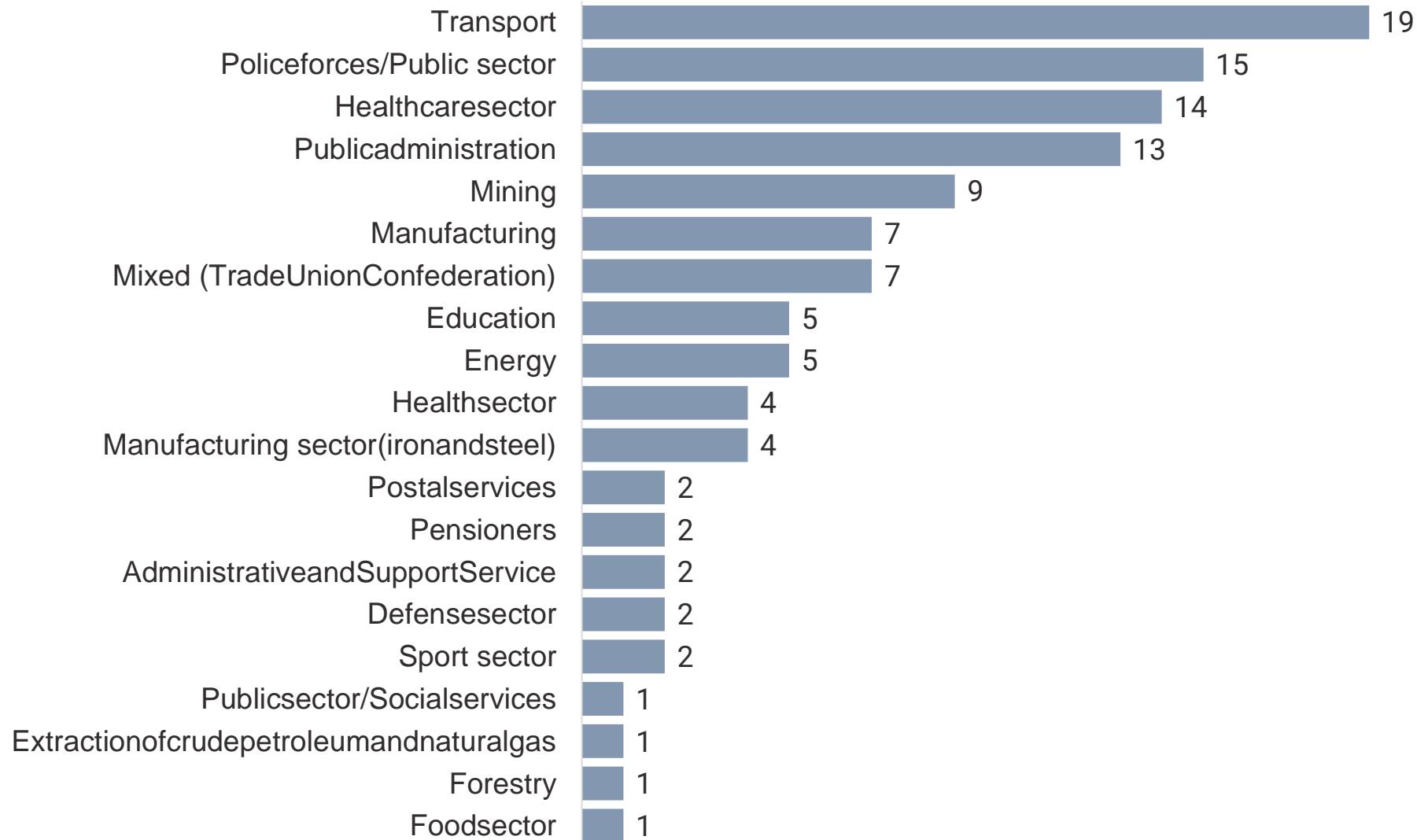


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AVERAGE PROTEST BY MONTH

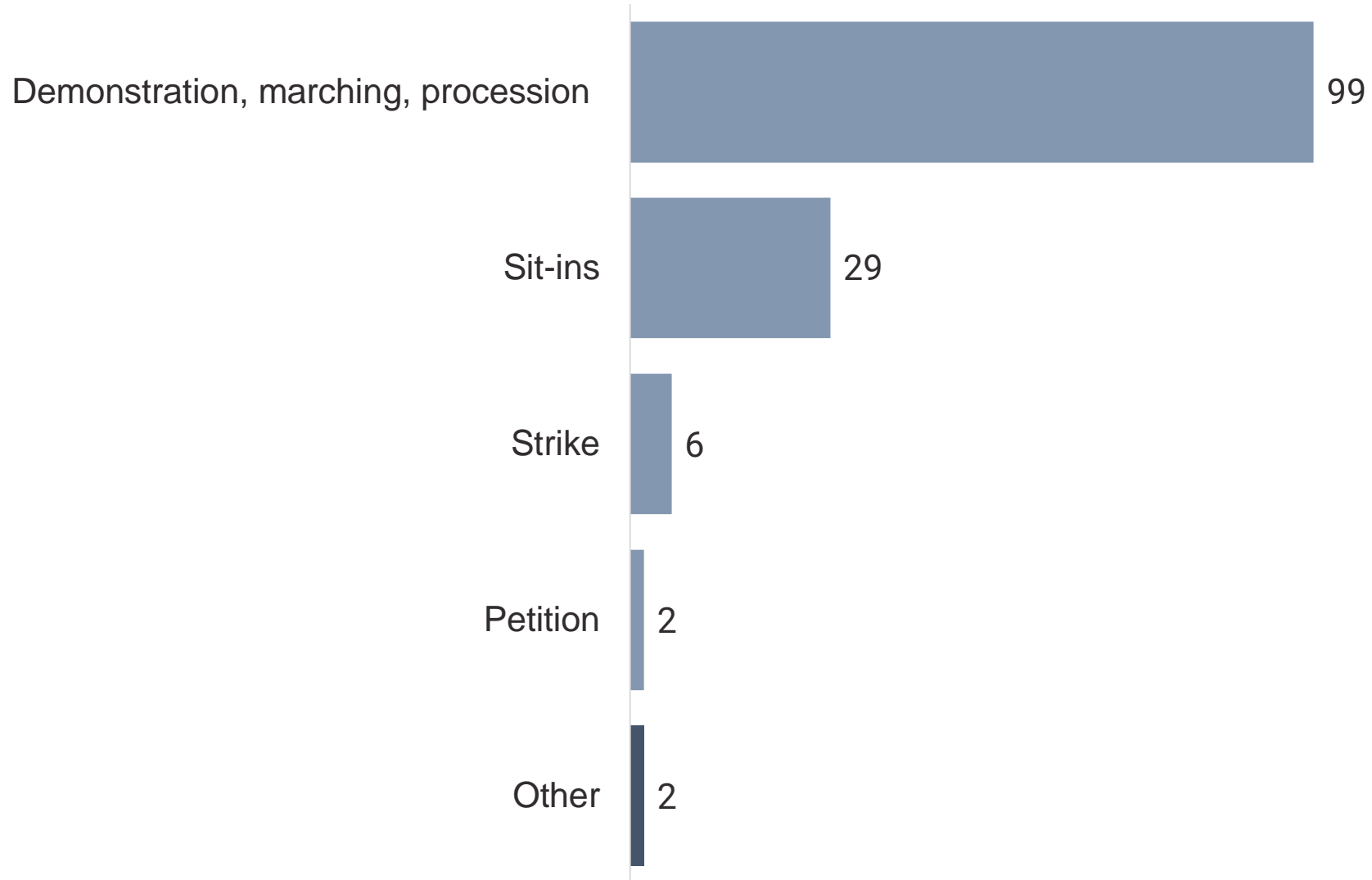




Protest events by sector



Protest events by type





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- *Qualitative part* - Interviews

Interviewed organisations

Trade Union
with CA

- National Confederation of Free Trade Unions of Romania - Fratia [CNSLR - Fratia]
- National Trade Union Confederation MERIDIAN
- Trade Union of the National Institute of Statistics Bucharest (Grassroot level)
- Federation of Trade Unions "Gaz Romania" [FSGR]

Trade Union
without CA

- Federation of Trade Unions in the Ministry of Labour
- Trade Union of European Workers

Employer
Organisation without
CA

- National Council of Small and Medium-Sized Private Enterprises in Romania (CNIPMMR)

State representative

- Ministry of Labour and Social Solidarity

Civil Society

- Global Forum Center

Diverse views 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.

Perspectives of organisations with and without collective agreements

- ❖ 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.

Common practices in reaching collective agreements

- ❖ Concluding 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.

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

marked by negotiation, collaboration, and sometimes conflicts

- ❖ 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.

Discussions and recommendations

- ❖ 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 help workers adapt their skills to a dynamic and sustainable labour market (e.g. digital and green skills).



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Map of Successful Collective
Bargaining Practices in Romania

1st example

- ❖ **Title/Name/Short description of successful case:**
 - Increased payment
 - **New Collective Labour Agreement at Health Care sector level.**
- ❖ **Time frame:** June 2022 - September 2023
- ❖ **Organizations involved:**
 - **lead organization** - National Federation SANITAS affiliated to the National Confederation of Free Trade Unions of Romania - Frăția (CNSRL-Frăția);
 - **partner organisation** - Health Solidarity Federation of Romania of the Confederation "Cartel Alfa".
- ❖ **Scope of case:** Sector level - Public Health Care Sector

2nd example

- ❖ **Title/Name/Short description of successful case:**
 - Increased wages
 - **New Collective Labour Agreement in the pre-university education sector**
- ❖ **Time frame:** December 2021 - July 2023
- ❖ **Organizations involved:**
 - Federation of Free Trade Unions in Education (FSLI) affiliated to the National Confederation of Free Trade Unions of Romania - Frăția (CNSLR-Frăția);
 - Federation of Education Trade Unions SPIRU HARET (FSE - SPIRU HARET);
 - Federation ALMA MATER.
- ❖ **Scope of case:** Sector level - Education

Thank you!



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