



SEMINAR  
CREATING CONDITIONS FOR QUALITY  
TRAINEESHIPS  
(QUALITY FRAMEWORK FOR  
TRAINEESHIPS)

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## Romania

Normative acts regulating traineeship and internship according to the Recommendation of 10th of March 2014 of the Council of the European Union on the creation of a quality framework for traineeships

- Law no. 335/2013 on the performance of the internship for higher education graduates and the application rules.
- Law no. 176/2018 on internship.

*Law no. 335/2013 on the performance of the internship for higher education graduates and the application rules*

The goal:

- ensuring the transition of graduates from the education system to the labor market;
- strengthening professional skills and abilities to adapt to the practical requirements and workplace exigencies for work integration;
- acquiring experience and seniority in work;
- acquiring seniority in the specialty.

## The traineeship agreement

- The trainee, during the traineeship, undertakes to work for and under the authority of an employer, a natural or legal person, in return for a salary, based on an individual employment contract and the traineeship contract.
- Like the individual labor contract, the traineeship agreement is mandatory in written form, in Romanian. The obligation to conclude the traineeship agreement in written form rests with the employer.
- The traineeship agreement is an addendum to the individual employment contract.

## Learning and practice objectives

- The traineeship period is based on a program of activities approved by the employer, at the proposal of the head of the department in which the trainee is working. The program of activities during the traineeship includes :
  - a) objectives and quantifiable performance indicators on the basis of which the evaluation is carried out;
  - b) planning the activities to be carried out, depending on the level of skills and practical skills to be acquired during the traineeship period.
- The trainee's activity is coordinated and supervised by a mentor.
- A mentor can coordinate and supervise at the same time no more than 3 trainees.

# Rights and obligations

## Rights and obligations of the trainee

- The trainee has the following rights :
  - a) benefit from mentor coordination and support;
  - b) to establish a program of activities corresponding to the job, whose level of difficulty and complexity gradually increase during the internship period;
  - c) benefit from objective evaluation;
  - d) be given the time necessary for individual training, in order to strengthen the skills and acquire the practical skills necessary for practicing the occupation;
  - e) to ensure, through the employer's care, access to the sources of information useful for his / her training and to enable him / her to consolidate knowledge;
  - f) to take part in the training organized for trainees;
  - g) to receive the evaluation report and the certificate / certificate of completion of the traineeship;
  - h) to challenge the Evaluation Committee evaluation report, if applicable; i) enjoy all rights guaranteed by law in terms of working conditions and occupational safety and health.
- The monthly basic salary of the trainee, established by the individual labor contract, is the one negotiated by the parties, for a program of 8 hours a day, respectively 40 hours per week, according to the law, which is completed with the provisions of the applicable collective agreement.
- The trainee has the following obligations :
  - a) to be trained professionally in the field for which he / she is trained;
  - b) to organize their own records of the activities they carry out;
  - c) to observe the tasks given by the mentor and the hierarchical superior within the organizational structure where he / she is performing the traineeship;
  - d) to consult the mentor for carrying out the work assigned by the compartment manager;
  - e) to respect confidentiality regarding all aspects of the activity carried out, according to the rules established by the employer;
  - f) not to engage in activities which constitute unfair competition to the employer during the traineeship period;
  - g) to participate in the evaluation process.

## Rights and obligations of the employer

- Employer has the following rights:
  - a) to assign to the trainee, by job description, attributions in the field in which the traineeship is carried out;
  - b) to capitalize the theoretical and practical knowledge of the trainee in the process of work;
  - c) to exercise control over the manner of fulfilling the duties corresponding to the position;
  - d) to apply sanctions corresponding to disciplinary deviations.
- The employer has the following obligations:
  - a) designate a mentor to coordinate and support the trainee in order to achieve the objectives and performance indicators set out in the internship program;
- (The mentor has the following obligations:
  - i) coordinate the trainee's activity during the traineeship period;
  - ii) proposes ways of solving the works assigned to the trainee;
  - iii) supervises the way of fulfilling the duties corresponding to the position occupied by the trainee;
  - iv) is a member of the evaluation committee.)
- b) establish a trainee's program of activities in the field in which the traineeship is carried out;
- c) to provide adequate equipment - logistic, technical and technological - necessary for capitalizing the theoretical and practical knowledge received by the trainee during the traineeship;
- d) assess the trainee's knowledge at the end of the traineeship period;
- e) to issue to the trainee the certificate / certificate showing the period in which he / she worked on the basis of the traineeship contract, the acquired skills and practical skills and other mentions;
- f) not to use the trainee for activities other than those provided for in the contract.

## The duration of the traineeship contract

- The duration of the traineeship period is 6 months, except for the professions for which there are special regulations or the situations in which special law provides for another period of traineeship.
- The traineeship agreement may terminate:
  - a) by law;
  - b) by agreement of the Parties, on the date agreed by them;
  - c) by the unilateral will of one of the parties, in the cases and under the restrictive conditions provided by the law.
- If the traineeship contract ceases for reasons beyond the traineeship, the trainee may continue the traineeship if, within 60 days, they join another employer and conclude a traineeship agreement with them for the remaining period not made.



## Recognition of the traineeship

- The evaluation commission, established according to the application rules for the implementation of the law on the completion of the traineeship for the graduates of higher education, prepares an evaluation report containing the following elements, 5 working days before the end of the internship period:
  - a) description of the trainee's activity;
  - b) the degree of achievement of the objectives and performance indicators set in the program of activities carried out during the traineeship period;
  - c) the competences and skills acquired by the trainee, the way of fulfilling the duties corresponding to the occupied post and the terms of the traineeship contract;
  - d) conduct and involvement of the trainee during the traineeship;
  - e) conclusions regarding the development of the traineeship period;
  - f) other terms.
- The evaluation committee's report for the internship period is communicated to the trainee at the date of its completion by the evaluation committee.
- 10 working days before the end of the traineeship period, the trainee prepares the traineeship report.
  - The traineeship report includes a description of the trainee's program of activities during the traineeship period and is considered by the evaluation committee at the trainee's final evaluation.
  - The traineeship report is forwarded by the trainee to the head of the compartment in which he is operating.
- The evaluation of the trainee's activity is based on:
  - a) the analysis of the achievement of the established objectives and performance indicators;
  - b) assessing the level of skills consolidation and the acquisition of practical skills necessary for the pursuit of an occupation in the field in which the trainee was trained;
  - c) traineeship report drawn up by the trainee.
- The promotion of the evaluation is completed with a certificate signed by the employer. In this case, the internship period constitutes seniority in the specialty.
- The non-promotion of the evaluation is completed with the issuance of a certificate confirming the completion of the traineeship.

## Funding the traineeship

- Stage funding can be made from the following sources:
  - a) the employer's own budget;
  - b) European structural and investment funds and national public funds approved in the unemployment insurance budget;
  - c) Sponsorship of individuals and / or legal entities;
  - d) other sources, according to the law.
- The employer who concludes an internship contract, under the present law, receives, upon request, during the period of the traineeship contract an amount of 2,250 lei (approximately 474 €) / month, granted from the unemployment insurance budget within the limits of the funds assigned to this destination.
- Employers can not receive double funding for the same person.

- During the period in which the labor relations are suspended, the financing is also suspended.
- The monthly amount of funding is given to employers in proportion to the actual time worked by the trainee.
- If, after the cessation of the traineeship, by the employer's initiative, the individual employment contract is stopped, the employer can no longer benefit from the other employment incentive provided for by the law.
- The amount shown above is not given to employers like public institutions and authorities, as defined by Law no. 500/2002 on public finances, as subsequently amended and supplemented, as well as by Law no. 273/2006 on local public finances, as subsequently amended and supplemented.

## Control

- The competence to control the way of concluding, executing, modifying, suspending and terminating the individual labor contract and the traineeship agreement and applying sanctions under the law is the responsibility of the labor inspectors.

## Law no. 176/2018 on internship

### The goal:

- developing the professional abilities of the intern in fulfilling the attributions and responsibilities in the field in which the internship program is organized;
- carrying out activities and familiarizing with the requirements of the host organization;
- the knowledge by the intern of the specific activity of the host organization in which it operates, as well as of its requirements;
- acquiring professional experience, practical and / or competent skills;
- facilitating the transition from the education system to the labor market.

## The internship contract

- The internship activity is based on an internship contract.
- The internship contract is the agreement concluded between the intern and the host organization, for a determined period, under which an intern undertakes to prepare professionally and to carry out a specific activity for and under the authority of a host organization that undertakes to assure him internship indemnity and all the conditions necessary to achieve the aforementioned purpose.
- In order to conclude the internship agreement, the intern must be at least 16 years of age or 15 if he / she has written consent to the parents or legal representatives.
- The internship contract the contract shall be drawn up in writing form.
- The period during which the intern has worked on the basis of the internship contract is considered a seniority in the work, and, depending on the case, the seniority in the specialty depending on the type of activity.
- It is forbidden to delegate tasks to the intern who consist of performing other activities and / or exercising other attributions other than those related to the theoretical and practical training according to the internship contract.

- The internship contract is terminated under the following conditions:
  - a) upon expiration of the term stipulated in the contract;
  - b) by common accord;
  - c) when the host organization ceases its activity;
  - d) by dissolution, in the case of non-execution or improper execution of the obligations stipulated in the internship contract by one of the parties, in so far as, upon notification by the injured party, the guilty party does not submit the necessary diligence for execution in accordance with their contractual obligations, within 5 days of receipt of the notification;
  - e) by concluding an individual labor contract between the parties, according to the provisions of Law no. 53/2003, republished, as subsequently amended and supplemented;
  - f) by unilateral termination by either party in justified cases on the basis of a prior notice given at least 15 days before the proposed termination date;
  - g) if the cumulative duration of the suspension exceeds one third of the internship period.

## Transparency requirements

- The host organization publicly promotes, in writing and / or online, the internship programs, the criteria, the timetable and the internal selection procedure, the general responsibilities for each offered internship program, as well as the contractual conditions (the number of hours and the duration of the internship program, minimum monthly allowance).



## Working conditions applicable to internship

- During the internship program, the intern undertakes to perform the activities stipulated in the internship contract for and under the authority of the host organization, under the direct coordination of a mentor, appointed by the host organization's leader from the qualified employees with at least a year's experience in the field of activity in which the internship program is to be carried out.
- A mentor can provide training for up to 3 interns at the same time and has the following obligations:
  - a) coordinates and guides the internship during the internship program;
  - b) monitors how to perform the internal activities;
  - c) assesses the internship and draws up an evaluation report at the end of the internship program;
  - d) elaborates the internship file in collaboration with the internship coordinator
- Depending on the number of employees, the host organization can simultaneously conclude internship contracts for a number of interns that can not exceed 5% of the total number of employees.
- By way of exception, the host organization with a maximum of 20 employees may simultaneously conclude at most two internship contracts.
- Internship programs can be organized at any time during an uninterrupted 12-month period.
- The duration of an internship program is up to 720 hours over 6 consecutive months.
- A single internship contract can be concluded between the intern and the host organization.
- By exception, internships can be concluded between intern and a host organization, provided they are for different internship programs and their cumulative duration is not more than 6 months.
- The intern enjoys all the rights to decent work, health and safety conditions in the workplace.

- If the host organization conducts internship programs with more than 12 interns simultaneously, the legal representative or the leader of the host organization designates a internship coordinator to organize and implement internship programs, with the following tasks:
  - a) establishes the implementation policy, the modalities of action and the way of realization of the internship programs;
  - b) coordinates the process of enrollment and selection of candidates;
  - c) ensure the publicity of the internship programs;
  - d) establishes, together with the heads of the internal specialized departments / structures, the number of available places for internship programs according to the field of activity of each;
  - e) provide the necessary support for the mentors and interns;
  - f) ensure the registration of the candidates, as well as the confidentiality of their personal data;
  - g) collaborates with the trainers on the line of promotion, coordination, monitoring and development of the interns' activity;
  - h) elaborates the documents and materials necessary for the good development of the internship program;
  - i) other duties which are the responsibility of the host organization according to the present law and are delegated by the head of the host organization or its legal representative, as the case may be.

## Rights and obligations

### Internal rights and obligations

- During the internship program, the intern has the following rights:

a) to receive the internship allowance from the host organization in the amount stipulated in the internship contract;

The amount of the internship allowance is equal to at least 50% of the gross minimum basic salary per country guaranteed in payment and is granted in proportion to the number of hours worked.

b) to benefit from the assistance and coordination of the mentor appointed by the host organization;

c) to establish activities whose level of complexity can gradually evolve during the internship program;

d) provide the material resources necessary for its professional training and the improvement of its practical knowledge;

e) to have access to information that will allow it to strengthen its knowledge and develop its abilities;

f) to provide the necessary time for training in order to acquire / consolidate practical and / or competent skills;

g) to participate in the training forms developed by the host organization, as the case may be;

h) benefit from objective evaluation;

i) receive the evaluation report and the internship certificate;

j) to challenge the evaluation report if it is dissatisfied with the outcome of the evaluation;

k) other rights deriving from the law or from the internship contract.

- During the internship program, the intern has the following obligations:
  - a) to observe the tasks given by his / her mentor in the activities undertaken in accordance with the provisions of the internship contract and with the internship card;
  - b) to consult the mentor for the accomplishment of the assigned tasks during the internship program;
  - c) to observe the rules of confidentiality in the conduct of its activity;
  - d) comply with the provisions of internal regulations;
  - e) comply with occupational health and safety rules and emergency rules;
  - f) other obligations arising from the intensive contract and from the internship card respectively concluded between the parties.

## Rights and obligations of the host organization

- During the internship program, the host organization has the following rights:
  - a) to organize the process of selection of the persons who will take part in the internship respecting the principle of equal treatment;
  - b) to monitor and evaluate the internally assimilated activity and knowledge during the period and at the end of the internship program, through the tutors, under the terms of the present law;
  - c) to establish internships in the field of internship internship;
  - d) to use the theoretical and practical knowledge of the intern during the internship program;
  - e) to exercise control over the way in which the internal activities are carried out and carried out.
- In the event of a violation of the internal regulations and / or the internship agreement, the host organization shall have the right, following an internal investigation, to apply the following sanctions:
  - a) written warning;
  - b) reduction of the indemnity for a maximum of two months, by 5-10%;
  - c) termination of the internship contract.

- During the internship program, the host organization has the following obligations:
  - a) to hand over a copy of the internship contract before the commencement of the activity;
  - b) to pay the internship for the internship, according to the internship contract;
  - c) designate a mentor to guide the intern for professional training, deepening theoretical knowledge and improving practical skills in the field of the internship program;
  - d) to provide adequate equipment - logistic, technical and technological - necessary for valorising the theoretical knowledge of the intern and the development of practical knowledge;
  - e) supervise the internship during the internship program;
  - f) to issue to the intern, at the end of the internship program, the internship certificate under the conditions stipulated in art. 12;
  - g) not to use the intern for carrying out activities other than those provided in the internship contract and the internship card;
  - h) to observe the internal program of activity under the conditions stipulated in art. 8 par. (3) and (4);
  - i) to inform about the risk assessment in the establishment and the consequences of the existing risks;
  - j) not to use the intern at carrying out activities related to occupations of Major group 9 - Unskilled workers, according to the Classification of Romanian Occupations (COR) and / or in activities in difficult or harmful conditions for interns;
  - k) to keep records of the hours worked by each internal and to make available to the inspection bodies such records whenever required;
  - l) ensure during the internship program the health and safety at work conditions stipulated in the Law on safety and health at work no. 319/2006, as amended;
  - m) to make available to the inspection bodies the internship contract, the internship card, as well as the records of the activity performed internally, including proof of the granting of the internship allowance.

- The host organization has the obligation to complete and transmit the data and information from the internship contract, at the latest on the last working day prior to the start of the internship activity, in the register of internship contracts, established by the county agency for employment or of the municipality of Bucharest, in whose territorial scope it operates, kept in electronic form, hereinafter referred to as the electronic register of evidence.
- The access of the host organization to the electronic register is made on the basis of its own password, used free of charge.
- The host organization has the obligation to complete the electronic register of records in the order of the conclusion of the internship contracts.
- The electronic records register includes the internal identification elements, the date of conclusion of the contract, the start date of the internship program, its duration, the amount of internship indemnity, the date of termination of the internship contract, the scope of the internship program.
- Any change regarding the identification data of the host organization or the internship contract, respectively, shall be operated in the electronic register of records, within 3 working days from the date of the occurrence of the situation that imposed the respective change.
- The correction of the errors occurring in completing the electronic register is done on the date when the host organization became aware of them.

## Assess the internship and issue the internship certificate

- The evaluation of the internship activity is carried out on the basis of an evaluation report drawn up by the mentor within 5 working days after the completion of the internship program, which will include the description of the activities carried out by the intern, the way of accomplishing them, taking into account:
  - a) the skills acquired by the intern following the completion of the internship program;
  - b) internal conduct during the internship program;
  - c) assessing the level of competence building and acquiring the theoretical knowledge and the practical skills needed to practice a profession in the field in which he / she has completed the internship program;
  - d) conclusions regarding the conduct of the internship program;
  - e) the evaluation criteria established and the degree of fulfillment of the obligations stipulated in the internship card and in the internship contract;
  - f) the degree of achievement of the established objectives.
- The instructor draws up the report and assigns one of the following qualifiers: very good (FB), good (B), satisfactory (S) and unsatisfactory (NS).
- Within 5 days of the submission of the final evaluation report, the host organization has the obligation to issue to the intern a certificate of internship certifying:
  - a) the period during which he worked on the basis of the internship contract;
  - b) the activities carried out during the internship program;
  - c) the rating obtained from the evaluation;
  - d) the skills / competences acquired during the internship program.



## Financing Opportunities

- Upon termination of the internship agreement, the parties may agree to continue the activity by concluding, under the law, an individual employment contract.
- At the end of the internship program, if it is not decided to conclude an individual employment contract, the activity ceases.
- Host organizations which, within 60 days of completing the internship program, conclude an individual employment contract with the person who has completed the internship program receive, on request, from the unemployment insurance budget a premium to promote employment amounting to RON 4,586 (approximately € 965) for each person so employed, after fulfilling the obligation to maintain employment relationships for an uninterrupted period of at least 24 months. The employment promotion premium is awarded within the limits of the funds allocated for this purpose.

## Control

- The control bodies within the territorial structures of the Labor Inspection and the National Agency for Employment respectively have the competence to control:
  - a) the register of internship records, set up and administered by the county agency for employment;
  - b) the way of concluding, executing, modifying, suspending and terminating the internship contract;
  - c) proof of granting the internship allowance due to the intern under the conditions of the law.

## Organizing the Official Internship Program of the Romanian Government

- The official program of internship of the Romanian Government is organized by the General Secretariat of the Government, as an organizing institution for the ministries and public institutions of the central public administration, which are the host organization; for the interns who carry out the work within the structures of the Government's working apparatus, the General Secretariat of the Government has also the quality of the host organization.
- Funding of the official Internship Program of the Romanian Government, including the indemnity due to the intern, is ensured from the budget of the General Secretariat of the Government approved annually for this purpose.
- The General Secretariat of the Government, as an organizing institution, can simultaneously conclude internship contracts for a number of interns that can not exceed 50% of the total number of employees of the Government's working apparatus.
- Within the Official Internship Program of the Romanian Government organized by the General Secretariat of the Government as an organizing institution may simultaneously carry out activity within the same host organization a number of interns that can not exceed 5% of the total number of employees host organization.
- The General Secretariat of the Government issues to the intern the internship certificate for participation in the official Internship Program of the Romanian Government.