

ROMANIA NATIONAL REPORT IN FRAME OF BICO PROJECT

Hamburg, September 2013

ACTIVITIES OF MACHINERY BUILDING SECTOR IN ORDER TO SUPPORT THE CONTINUOUS VOCATIONAL TRAINING

A bipartite consultation aspect inside the industry, with the aim of promoting continuous vocational training is the fact that, in 2007, the social partners established the sectoral committee in frame of machine-building industry, as a bipartite structure, with the aim to:

- contribute to the development of a legal framework on training, evaluation and certification of competences
- promote a system of training and assessment based on competences
- contribute to the development and validation of occupational standards.

So far, the sectoral committee has validated a number of 42 occupational standards. Being legally registered, the Sectoral Committee can access funding for training.

Regarding the negotiation of collective agreements at branch level, these were held annually or every two years since 1990. But the law of social dialogue from 2011 repealed the trade unions law and the employers law and also the obligation to legally register nationwide collective labor agreements. All trade unions and employers organizations have had to re-record under the new law. The old-style agreements are valid until the end of the period for which they were signed, then the parts should sign new agreements under the new law. Taking into account the new legislation, the social partners in the field of machinery buildings still managed to conclude the collective labor agreement no. 59493 from 20 December 2012, for the period 2013-2014, at group of units level. Within the agreement, the entire Chapter 8 is dedicated to vocational training and this chapter represents the minimum requirement in the training field for the signatories companies. Here are some articles:

"Article 178

(1) By the term of training, the parties agree to appoint any procedure by which an employee acquires a skill, a new qualification or a specialization, obtaining a certificate or diploma attesting one of these situations.

(2) The training activity from (1) includes also the training in labor relations, right of association, trade union freedoms.

(3) The employer, that has more than 20 employees, develops an annual training plan in consultation with the trade union, which will be attached to the collective agreement at the unit level.

(4) The Parties agree to support the training in machinery building branch with the following directions:

- Awareness of the benefits of continuing vocational training for employers and employees;
- Optimization of industrial relations and development of cooperation with the

institutions involved in training and with the training providers;

- Promoting the development and updating of occupational and training standards;
- Partial or total assessment and certification of qualifications, independent of the context in which they were acquired.

Article 179

At the conclusion of collective agreements at the units level, for the vocational training it will take into account at least the following:

- a) the training requirements laid down in art. 178 (1) shall be determined by the employer and those of art. 178 (2) by the employer with the trade union representatives;
- b) the expenditure on training activities for employees shall be borne by the employers;
- c) the representative trade unions will assist, through its delegates, to any form of examination organized for a training course completion within the companies;

The employees who have completed addendums related training to the individual labor agreements will be required to bear the costs of it - including education, specialization, certification, transport, meals, accommodation - if they decide to leave the company or if they leave the company due their fault, before the end of the period agreed with the employer, under the law. These provisions will also apply for occupations specific to the production fields that condition the direct implementation of manufacturing programs, nominated by the employers with the trade unions representatives consultation."

This chapter is based on the provisions of the Labor Code, as follows:

"TITLE VI – Vocational training

CAP. I - General Provisions

Article 192

(1) The training of employees has the following main objectives:

- a) adaptation of the employee to the job or work requirements;
- b) obtaining a professional qualification;
- c) updating the knowledge and skills specific to the job and work and professional training for the main occupation;
- d) retraining as result of socioeconomic restructuring;
- e) the acquisition of advanced knowledge, methods and modern methods required to realize the professional activities;
- f) prevent the risk of unemployment;
- g) promoting employment and career development.

(2) The training and knowledge assessment are based on occupational standards.

Article 193

The training employees can be achieved through the following forms:

- a) participation in courses organized by the employer or by training providers in the country or abroad;
- b) retraining stages related to job and work requirements;
- c) internship and specialization in the country and abroad;
- d) organized apprenticeship at work;

- e) individualized training;
- f) other forms of training agreed between employer and employee.

Article 194

- (1) Employers shall ensure the participation in training programs for all employees, as follows:
 - a) at least every two years, if the company has at least 21 employees;
 - b) at least every three years, if they have under 21 employees.
- (2) expenses related to training programs, related (1) shall be borne by the employer.

Article 195

- (1) The employer who has more than 20 employees prepare and apply an annually training plans, in consultation with the trade union or, if applicable, with the employees representatives.
- (2) The training plan developed under par. (1) becomes an annex to the collective agreement concluded at the unit level.
- (3) Employees are entitled to be informed about the content of the training plan.

Article 196

- (1) Participation in training can take place at the initiative of the employer or employee.
- (2) The concrete ways of training, the rights and obligations of the parties, the duration of training, and any other aspects of training, including the employee's contractual obligations in relation to the employer who has incurred training expenses shall be determined by parties agreement and an addenda to individual contracts of employment.

Article 197

- (1) If the participation in courses or training stages is initiated by the employer, the costs of such participation shall be borne by him.
- (2) During the participation in training courses or internships under par. (1), the employee will receive, for the duration of training, all financial rights.
- (3) During the participation in training courses or internships under par. (1), the employee shall receive seniority at the job, this period being considered length in service, in the state social insurance system.

Article 198

- (1) Employees who have received a course or a traineeship, under art. 197 par. (1) may not initiate individual termination of employment for a period specified by addendum.
- (2) The duration of the employee's obligation to perform work for an employer who has incurred training expenses and any other matters in relation to the obligations of the employee, further vocational training, shall be established by amendment to the individual employment agreement.
- (3) The failure of the employee to comply with the provisions of par. (1) determines the payment of all costs incurred in vocational training process, in proportion with the period established under the addendum to the individual employment contract.
- (4) The obligation referred to in par. (3) also applies to employees who were laid off during the period specified by the addendum, for disciplinary reasons, or whose individual contract of employment was terminated following the arrest for more than

60 days, due to a conviction by a final judgment for an offense in connection with their work and if the criminal court has forbidden them to practice temporarily or permanently.

Article 199

(1) If the employee is the one who takes the initiative of participation in professional training implying the non-participation to the work place activities, the employer shall consider the request of the employee together with the trade union or, where appropriate, with representatives of the employees.

(2) The employer shall decide on the request of the employee from par. (1) within 15 days of the request receive. At the same time, the employer will decide on the conditions that will allow the employee participation in the form of professional training, including whether to bear all or a part of the cost incurred by it.

ART 200

The employees who have completed an addendum to the individual contract of employment on vocational training can receive, beside the wage, other benefits in kind for training. "

Therefore, the problem of an agreement on training at company level is solved, it remains only to apply it in practice. The articles on training are part of the collective labor agreement at the unit level. Putting into practice is achieved by applying an annual training plan at the company level, which has the following structure, for each department:

No.	Type of training	Place	Organizer	Partici-pants	Period	Objectives	Evaluation	Costs
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The social partners have planned on short and medium term the continuation of activities and collaboration within BICO project and also the opportunity of using other European funding for training. Besides willing of the two organizations to participate as partners in the European project, a submission of a project is planned by FSCM as applicant and PICM as partner.

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