**ANED 2016-17 -Task Social Pillar (focus topics)**

**Country report**

Country: Romania

Author(s): Elena Tudose and Oana Stanca

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# Skills in transition to the labour market

## Main policy reforms or measures in education and training

*What are the main legal and policy frameworks providing for equality of learning opportunity for young people in your country, and have they changed since ANED reported on these issues in 2010? For example:*

* *What significant reforms or policy measures have been introduced in vocational education and training and how are young disabled persons affected by them?*

People with disabilities have free and equal access to mainstream schools, according to the *Law no. 1/2011 on education* and to *Law no. 448/2006 on the protection and promotion of rights of persons with disabilities*. All schools should benefit from reasonable accommodation, funded from the State budget.

Special schools, as well as special education classes within mainstream schools, are organized for all levels of education (primary and secondary education) and are regulated by the *Law no. 1/2011 on education*. The special education system uses special curricula and is provided by special education teachers (usually graduates of Psychology and Educational Sciences; section of Special Psycho-pedagogy). The main types of special educational settings in Romania are: special kindergartens/ schools/ high schools; special classrooms for children with autism/ deaf-blindness/behavioural problems; day centres; centres of curative pedagogy; centres for special education. The enrolment of students with disabilities in special schools is decided through a specific commission (the Complex Evaluation Service). The Complex Evaluation Service makes an assessment, using methods approved by the Ministry of Education, in cooperation with the General Directorate for Child Protection. By law, parents have the right to make the final decision about where their child is to be educated and they also have a duty to ensure attendance during compulsory schooling.

Initial vocational training is also free of charge, under the compulsory educational system and students with disabilities can chose either a mainstream or a special vocational school. Vocational training can be also ensured under the form of requalification, specialisation and continuous training. *Law no. 1/2011 on education* and to *Law no. 448/2006 on the protection and promotion of rights of persons with disabilities* stipulate the right of disabled people who are looking for a job to have places on training courses and for this to be funded through the unemployment insurance budget. There are specific provisions that clarify when persons can benefit from training free of charge. Persons with disabilities who are entitled to receive training free of charge should come under the following categories, according to the law: (a) they should be unemployed; (b) they were unable to find a job after graduating from educational institutions; (c) when employed, they have resumed work following the recovery of work capacity after benefitting from invalidity pension (in this case, training services have to be agreed with the employer or the employer requires such services, and the application is made only once within 12 months after resuming work); (d) they have no monthly income, or the monthly income is lower than the level of unemployment benefit; (e) they earn less than the gross minimum wage in the country (GEO no. 144/2005); (f) they are employed immediately after school graduation. When an employer organises training courses, the necessary training costs may be supported, at the request of employers, by the unemployment insurance budget.

According to a study realised by IPP in 2014 using official data from the National Authority for Child Protection and Adoption[[1]](#footnote-1) and cross-checked with a wide national documentation carried out using the Freedom of Information Act, 13,844 children with disabilities were enrolled in mass schools, 24,947 in special education and 1,292 enrolled in homeschooling, out of 70,647 children with disabilities registered at that moment in Romania, so about 40% of them not being enrolled in any form of education. There is scarce official data available

The main strategic documents orienting education and training – including for young people with disabilities - are *The National Strategy on Education and Training for the period 2016-2020, The National Strategy on Tertiary Education 2015-2020, The Strategy to reduce early school leaving* and *The National Strategy for Lifelong Learning 2015-2020.*

*The National Strategy on Education and Training for the period 2016-2020* has 4 strategic objectives: improving the relevance of training systems for labour market; increasing participation and facilitating access to vocational training; improving the quality of training; developing innovation and national and international cooperation in the field of vocational training.[[2]](#footnote-2) Specific measures for young people with disabilities, with clear institutional responsibilities, milestones and deadlines (e.g. adapted educational curricula and additional materials, subsidized accommodation for young people with disabilities enrolled in vocational training programs, sheltered workshops for young people of disabilities) are included in the Action Plan of the Strategy.[[3]](#footnote-3)

*The National Strategy on Tertiary Education 2015-2020* states, since the chapter 2 - contextual analysis, that boosting access and participation to tertiary education must include disadvantaged groups such as students with disabilities, by allocation of scholarships on social criteria and performance; subsidies for public transport, system of student loans etc.[[4]](#footnote-4) The strategy also mentions that for those who traditionally do not participate in tertiary education (vulnerable groups), improving options for primary, secondary and tertiary education might not be enough, as the experience showed that such measures involve also other policy initiatives that focus on financial assistance issues, on socio-cultural barriers, on disabilities and gender equality.

*The National Strategy for Lifelong Learning 2015-2020* has two target groups: beneficiaries of lifelong learning and organizations/implementing agencies. In the category of main beneficiaries are included disadvantaged or underrepresented groups including people with disabilities). Due to the heterogeneity of the beneficiaries, the strategy that is expected to serve about 1,6 million people during its implementation[[5]](#footnote-5) and points out the fact that the operational programs should take into account this heterogeneity. However, the Strategy does not have a clear Plan of Actions, nor specific measures addressed to any of the targeted beneficiaries mentioned above.

The *Strategy to reduce early school leaving* is a programmatic document containing mechanisms and measures to be implemented by 2020 in order to reduce the percentage of young people aged 18-24 who have completed the eighth grade and after this moment are not following other form of education or training. The goal of this strategy is to reduce early school leaving rate by 6%, from 17.3% in 2013 to 11.3% in 2020, reaching the target assumed by Romania in Europe 2020. The only specific measure clearly assumed for young people with disabilities is related to the *adaptation of the curricula, manuals and teaching methods/technologies for all disabilities and special educational needs* (total projected budget to be accessed through ESF funded project: 250,000 euro).[[6]](#footnote-6)

* Are young disabled people in vocational skills programmes covered by disability discrimination legislation beyond compulsory school age?

Pursuant to *Law no. 448/2006 on the protection and promotion of rights of persons with disabilities*, art. 15, people with disabilities have free and equal access to any form of education, regardless of age, according to their type, degree of disability and educational needs. On legislation regarding non-discrimination of people with disabilities in terms of education and vocational training, the *Law no. 448/2006 on the protection and promotion of rights of persons with disabilities*, art. 18 provides the following types of mandatory reasonable accommodation: support services, technical equipment adapted to the type/degree of disability, adapted furniture, adapted manuals and curricula for children with visual impairments, assistive equipment and software used during exams.

Among the main objectives on education we emphasize:

* ”ensuring access for people with disabilities to education and training in forms and contexts adapted to the communities in which they live”[[7]](#footnote-7) through a new legislative frame, inclusive education, support services, adaptation of the physical environment of schools and other educational spaces, facilitation of transport to school, promotion of the concepts coach and shadow, developing uniform procedures for monitoring access to education and training and of a methodology for evaluation and early intervention;
* ”developing the skills needed for full and equal participation in education and training”,[[8]](#footnote-8) through diversification of teaching methods, adapted workbooks, texts in Braille, augmentative means of communication, enhanced or simplified texts, electronic assistive technology learning, special educational software;
* ”ensuring quality of education and training adapted to the needs of people with disabilities and relevant in terms of inclusion”[[9]](#footnote-9) through improvement of human resources training, development and promotion of guidance and counselling for people with disabilities and their families, review of the curricula;
* ”raising awareness in family, school, community and society about the importance and need of the right to education and training for all persons with disabilities”[[10]](#footnote-10) through information campaigns on the rights of people with disabilities;

So far, there is no official or alternative evaluation of the stage of implementation of strategic objectives on inclusive education, but according to testimonials of beneficiaries, little has been done to ensure the equal and unrestricted access to education for young people with disabilities (e.g. a young girl has reported during a hearing organized by the Human Rights Parliamentary Steering Committee in May, 2017, that she has been denied access to the Bachelor Degree exam using a computer with assistive software for visually impaired by an official letter from the Ministry of Education).

## Relevance of the National Youth Guarantee Implementation Plan and assessment report (for EU Member States)

Are the policy measures described above all covered by the reforms outlined in the national Youth Guarantee Implementation Plan, or the Commission assessment of it? (EU Member States only)

* Are the needs of young disabled persons addressed in those documents, what is missing?

The *Youth Guarantee Implementation Plan for Romania* address all the problems stated in the European Commission’s fiche, with measures and indicators, the latter addressing all types of beneficiaries. On the actions related to people with disabilities, collaboration with local public institutions, social partners and educational institutions for the integration on the labour market, through testing work capacity and providing assistance, counselling, vocational guidance and training for young people with disabilities[[11]](#footnote-11) are the only provisions stated for young disabled people in the whole plan.

Thus, we can say the policies for vocational education and training for people with disabilities are covered only partially in this document. The provision is general, with no specific indicators based on which concrete measures could be taken to help young people with disabilities to fulfil labour market requirements.

## Availability and effectiveness of apprenticeship schemes

Specifically, and in more detail, what is the current availability of apprenticeship schemes in your country and how beneficial are they for young disabled people? For example:

* What training schemes are available, how are they funded, and who is eligible for them?
* Are young disability people a target group for recruitment and what provisions exist to ensure that apprentices get reasonable adjustment, accessibility and appropriate support during their training?
* What evidence is there of take-up, or positive job outcomes, among young disabled people on such schemes?

Training programs are an alternative chosen by adults for personal and professional development. Training courses are a continuation or completion of the formal education system represented by the education system. Their role is to provide skills and competencies for specific professions, needed by employees to perform better at work.

According to *Law no. 448/2006 on the protection and promotion of rights of persons with disabilities*, people with disabilities looking for a job or employed have, pursuant to art. 83 the right to training courses, reasonable accommodation in the workplace, advice during pre-employment and during employment and on probation, a paid trial period of employment, paid notice on the termination of the individual labour contract, the possibility to work less than 8 hours per day, if receiving the recommendation of the evaluation committee in this regard. Art. 72 states that any disabled person who wants to integrate or reintegrate into labour market benefits of free evaluation and professional orientation, regardless of age, type and degree of disability.

In practice, since 2010, several public institutions developed training schemes where people with disabilities represented and important target group, the General Directorate of Social Assistance and Child Protection District 6 being one of the most active in the field. In the last years, the General Directorate of Social Assistance and Child Protection District 6 developed several projects meant to increase the inclusion of different groups of vulnerable people on labour market. People with disabilities were addressed in the following:

1. *Equal opportunities in our community,*[[12]](#footnote-12) through which they offered free professional training courses in the period October 2013 – April 2015 for 212 persons from vulnerable groups (out of which 145 were people with disabilities) and financial support - an amount of 500 lei per month during courses attendance. Some of the available professions for these training courses were: textiles assembler, trade worker or landscape florist. The courses were adapted to their disabilities.

Over 300.000 euros were invested in this project, most of them from the European Social Fund (ESF) through the Operational Program Human Resources Development 2007- 2013, Priority Axis 6 ”Promoting social inclusion” - 6.2 ”Improving access and participation of vulnerable groups in the labour market”.

The conditions to benefit from the training courses and the remuneration were: to be from a vulnerable group, to be from Bucharest or Ilfov and to have minimal education (4 classes at least). At the end of the project, 27 graduates had the chance to get a job, out of which 25 were people with disabilities.

1. *A different perspective on disability by qualifying the labour market,[[13]](#footnote-13)* whose beneficiaries were 230 people with disabilities from Bucharest and Ilfov, who participated in information, advice and training sessions and 240 employees working in local government, including 28 people who benefited from the program specialisation in vocational counseling. The graduates received a tax-free grant worth 475 lei.

The conditions to get enrolled in this program were the same as the previous project. The project was also funded through the Operational Program Human Resources Development 2007- 2013, Priority Axis 6 ”Promoting social inclusion” - 6.2 ”Improving access and participation of vulnerable groups in the labour market”.

1. *Inclusive Europe – sustainable regional initiatives[[14]](#footnote-14)* is another project of the General Directorate of Social Assistance and Child Protection District 6 aiming to increase labour market integration of people from vulnerable groups. The target is of 1.000 people, out of which 400 Roma people, 250 people with disabilities, 50 young people over 18 leaving the protection system state, 300 people that were detained.

The courses offered diploma qualification in the following professions: hairdresser, carpenter, trade worker, textiles assembler, security agent. At the same time, they selected two courses that can be accessible to people with disabilities, particularly but not exclusively: florist – decorator and computer operator.

The project is also funded by the European Social Fund (ESF) through the Operational Program Human Resources Development 2007- 2013, with a total value of more than 2 million euros.

1. *Respect and Equal Opportunities for Women[[15]](#footnote-15)* is a project aimed to integrate/reintegrate on labour market 580 women and people belonging to vulnerable groups through vocational training/qualification. The project is also funded through European Social Fund (ESF) - Operational Program Human Resources Development 2007- 2013.

All these projects benefited from a 3 years extension (2016-2018) and are in progress at the moment of this report.

Another public institution that developed training programmes on labour integration was the National Agency Against Drugs, which developed, in 2015, the project *Equality in the labour market! - Pilot project to support vulnerable people*, meaning training and retraining courses for 700 people from vulnerable groups, out of which 330 beneficiaries were from the category of persons with disabilities, young people over 18 years who left the institutionalized system and Roma people. The professions trained through these courses were: manicurist, pedicurist, textiles assembler, bartender, waiter, caretaker for the elderly, trade worker, data processing and validation operator, barber and painter.

Alike to those projects described earlier, this project is also funded through European Social Fund (ESF), and, further, Operational Program Human Resources Development 2007- 2013.

On the impact of these apprenticeships and trainings to the social-economic context, pursuant to *European Commission’s fiche on Youth Guarantee Implementation Plan*, ’key measures such as support for traineeships and apprenticeships, skills certification and mobility packages have had a more limited take-up than initially expected. Cooperation between the public employment service, social and health services, schools, universities, social partners and private stakeholders is not yet sufficiently developed’.[[16]](#footnote-16)

## Example of good practice to achieve Youth Guarantee objectives

Can you identify an example of promising policy/practice in your country that might help other countries to achieve the goals of the Youth Guarantee for young disabled persons?

* i.e. a policy or practice that might ensure more young disabled people receive a good-quality offer of employment, a continued education, or an apprenticeship or a traineeship.

The *Youth Guarantee Implementation Plan* has been put into practice by the Government of Romania on 1st January 2014. Its implementation is coordinated by the Ministry of Labour and Social Justice and is done in partnership with the other competent ministries in the field of youth. Also, business environment, civil society and social partners participate in identifying and engaging young people in actions and initiatives that combine employment and training and, especially, in ensuring continuing innovation process, thereby supporting attracting and involving young people in the program.

One promising measure is, of course, in the *Youth Guarantee Plan*, according to which employers benefit monthly for each person who is either a person with a disability, either from Roma community, either youth that left the institutionalized system of care - an amount equal to the basic salary set on youth employment, but not more than twice the value of the social reference indicator (500 lei at present). The funds are allocated from the Unemployment Insurance Budget.

# Access to the open labour market

## Relevant active labour market schemes

What are the main policies or schemes that exist to support people with disabilities in employment and what policy changes have occurred in recent years? This question relates to pillar theme 4. For example:

* What measures exist to support people with disabilities to take up employment?
* Who is responsible for helping them and what help is available?
* Are these mainstream or disability specific schemes?

Hiring people with disabilities can be done either on the open labour market, at home as a flexible work arrangement or in sheltered workshops and protected units. The protected forms of employment are defined by the *Law no. 448/2006 on the protection and promotion of rights of persons with disabilities*, art. 5, (sheltered workshop - space adapted to the needs of the disabled person, including at least the workplace, the equipment, the toilet and the access ways) and authorised protected unit (private or public private economic operator, in which at least 30% of the total number of employees with individual labour contract are persons with disabilities).

Protected units may be established by any natural or legal person, public or private, which employs persons with disabilities. Such units can be organised with or without legal personality, the latter being on its own management, in the form of sections, workshops or other structures within economic operators, public institutions or from non-governmental organisations, as well as those organized by the authorised disabled person according to the *Law no. 300/2004 on the authorisation of natural persons and family associations that carry out independent economic activities, with the subsequent modifications and completions*,

In order to offer work/jobs in an authorised protected unit, the employer must obtain a permit issued by the Ministry of Labour at the proposal of the General Directorate on the protection of persons with disabilities. In order to obtain the authorisation as a protected unit, the entity must fall under any of the provisions of Art. 44 of *Law no. 448/2006 on the protection and promotion of rights of persons with disabilities*, approved by Government Decision no. 268/2007, as amended and supplemented, namely:

* operators with legal personality, regardless of the form of ownership and organisation of the entity, that have at least 30% of the total number of employees people with disabilities working with an individual employment contract;
* sections, workshops or other structures within economic operators, public institutions or non-governmental organisations, which have their own management and at least 30% of the total number of employees being disabled people
* an individual with disabilities, authorised to perform independent economic activities, including family association comprising a disabled person.

The authorisation shall remain valid as long as they fulfil the legal provisions relating to conditions for authorization of protected units.

According to the *Order of the Labour Minister no. 372/2010 on the approval of the procedure to authorise protected units,* art. 8, authorised protected units must present, until the end of January next year, the activity report to the Minister of Labour and Social Justice, which must include at least the following:

* number of disabled persons employed in relation to the total number of employees for each month;
* areas in which disabled employees work;
* how do they respect the legal provisions concerning the functioning of protected units;
* the number of contracts.

By the end of each year, the employer will transmit copies with stamp and original signature of the employer, individual contracts of employment of disabled people employed and salaried documents certifying compliance with the degree of disability/invalidity degree III, valid, and their job descriptions.

At the same time, according to *Law no. 448/2006 regarding the protection and promotion of rights of persons with disabilities,* art. 82, the authorised protected units must submit the activity report for the previous year to the National Authority for Persons with Disabilities.

Also, pursuant to the same law, public authorities and institutions (public or private), who have at least 50 employees must employ persons with disabilities - at least 4% from total employees. If the employers don‘t hire the persons with disabilities, according with the provisions of law, they have the following solutions:

* they can buy products or services made by people with disabilities employed in authorised protected units, based on partnership
* to pay to the State Budget an amount equivalent to the amount owed to the state budget (calculated based on an algorithm relative to the minimum wage – 50% of the min. wage multiplied by the no. of workplaces for which the employer has not hired persons with disabilities)
* From the perspective of benefits, employers of disabled people receive:
* a deduction in the calculation of the taxable profit of the amounts related to reasonable accommodation of the workplace and purchasing of the equipment to be used by the disabled person;
* a deduction when calculating the taxable profit of transport costs for people with disabilities from home to work, as well as the cost of delivering materials/ goods to and from the home of the disabled person employed for homeworking;
* a disbursement from the unemployment insurance budget of the specific expenses of training and professional orientation and employment of disabled persons;
* a subsidy from the state on the unemployment insurance system.

The *Law no. 448/2006 regarding the protection and promotion of rights of persons with disabilities,* although creates a frame for a better inclusion of people with disabilities on labour market, offers the ‘possibility’ for the employers to avoid hiring people with disabilities, as the sanctions are permissive and employers prefer to pay the sanctions

Related to this legislative frame of protected units and sheltered workshops, in December 2016, the Labour Minister announced that the ministry has prepared a bill (at the moment of this report being no information available on the stage of approval) according to which companies that employ people with disabilities must create conditions so that they could really represent at least 30% of employees and at the same time to work effectively the same percentage of working time (minimum 30% of working time in a protected facility is to be made by disabled people). The Minister explained[[17]](#footnote-17) that the new conditions are needed as certain companies that declare themselves as offering a protected form of employment stating they employ people with disabilities just to check on paper a provision of law and take benefits. However, with a new Government in place, we do not expect that such legislation will be passed by the new Minister. statistics have shown that in 2015 many owners of ‘protected units’ have chosen to develop their business on account of persons with disabilities, but without offering the jobs involved with by this fiscal system. In 2008, there were 280 protected units in Romania, with 1,027 people with disabilities employed. In 2015, the number increased to 800 units, but the number of people with disabilities employed was only of 1,700. Some entrepreneurs have speculated permissive law so that there are situations in which a disabled person gets to work only a few hours per month, but the entrepreneurs receive the financial benefits of a protected unit.

To these measures we add those discussed in the *Eight Disability High Level Group Report on the implementation of the UN Convention on the Rights of Persons with Disabilities -* The National Agency for Employment (through the county agencies of employment), periodically organise the ‘work place award’. If persons with disabilities need to have special counselling programme post-employment she/he can go to an office from this county agencies for employment and to get help; qualifications and requalification’s courses; advice and support for starting a new business (students, also unemployed); work mediation; completion of incomes; new graduates who are new hired (graduates of educational institutions and graduates of special schools (16 years old or over), registered on agencies for employment, in the event that engages with normal hours of work for a period exceeding 12 months, can benefit from budget unemployment insurance can receive employment bonus equal to the reference social indicator in force on classification; measures for stimulating the labour mobility (for persons who work far then 50 km from home and for persons who choose to work in another locality than she lives). These are all mainstream measures which are also open to people with disabilities. For employer: training programs for their own employees; facility on credits; facilities for hiring the pupils and students on holiday period; framing young people in difficulty and at risk of professional exclusion, including persons with disabilities.

## Support for flexible working arrangements

What measures exist to permit or support flexible working arrangements for persons with disabilities? This question relates to pillar theme 2. For example measures that support:

* Working at non-standard times or non-standard hours, working from home etc.
* Please identify any examples of promising practice

According to *Law no. 448/2006 regarding the protection and promotion of rights of persons with disabilities*, art. 83, disabled people looking for a job or employed benefit from the opportunity to work less than 8 hours per day (meaning 4 to 6 hours), under the law, if receiving the recommendation of the evaluation committee in this regard. The evaluation committee is established under the same law and is defined as the specialised body without legal personality subordinated to the county councils, respectively to the local councils of the sectors of the municipality of Bucharest, whose main attributions are, pursuant to art. 87:

* to establish the degree of disability and, where appropriate, the professional orientation of the adult with disabilities and his/her ability to work;
* to establish the measures of protection of the adult with disabilities;
* to periodically evaluate, from its own initiative or at the notification of the general directorates of social assistance and protection of the county respectively local ones of the Bucharest, the disability classification, professional orientation, as well as other measures for the protection of adults with disabilities;
* to revoke or replace the established protection measure if the circumstances that determined its establishment have changed;
* to issue the certificate of the professional assistant;
* to inform the adult with disabilities or his/her legal representative of the established protective measures;
* to promote the rights of people with disabilities in all their activities.
* The evaluation of this committee in terms of labour market inclusion is based on a holistic approach to the relevant aspects: health, psycho-social adaptation, level of education, level of development of professional skills.In assessing any decision or measure is taken into account only in the interest of the person with disability, being unacceptable to take decisions based on compassion and perception of disabled people as helpless.

Also, according to art. 80 from the same law, when an employee with disability is working from his/her own home, the employer must ensure that his worker is provided will all the materials he/she might need for his activity. The materials and, respectively, the finished goods must be delivered at the worker’s place, all the expenses implied by these transfers of materials/goods being covered by the employer.

It might be of interest *Start-up Nation Romania,* a grant-program of the Ministry for Business, Trade and Entrepreneurship meant to stimulate the establishment of small and medium-sized enterprises. The eligibility conditions mention that the employees of the enterprise must have a full working time, the only exception (and, besides, receiving bonus points when being evaluated) is for those who hire person with disabilities, where 4 to 6 hours are sufficient.

## Support for workplace adaptions

What support is available for workplace adaptions for workers with disabilities? This question relates to pillar theme 9. For example:

* What are the eligibility conditions? What level of funding is provided and who receives it?
* What is the employer’s responsibility or liability? Does this depend on the size of the business?

According to *Law no. 448/2006 regarding the protection and promotion of rights of persons with disabilities*, art. 6, people with disabilities have the right to a workplace adapted to their needs. In this context, employers must implement all the reasonable accommodation (a person with disability might need in order to to carry out his/her work) on their expenses, according with the legislative documents. Reasonable accommodation involves, according to art. 5 of the same law, all the changes made by the employer in order to facilitate the exercise of the right to work of the disabled person. It involves modification of the work, purchase of equipment, devices and assistive technologies and other measures as well. The accessibility does not depend of the size of the business, if we do not consider the provision to hire at least 4% person with disabilities if the company has more that 50 employees.

Although the accessibility is on the expense of the employer, the employers of persons with disabilities have the right to:

* deductions in calculating the taxable amounts they relate to employment protection and acquisition of machinery and equipment used in the production process by the persons with disabilities;
* deductions in calculating taxable profits, costs of the transport of persons with disabilities from home to work place and the costs of transporting raw materials and finished products to and from the residence of the persons with disabilities who work from home;
* settlements from the unemployment insurance budget expenditure specific training, vocational guidance and training and employment of persons with disabilities;
* a subsidy from the state (as provided national legislation).[[18]](#footnote-18)

## Evidence on non-standard wages

How are wages set for workers with disabilities outside the open labour market? This question relates to pillar theme 8. For example:

* What provisions regulate the wages of people with disabilities employed in sheltered workshops or forms of adapted employment (alternative / segregated / supported …)?
* Are there groups of workers who do not receive the minimum wage?

There are no special provisions regulating the wages of people with disabilities on the open labour market, which are to be considered similar to the ones payed to the non-disabled, according to the job specificity, worktime, education etc. However, recently the Parliamentary Labour Steering Committee has adopted an amendment to the Law on wages (promulgated by the President of Romania as of June, 28, pending for publication in the Official Journal) has adopted an amendment stating that people with severe or accentuated disabilities are entitled to a bonification (paying of a bonus) of 15% of the salary[[19]](#footnote-19) - this shall be further monitored if included as such in the final version of the law, after publication.

According to the Fiscal Code, art. 60, the following sources of revenue of people with severe and accentuated disabilities are exempted from the income tax:

* salaries or assimilated;
* independent activities (individual or through associations);
* pensions;
* agricultural, forestry and fishery (individual or through associations);

There is other legal provision with regards to the wages set for employees with disabilities in protected forms of employment. However, because of a complex of factors pertaining to limited access to education and limited opportunities on the labour market, we could estimate that the actual average wage paid to persons with disabilities is significantly lower than the official medium wage at country level (gross medium wage for 2017 in Romania is of 3131 lei, equivalent to approx. 680 euro).

## Employment conditions in sheltered workshops

What conditions of employment exist for workers in sheltered workshops and how are these regulated? This question relates to pillar theme 7. For example:

* Describe the system of sheltered workshops generally: do sheltered workshops exist? Who is eligible to be employed in such workshops? Please indicate if there are different kinds of workshops and eligibility conditions.
* Does standard labour law apply to those employed in sheltered workshops? If not, what justification is given for differences in treatment? Including:
* Protection from dismissal
* Right to join a trade union and take industrial action
* Health and Safety legislation
* Right to be consulted and receive information from the employer
* Protection from discrimination

If protection for workers employed in sheltered workshops is the same as for all other workers, you only need to indicate this, and not discuss level of protection as such. If workers employed in sheltered workshops have a different level of protection, please indicate this and indicate how this level of protection differs from that available to workers in general.

According to *Law no. 448/2006 regarding the protection and promotion of rights of persons with disabilities,* art. 5, the sheltered workshop is an entity with no legal personality tailored to the needs of persons with disabilities, where they conduct training and skills development. It can operate in the community, day centres, residential centres and special education centres. The sheltered workshop are often assimilated to authorised protected units, so the legal requirements available for those (at least 30% of the employees to be people with disabilities, minimum 30% of the working time to be carried out by people with disabilities) also apply for sheltered workshops.

Sheltered workshops are to respect the requirements of the *Labour Code* corroborated with the *Law no. 448/2006 regarding the protection and promotion of rights of persons with disabilities,* meaning a higher protection of the workers with disabilities (training courses; reasonable adaptation to the workplace; counselling during the employment, as well as during the probation period; a trial period of employment paid, the trail being of at least 45 working days; a paid notice, of at least 30 working days, granted on dissolution of the individual labour contract at the initiative of the employer for reasons not imputable to him; the possibility to work less than 8 hours a day; exemption from payment of income tax).

One example of sheltered workshop is managed by the NGO Concordia, and its described as addressed to a number of six homeless people with disabilities who face difficulties adjusting to a job, having work experience and skills. The program helps the person to go from being permanently assisted person to an active, capable and self-managed life and evolve into stable employment status.[[20]](#footnote-20)

Other example is Rafael’s NGO sheltered workshop, which was established in November 2014 in the Foundation Rafael, currently 12 disabled persons employed carrying candles, jewellery, greeting cards, badges, paintings, ornaments. By purchasing products made in the workshop people contribute to the socio-professional integration of people with disabilities and the development of day care centre that takes care of approx. 70 people with physical disabilities, physical and mental, aged between 3 and 65 years.[[21]](#footnote-21)

There are also sheltered workshops developed by people with disabilities for people with disabilities. ”Miracles” is the first workshop of this kind, in which it conducts work activities, according to skills and professional capacity. The space is properly adapted to the needs of the disabled persons. The sheltered workshop is, at the same time, a useful form of occupational therapy and a first step towards reintegration into society, given that Romania is facing a serious situation regarding the employment of people with disabilities.

Among the activities carried out within the sheltered workshop are informatics, ambient products, carpentry, crafts, bookbinding, knitting, weaving.

# Benefit caps and transitions

## Recent law and policy reforms

How has the legal and policy framework changed for disability benefits for people of working age since the onset of the economic crisis. Have there been changes in the eligibility criteria (making them more difficult to claim or easier to claim)? This question relates to pillar theme 16.

Increasing employment rate of people with disabilities is a main objective of the *National Strategy on Employment 2014-2020,* where it is stated that the proposed measures aim at expanding national network of counselling centres, guidance and retraining, including free evaluation skills and professional reintegration and rehabilitation programs and professional training for people with disabilities, because these measures play a critical role in the process of integration into the labour market.

At the moment, a new law on wages – that offers an increase of 15% to employees with severe and accentuated disabilities - is in process of final publication in the Official Journal. The art. 22 referring to this increase was initially rejected, as the new amount of money was meant only for people with a visual impairment (in its new form, the 15% is for all types of severe and accentuated disabilities).

## Key changes in eligibility criteria for disability benefits

What major policy reforms or developments have occurred in relation to out-of-work disability benefits, implemented or now proposed? This question relates to pillar theme 14

* Is there evidence of the number of people affected by these changes or the extent of their impact?

There were no major policy reforms or developments implemented in terms of out-of-work disability benefits in the last years Only the amounts of the benefits changed, but this is related and proportional to the gradual increases of the minimum wage in Romania.

Currently, the main type of social benefits provided to non-employed persons with disabilities as of January 2017, are:

* Monthly indemnity (234 lei – equivalent to 50 euro, for severe disability and 193 lei – 40 euro, for accentuated disability);
* Personal complementary budget (106 lei – 23 euro, for severe disability, 79 lei – 17 euro, for accentuated disability and 39 lei – 8,5 euro, for medium disability);
* Personal assistant indemnity (1065 lei – 234 euro, only for severe disability).

At the same time, in Romania, the only statistic data available and constantly updated on transition from out-of-work to work are those referring to the employment rate of people with disabilities - at the end of 2016, there were 33.449 people with disabilities employed, meaning 4,73% of the total number of adults with disabilities (706.401).

## Conditionality of out-of-work benefits

To what extent is eligibility for out-of-work benefits conditional on active participation in job search or work-related activities? This question relates to pillar theme 14

* e.g. obligation of to apply for jobs, try out work, attend rehabilitation or training programmes, accept less suitable job offers, etc.)?
* Is there any reasonable accommodation or support for disabled job seekers in these obligatory activities?

Persons with disabilities have the right to work according to their professional training and work capacity (certified by the qualification certificate for degree of disability, issued by the evaluation commissions at the county level or in the districts of Bucharest), but there are no obligations on actually having or seeking for a job to get the disability-benefits they are entitled to. Any disabled person wishing to integrate or reintegrate on the labour market is actively involved in the process of evaluation and professional orientation and has access to information and choice of activity, according to his wishes and skills, regardless of age, type and degree of disability.

The National Agency on Employment must offer information and professional advice for people with disabilities, meaning:

* guidance to register as a job seeker;
* providing information on the labour market characteristics: about occupations, trades and professions, conditions imposed by employers, according to bids submitted by employers for people with disabilities;
* drawing up a profile: psychological profile, professional interests, useful elements in setting career path;
* training courses, according to labour market requirements;
* preparing's C.V.

## Flexibility of financial support during transition into work

Is there any financial system of allowance to support transitions from benefits into work for unemployed disabled persons? This question relates to pillar theme 14 and 16:

* e.g. financial support to try out work for a trial period without losing benefit entitlements?
* to subsidise wages, to avoid ‘benefit traps’ or to ‘make work pay’? How does this work?

Since 2016, subsidies and facilities received by the employers who hire people with disabilities improved. In this context, an employer receives monthly, over a period of one year, for each employee with disabilities, a sum amounting to 900 lei, with the obligation to maintain the labour or service offered by this employee for at least 18 months. In the earlier fiscal frame, the advantages for employers were smaller.

Also, according to *Law no. 448/2006 on the protection and promotion of rights of persons with disabilities*, art. 83, the disabled employee who is dismissed shall have the right to a paid notice of at least 30 days, compared to 20 days for the other workers. Furthermore, the trail period should be of at least 45 working days and must be paid. Also, people with disabilities do not pay an income tax.

## Example of good practice (avoiding ‘benefit traps’ or ‘making work pay’)

Can you identify an example of promising practice in your country that might help other countries to ease the transition from benefits to work for persons with disabilities, and to avoid benefit traps?

For those persons with disabilities who are in an employment form, law states that they can keep also the benefits they get due to their disability. But this piece of information is little known, as it depends on legal provisions that does not have an explicit mention regarding wages – according *Law no. 448/2006 on the protection and promotion of rights of persons with disabilities*, art. 58, the adult with disability receives benefits no matter the incomes. The benefits vary from 39 to 340 lei (at the beginning of 2017)

Also, according to the Fiscal Code amended and supplemented, art. 60, and *Law no. 448/2006 on the protection and promotion of rights of persons with disabilities*, art 83., disabled people working are exempt from the income tax (meaning earnings achieved from independent activities, wages, pensions, as described in section 2.4 above) provided by the employer filling an application with a copy of certificate of admission to degree of disability.[[22]](#footnote-22) At the same time, benefits received by people with disabilities are not taxed.

Another example of good practice might be the platform *potlucra.eu* (meaning ‘I can work’), a website meant to link companies with available jobs to people with disabilities in search for a job. Companies like Starbucks and Decathlon already joined the platform.

# Accessible housing

## Relevant law and policy

Is there any definition of ‘accessible housing’ in national law or policy?

* If so, what is that? It is not necessary to provide us with detailed technical information about the accessibility standards.
* Are there any rules / requirements regarding the accessibility of newly built houses?
* Are there any rules / requirements regarding newly refurbished houses?
* Do these rules / requirements apply to the private sector, to social housing, or both?

According to the *Normative document on civil building and adaptation of urban space to the individual needs of people with disabilities,[[23]](#footnote-23)* the elements that define accessible housing are:

* on exterior: parking, access to public transport and stores;
* the whole building: building’s entrance, the halls, spaces of common use;
* the house itself: house’s entrance, the halls, the bathroom, the kitchen, the storage rooms, the bedroom, the living room, loggias and balconies, the joinery;

Starting 2013, according to the *Normative document on civil building and adaptation of urban space to the individual needs of people with disabilities,[[24]](#footnote-24)* new buildings must be designed so as the accessibility of the building and of the surrounding areas for the needs of people with disabilities could be done easily (universal design concept). The provisions are mandatory for all the constructors, no matter public or private.

*Law no. 448/2006 on the protection and promotion of rights of persons with disabilities,* art. 62, stipulates that houses built with public funding must be adapted to the needs of people with disabilities. Depending on the case, the accessibility costs shall be borne by the local public administration or by the legal entities responsible for public housing building

The same law states that for housing premises that are not new, the responsible authorities (local or central public administration, depending on the building) must issue building permits so as to ensure the unobstructed access of the persons with disabilities. The provisions apply to residential buildings that endure consolidation, rehabilitation, extension and/or modernisation works carried out with public funding. At the same time, accessibility to the buildings belonging to the public or private patrimony of the state or of the administrative-territorial units shall also be made at the request of persons with severe disabilities, their tenants.

We stress out that local public administration must include in the reception commissions for the adaptation or construction works representatives of the National Authority for People with Disabilities or of NGOs which have competences in assessing the viability of the accessibility works.

In the same context, people with disabilities are entitled to a priority criterion in terms of house renting - public authorities must take measures to introduce a priority criterion for the lease of houses at lower floors (ground floor) in buildings belonging or managed by public authorities.

People with severe disabilities and family or legal representative of a child or an adult with severe disabilities have the following rights:

1. priority in renting the lower floors of a housing building belonging to the local/central public administration;
2. rooms granting, in addition to the minimum standards of living provided by law,[[25]](#footnote-25) based on rental contracts of houses owned by the state;
3. exemption from rent in residential areas for dwellings owned by the state;

Also, adults with severe disabilities and family or the carrier of a child with a severe disability can benefit from a bank credit (maximum 10.000 euros for a period of maximum 10 years) whose interest rate is paid from the state’s budget. In order to benefit from loans whose interest rates are borne from the state’s budget, the person with disability or his/her carrier/family must pay the rates without delay, so that to prove their quality of ‘a good payer’. The credit can be used to house adaptation.

In terms of benefits, people with disability also have a tax exemption on the building and on land, according to *Law no. 448/2006 on the protection and promotion of rights of persons with disabilities,* art. 26.

The Romanian Government approved in October 2016 the National Interest Program *Establishment of type social services daycare centres, respite/crisis centres and protected houses for institutionalised people in old type institutions and to prevent the institutionalisation[[26]](#footnote-26) of people with disabilities in the community,* that aims to increase the quality of life of people with disabilities in institutions, deinstitutionalisation and prevention of institutionalisation of people with disabilities while developing alternative services to support independent living and community integration. This program is expected to increase the number of protected houses by 75, the number of daycare centres by 76, and the number of respite centres/crisis centres by 8.

## Housing in multiple occupation (communal areas)

In multi-occupied housing (e.g. apartment buildings) is there an obligation to make accessible the communal part of buildings (e.g. entrances and other communal areas)?

* Who does this obligation fall on? How is it triggered? Is there funding to support such adaptions?

As described earlier, for new buildings, the *Normative document on civil building and adaptation of urban space to the individual needs of people with disabilities[[27]](#footnote-27)* states that these must be designed so as the accessibility of the building and of the surrounding areas for the needs of people with disabilities could be done easily.

In apartment buildings that are not new, the entrance can be made accessible, through the construction of a ramp. According to *Law no. 448/2006 on the protection and promotion of rights of persons with disabilities*, art. 63, for those buildings that are in the process of consolidation or rehabilitation carried out with public funding, a ramp can be added. For the others , nor the local public administration, nor the owners association (the legal form of association and representation of the owners of a housing block on common interests) has any obligation, so the person with disability or a representative must do from their own initiative all the procedure to get a urbanism certificate (an act through which the authorities point out ‘the elements of the legal, economic and technical regime of existing land and constructions at the date of the application and lay down the urbanistic requirements to be met according to the specificity of the site and the list of necessary legal opinions and agreements for authorization’) and a building permit (the final act of the local authority that allows the person who requested it to execute construction works corresponding to the measures provided by the law regarding the location, conception, construction, exploitation and post-use of the constructions) for the ramp. The person with disability must ask for the approval of the neighbours or owners association for ramp’s construction, in the context of *Government Decision no.* *400 of 2 April 2003 for the approval of the Methodological Norms on the organisation and functioning of the owners' associations.* Also, the person with disability or a representative must compose a file that must be approved by the local public administration, the Agency for Environmental Protection, the Inspectorate for Emergency Situations, and companies for water, electricity, gas and communication supply, according to *Law. no. 51.1991 on the authorisation of the execution of construction works.*

Also, regarding funding, as mentioned earlier, people with severe disability or their carriers can benefit from a bank credit (maximum 10.000 euros for a period of maximum 10 years) for house adaptation.

## Example of promising practice in making accessible housing available

Can you identify one or more examples of promising practice in your country that might help other countries to increase the accessibility of housing stock to persons with disabilities?

Giving people with disabilities the opportunity to apply for a bank credit with interest rates borne from the state’s budget so as they could transform the place they live in into an accessible house could be an example of good practice. The credit offered should take into account the amount needed to implement all the requests of a person with disabilities.

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23. <http://www.infocons.ro/wp-content/uploads/2014/08/NP-051-normativ-privind-acesibilizarea-spatiului-urban.pdf>. [↑](#footnote-ref-23)
24. <http://www.infocons.ro/wp-content/uploads/2014/08/NP-051-normativ-privind-acesibilizarea-spatiului-urban.pdf>. [↑](#footnote-ref-24)
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