



NATIONAL PLAN

FOR THE IMPLEMENTATION OF THE COUNCIL RECOMMENDATION of 8 November 2019 on access to social protection for workers and the self-employed (2019/C 387/01)

PRELUDE

On 8 November 2019, the EPSCO Council adopted the Recommendation on Access to Social Protection for Workers and the Self-employed - a key initiative that supports the implementation of the European Pillar of Social Rights.

The aim of the recommendation is to support workers and self-employed who, due to their employment status, are not sufficiently covered by social security systems and are thus exposed to greater economic uncertainty. It is therefore recommended that Member States ensure that all workers and self-employed persons adhere to social protection schemes, take measures to enable them to accumulate and benefit from adequate social benefits as members of a system (ensuring an efficient and adequate coverage), facilitate the transfer of benefits between systems and increase transparency regarding social security systems and rights.

The Recommendation sets out the following measures to support its implementation:

- mutual learning activities,
- a monitoring framework completed by 15 November 2020,
- national plans to be submitted by 15 May 2021,
- assessing progress in the context of multilateral surveillance instruments under the European Semester and the Open Method of Coordination (OMC) for social protection and social inclusion,
- evaluation by the European Commission by November 2022.

The Council Recommendation states that, by 15 November 2020, the European Commission, together with the Social Protection Committee (SPC), should establish a monitoring framework and develop common qualitative and quantitative indicators to assess the implementation of the Recommendation, thus allowing for its revision.

At its meeting on 26.11.2019, the Social Protection Committee (SPC) mandated the SPC Subgroup for Indicators (ISG) to develop a Framework for monitoring the implementation of this Recommendation by Member States, based on a proposal from the European Commission.

Since December 2019, ISG and the European Commission have been working together to develop a framework for monitoring the implementation of the Recommendation by Member States. In its meeting on 22 October 2020, ISG finalized its work on developing Version 0 of



the monitoring framework, which was then presented to the SPC for formal adoption. This Monitoring Framework - version 0, developed, is an updatable document ("*living document*"), and it is necessary to continue the work within the ISG to complete and improve the document - especially by performing a sensitivity analysis of the first indicators adopted, adjusting them if it is necessary, as well as to fill the gaps in some areas that are not currently covered by statistical data (on the side of contributions, transparency, self-employment pensions, etc.). The key indicators will be updated annually and will be included in the evaluation to be carried out by the European Commission in 2022.

Version 0 of the Monitoring Framework developed by ISG was discussed and approved in the SPC meeting from 30.10.2020.

In addition to its work on the monitoring framework, the European Commission has supported Member States and various stakeholders in achieving the objectives of the Recommendation by organizing four mutual learning seminars (between October 2019-September 2020), focusing on the following topics:

1. Extending formal coverage of non standard workers and the self employed. Mandatory versus voluntary approach (Article 8 of the Recommendation) in 29-30 October 2019, Brussels: [First workshop: Mutual learning on access to social protection for workers and the self-employed - Employment, Social Affairs & Inclusion - European Commission \(europa.eu\)](#)
2. Effective coverage Income and time thresholds (Articles 9 and 10 of the Recommendation), in 14-15 June 2020, Brussels: [Second workshop: Mutual learning on access to social protection for workers and the self-employed - Employment, Social Affairs & Inclusion - European Commission \(europa.eu\)](#)
3. Adequate coverage Ensuring proportionate contributions, assessing income, avoiding loopholes (Articles 11 to 14 of the Recommendation) in 25-26 June, online: [Third workshop: Mutual learning on access to social protection for workers and the self-employed - Employment, Social Affairs & Inclusion - European Commission \(europa.eu\)](#)
4. Transparency and transferability ensuring access to comprehensive information and preserving rights (Articles 10, 14 and 15 of the Recommendation), in 29 September, online): [Fourth workshop: Mutual learning on access to social protection for workers and the self-employed - Employment, Social Affairs & Inclusion - European Commission \(europa.eu\).](#)

The Recommendation requires Member States to implement the established principles as soon as possible and to present a Plan of appropriate measures to be adopted at national level for the implementation of the Recommendation. These Plans must be submitted by the Member States (MS) to the European Commission by 15th of May 2021.

At the same time, the Recommendation provides that progress in implementing this Plan should be discussed in the context of multilateral surveillance instruments in accordance with the European Semester and the Open Method of Coordination (OMC) for Social Protection and Social Inclusion.



The Recommendation also specifies that the European Commission should review the progress made in implementing this Recommendation, also taking into account the impact on SMEs, in cooperation with the MS and after consulting stakeholders, and report to the Council by 15th of November 2022. Based on the results of the review, the Commission may consider making further proposals.

In November 2020, the European Commission - Directorate-General for Employment, Social Affairs and Inclusion, Directorate C - Modernization of Social Protection Systems, Unit C2 - Modernization of Social Protection Systems, prepared the document on Guidance and Structure for National Plans in accordance with the Recommendation (Guide for the elaboration of the National Plans for the implementation of the Recommendation, which provides the structure that these Plans must have). It is recommended to recall in the Plans the challenges faced by the social protection system and the gaps in access to social protection for self-employed and workers, as well as to establish how the MS (through the Government and, where appropriate, the social partners) intends to fill these gaps by improving access to social protection for all, in line with the objectives and principles of the Recommendation.

The structure of the National Plans provides for the following sections:

1. Challenges,
2. Lessons learned from the COVID 19 crisis,
3. Policy objectives and measures to be taken,
4. Way forward.

Although it is recommended that the plans focus on the structural reforms undertaken since the adoption of the Recommendation to date, and those planned for the future and, where relevant, based on the measures already in place, they may also take into account temporary measures taken during the pandemic and building plans based on lessons learned to integrate relevant measures into social protection systems.

MS are encouraged to develop the Plans through a broad dialogue at national level involving the social partners and all other relevant stakeholders, especially if this has not been done before for the issues concerned.

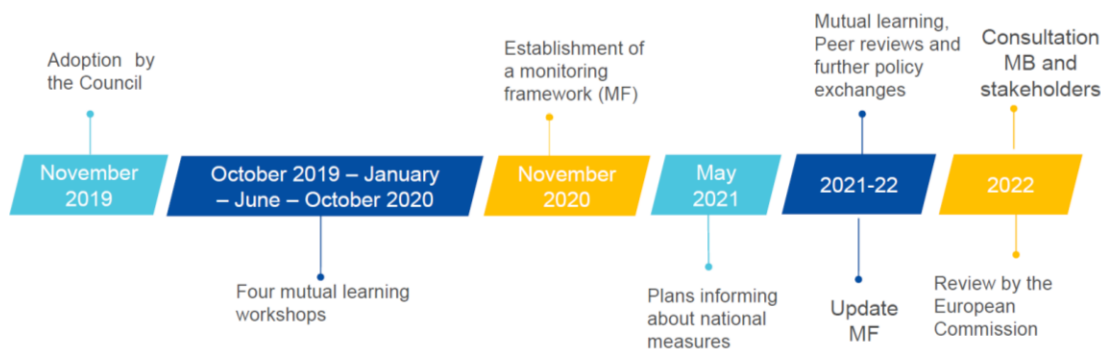
Indicative chronology for national plans:

October 30th, 2019: adoption of the monitoring framework and discussions on the next steps,
November 6th, 2019: written contributions on the draft guidance and structure (Guide),
November 12th, 2019: written procedure on the revised orientation and structure,
November 19th, 2019: deadline for the written procedure (Guide),
End of 2020: formal request sent by the Commission to the EU MS,

February 2021: deadline for Member States to submit the draft RRF (reflecting substantial reform efforts and investments that contribute to strengthening growth potential, job creation and economic and social resilience for the Member State)

May 15, 2021: deadline for Member States to submit the Plan for the implementation of the Recommendation on access to social protection.

Implementing the Recommendation



Note: *The Council Recommendation applies to:*

- **workers and the self-employed, including people transitioning from one status to the other or having both statuses, as well as people whose work is interrupted due to the occurrence of one of the risks covered by social protection;**
- **3.2. the following branches of social protection, insofar as they are provided in the Member State:**
 - (a) *unemployment benefits;*
 - (b) *sickness and healthcare benefits;*
 - (c) *maternity and equivalent paternity benefits;*
 - (d) *invalidity benefits;*
 - (e) *old-age benefits and survivors' benefits;*
 - (f) *benefits in respect of accidents at work and occupational diseases.*

This Recommendation does not apply to the provision of access to social assistance and minimum income schemes.



1. Challenges

Technological development and the digital economy, especially in the current pandemic context, have a significant impact on all sectors of the economy and social activities and lead to significant changes in the employment structure of the Member States of the European Union. At the same time, digitisation, like previous technological progresses, has a number of repercussions on all labour markets, leading to the emergence of new forms of work.

Given that there will be changes in employment by changing the skills requirements for most jobs, we believe that employers need to adapt to new organizational technologies and methods, and employees need to adapt to these changes by constantly acquiring new skills needed to use new technologies.

All these changes require an ongoing process of identifying new ways to provide high flexibility in the labour market, while ensuring the security of workers and labour relations. Thus, we consider it useful to promote common principles on the flexibility of contractual relations that take into account the need to maintain an adequate level of competitiveness, employment and job satisfaction.

At the same time, these principles must include flexible and reliable contractual conditions, active employment policies, global strategies for lifelong learning. Combining flexibility and security for employees and employers is a key aspect in modernizing labour markets, addressing the challenges and capitalizing on opportunities for globalization, digitalisation and the prospect of sustainable growth.

Moreover, new forms of employment also require maintaining or increasing levels of social protection in order to provide good protection against social risks. As a result, social protection systems need to be adapted to new employment patterns and acquired social protection rights should be maintained in the event of a transition between different work situations in accordance with national practices.

According to the legislation in force, respectively Law no. 76/2002 on the unemployment insurance system and employment stimulation, with subsequent amendments and completions, the insured persons can benefit from the unemployment benefit, by the effect of the law, but also the persons who conclude an optional insurance contract in the unemployment insurance system. Also, the benefit is granted under the conditions expressly provided by law.

As regards non-standard workers, they may benefit from unemployment benefits if they belong to one of the two categories of persons mentioned above. For clarity, we present below the provisions of art.19 and 20 from the Law:

ART. 19 In the unemployment insurance system, the following are compulsorily insured, by the effect of the law, except for the persons who have the quality of pensioners:

a) persons who carry out activities on the basis of an individual employment contract or on the basis of a temporary employment contract, in accordance with the law;



b) *civil servants and other persons carrying out activities on the basis of the act of appointment;*

c) *the persons who carry out their activity in elective positions or who are appointed within the executive, legislative or judicial authority, during the mandate;*

d) *persons who carry out their activity in elected positions within legal persons without patrimonial purpose, respectively entities, legal persons, which according to their own laws of organization and functioning carry out non-profit activities, such as: associations, foundations, political parties, employers' organizations, trade unions, mutual aid houses, religious cults, during the term of office, except for the president of the owners' association or other persons who carry out activity based on the mandate contract, according to Law no. 230/2007 *) regarding the establishment, organization and functioning of the owners' associations, with the subsequent modifications and completions;*

e) *the persons who carry out activity on the basis of an established employment relationship, as a cooperating member, according to Law no. 1/2005 regarding the organization and functioning of the cooperation, republished;*

f) *the directors who carry out activity on the basis of a mandate contract and the members of the management from the companies managed in dual system and of the supervisory board, during the mandate, as well as the managers who carry out activities on contract based on the management contract provided by law;*

g) *the administrators of the companies / national companies and autonomous utilities companies, designated / appointed in accordance with the law, which carry out activity on the basis of a mandate contract;*

h) *private persons who earn income from salaries or assimilated to salaries, both in Romania and on the territory of a Member State of the European Union, of a Member State of the European Economic Area or of the Swiss Confederation, for which the competent authorities of these States or bodies designated by these authorities establish that, for the incomes obtained outside Romania, the applicable legislation in the field of compulsory social contributions is the one from Romania;*

i) *private persons Romanian citizens, citizens of other states or stateless persons, during the period when they have, according to the law, domicile or residence in Romania and who earn in Romania income from salaries or assimilated to salaries from employers from states not covered by European legislation applicable in the field of social security, as well as the agreements regarding the social security systems to which Romania is a party. ART. 20*)*

(1) The following persons may be insured in the unemployment insurance system, under the conditions of the present law:

a) *sole shareholder, associates;*

b) *authorized private persons, private persons entrepreneurs, owners of individual enterprises, as well as members of family enterprises;*

c) *Romanian citizens who work abroad, according to the law, and who do not find themselves in the situation provided in art. 19 lit. h);*

d) *other persons who earn income from activities carried out according to the law and who are not in one of the situations provided at let. a) - c).*

(2) The persons provided in par. (1) may be insured voluntarily in the unemployment insurance system by signing an unemployment insurance contract and by paying under this insurance contract the contribution to the unemployment insurance budget, whose quota is equal to the quota provided in art. 220 ^ 6 alin. (4) lit. b) of Law no. 227/2015 on the Fiscal Code, with subsequent amendments and completions, which belongs to the unemployment insurance budget from the share of the insurance contribution for work provided in art. 220 ^ 3 of the same normative act.



Regarding the trainees and apprentices, they carry out their activity according to the provisions of Law no. 335/2013 regarding the internship for higher education graduates, with subsequent amendments and completions and Law no. 279/2005 on apprenticeship at work, republished, thus being insured by the effect of the law but not necessarily also beneficiaries of unemployment benefits. Moreover, one person can receive the unemployment benefit only if the conditions provided by law are met.

In line with the recommendations of the European Union (EU) and the World Health Organization (WHO), in order to protect public health, it is necessary to plan preparedness and response to serious cross-border threats to health, monitoring and early warning of these and their combat. In this situation, the Romanian Government, particularly concerned with ensuring an adequate response to the threat of SARS CoV-2 from the early stage of epidemic development in Wuhan Province, reacted strongly with the central objective of minimizing the consequences of this new disease on the population of Romania, by making legislative changes, implementing organizational measures in the health system and restoring stocks of specific drugs and materials to ensure adequate intervention capacity, including the implementation of additional measures to ensure protection of workers from the consequences of SARS CoV-2 infection.

The pandemic is putting enormous pressure on the national health system. The crisis has hit a system fraught with structural deficiencies, such as low levels of funding for the health system and unequal access to healthcare. In this context, improving the resilience of the health system and its ability to respond to shocks is a major challenge. Among the immediate response measures, Romania purchased essential medical products and included the medical costs for treating COVID-19 in the minimum package of services for the uninsured. The considerable shortage of labor in the health sector, including the shortage of family doctors, as well as outdated medical infrastructure, lack of medical products, insufficient training of medical staff and the limited degree of continuity and integration between different levels of care, weaken the resilience of the health system. Even before the crisis caused by COVID-19, cases of unmet medical needs reported were on the rise and it is very likely that access to healthcare has deteriorated in the meantime.

The pandemic has further highlighted regional disparities and the issue of access to health insurance for low-income groups and the elderly. In the long run, population aging and migration are issues that put increasing pressure on the sustainability of the health system. In the context of COVID-19, it is equally important to address structural issues, including the provision of preventive, outpatient and community care services through well-targeted public policies. Long-term investments will be needed to strengthen the Romanian health system by ensuring the availability of the necessary medical staff and equipment, by promoting technological and applied research and by improving the coverage and accessibility of health services for all citizens, including non-urban areas and including through the use of e-health services.



In the public pension system, regulated by Law no. 263/2010 on the unitary public pension system, with subsequent amendments and completions, are ensured, by the effect of the law (in addition to persons carrying out activities on the basis of individual employment contract, civil servants, persons who benefit from monthly monetary rights that are insured from the unemployment insurance budget, persons who carry out their activity in elective positions or who are appointed within the executive, legislative or judicial authority, during the term, the cooperating members of a craft cooperative) and:

- other persons who earn income assimilated to salaries for which a social insurance contribution is due, according to the provisions of Law no. 227/2015 on the Fiscal Code, with subsequent amendments and completions, hereinafter referred to as the Fiscal Code,
- the persons who earn income from independent activities and / or from intellectual property rights, for which a social insurance contribution is due, according to the provisions of Law no. 227/2015 on the Fiscal Code, with subsequent amendments and completions.

Also, the National House of Public Pensions (CNPP) identified as a challenge regarding access to social protection for workers and the self-employed, difficult access to services / benefits provided by social security systems for migrant workers - partially solved by digitalization.

Another challenge identified in the implementation of the provisions of this Recommendation is that there is no system for granting paternity leave for self-employed workers. However, they can be covered by parental leave and allowance, from the birth of the child.



2. Lessons learned from the COVID-19 crisis

The pandemic caused by the new coronavirus has had and continues to have a strong economic, social and health impact. The labour market has led to rapid changes in existing relationships between employers and employees and the need to adapt them to the new realities and conditions of safety and health at work.

Firm and coordinated measures taken to limit the spread of the virus at local and national level have affected both labour demand and supply, but at the same time have sought to protect the health of the entire population and have been implemented in a spirit of solidarity and cooperation at all levels.

Given the extraordinary situation caused by the SARS-CoV-2 pandemic, the Romanian Government has adopted a series of innovative measures, in line with the evolution of the national situation and the needs of the labour market, in order to maintain jobs in the sectors economic growth and prevent rising unemployment in this time of health crisis.

All these changes require an ongoing process of identifying new ways to provide the necessary flexibility in the labour market at national level, while ensuring the security of workers and labour relations.

Thus, by supporting the creation of new jobs, maintaining existing ones and increasing employment opportunities for the unemployed, as well as by improving compatibility with local and regional market requirements and ensuring adequate protection of all employees, regardless of their field of activity, the Romanian economy and the labour market can recover quickly from the shock caused by the COVID-19 crisis.

Regarding the measures taken during the pandemic and the lessons learned from the crisis to ensure access to unemployment benefits, the measure to grant the technical unemployment benefit was taken, supported by the State budget for employees and for the other categories provided by GEO no. 30/2020 for the amendment and completion of some normative acts, as well as for the establishment of some measures in the field of social protection in the context of the epidemiological situation determined by the spread of SARS-CoV-2, respectively:

- employees who have their individual employment contract suspended, at the initiative of the employer, according to art. 52 para. (1) lit. c) of Law no. 53/2003 - Labor Code, republished, with subsequent amendments and completions, the payments being made by the National Agency for Employment (ANOFM),
- other professionals, as regulated by art. 3 par. (2) of Law no. 287/2009 on the Civil Code, republished, with subsequent amendments, the payments being made by the National Agency for Payments and Social Inspection (ANPIS),
- persons who have concluded individual labor agreements based on Law no. 1/2005 on the organization and functioning of the cooperatives, republished, with subsequent amendments, the payments being made by the National Agency for Payments and Social Inspection (ANPIS),



- the persons provided in art. 67 ^ 1 alin. (1) lit. a) - c) of the Law on physical education and sports no. 69/2000, as subsequently amended and supplemented, the payments being made by the National Agency for Payments and Social Inspection (ANPIS),
- private persons who obtain income exclusively from copyright and related rights, as regulated by Law no. 8/1996 on copyright and related rights, republished, with subsequent amendments and completions, the payments being made by the National Agency for Payments and Social Inspection (ANPIS),
- lawyers whose activity was reduced as a result of the effects of SARS-CoV-2, during the state of emergency, if in the month for which they request the benefit they earned at least 25% less than the monthly average for 2019, but which do not exceed the average gross salary provided by Law no. 6/2020 of the state social insurance budget for 2020, the payments being made by the National Agency for Payments and Social Inspection (ANPIS).

The following unemployment benefit measures were also adopted:

- the extension, during the state of emergency, of the payment of the unemployment benefit provided by Law no. 76/2002 on the unemployment insurance system and the stimulation of employment, with the subsequent modifications and completions, for the unemployed whose right ceased, during this period. Subsequently, by Law no. 59/2020 on the approval of the Government Emergency Ordinance no. 30/2020 for amending and supplementing some normative acts, as well as for establishing measures in the field of social protection in the context of the epidemiological situation caused by the spread of SARS-CoV-2, the extension was established by three months, until 31 December 2020, of the period for granting the unemployment benefit, including for those for whom the payment of the unemployment benefit was suspended on the date of entry into force of Law no. 59/2020 approving the approval of the Government Emergency Ordinance no. 30/2020 for the amendment and completion of some normative acts, as well as for the establishment of some measures in the field of social protection in the context of the epidemiological situation determined by the spread of the SARS-CoV-2;
- in the event that employment contracts have been suspended as a result of the effects of the pandemic, during the state of emergency and alert, the suspension period has been established as an assimilated stage in the unemployment insurance system, in which individual employment contracts are suspended for which employers do not owe the insurance contribution for work as it is regulated by the specific legislation;
- during the emergency and alert period, when establishing and calculating the unemployment benefit provided by Law no. 76/2002 on the unemployment insurance system and stimulating employment with subsequent amendments and completions, it is taken as a reference the benefit granted to the employees to whom the individual employment contract was suspended, at the initiative of the employer.

The unemployment benefit regulated by Law no. 76/2002 is granted under the conditions expressly provided by law, respectively for job loss, and the technical unemployment benefit granted according to GEO no. 30/2020 and according to the Labor Code is granted for the period of suspension of the employment relationship. Therefore, these 2 types of allowances cannot be confused and they are not complementary.



In the period from the debut of the health pandemic, a number of measures in the health area have been taken to manage the SARS-CoV-2 crisis:

- Legislative amendments to allow insured persons access to medical services, medicines and medical devices during the state of emergency, as well as during the state of alert declared on the Romanian territory according to the law, in epidemiological safety conditions, such as:
 - medical services, medicines and medical devices necessary for the treatment of patients diagnosed with COVID-19 and their complications granted to insured persons, uninsured persons, as well as other persons on the territory of Romania to be reimbursed from the budget of the Single National Health Insurance Fund (FNUASS);
 - increasing the maximum number of consultations provided at the level of medical service providers in primary health care and in the specialized outpatient clinic for clinical specialties, from 4 consultations per hour / doctor to a maximum of 8 consultations per hour / doctor;
 - the possibility of providing by any means of communication (including by electronic means of remote transmission) medical consultations in specialized primary and clinical medical care, as well as services related to the medical act provided by psychologists and speech therapists;
 - granting the outpatient medical services for the clinical specialties, without the need to present the referral ticket;
 - extending to family doctors the right to prescribe restricted medicines for patients with chronic diseases and stable treatment schemes;
 - the settlement of the medical services for the sanitary units with beds is made at the level of the expenses actually incurred;
 - supplementing the amounts for paraclinical investigations necessary to monitor patients diagnosed with COVID-19 after discharge from hospital, as well as for paraclinical investigations necessary to monitor patients diagnosed with oncological diseases, diabetes, cardiovascular disease, rare diseases, neurological diseases and cerebrovascular diseases - for those diseases respectively;
 - for the specialized units that provide dialysis services within the National Program for the suppression of renal function in patients with chronic renal insufficiency, the health insurance houses reimburse all the dialysis services actually performed, within the limit of the number of patients provided at national level;
 - until 31 December 2020 the settlement of radiotherapy services, services for monitoring the evolution of the disease in patients with oncological diseases by PET-CT, services for diagnosis and monitoring of the minimum residual disease of patients with acute leukemias by immunophenotyping, cytogenetic examination and / or FISH and molecular biology examination in children and adults, genetic diagnosis services for malignant solid tumors (Ewing's sarcoma and neuroblastoma) in children and adults, dialysis services, Gamma-Knife treatment services and glycosylated hemoglobin (HbA1c) dosing is performed at the level achieved, reported and validated in the Social Health Insurance Information Platform (PIAS).



- Medical leave - Considering the extraordinary situation, in March - July 2020, as a result of the COVID-19 pandemic, 94,898 medical leave certificates were granted, and the FNUAS budget was settled in the amount of 19,065 thousand lei.
- Extensive information-awareness measures for the population and information for professionals:
 - A special section with information on the infection with the new coronavirus has been set up on the website of the National Institute of Public Health, which includes the regulations issued, essential detailed information for the population, essential information for professionals, including risk assessments, travel advice etc .;
 - Tolverde 0800800358 - free phone line for informing the population, was established since the first case of COVID 19 in Romania, by the Decision No. 2 of 24.02.2020 of the National Committee for Special Emergency Situations;
 - ensuring coherent and synergistic messages on the essential measures to be followed by the population - for the National Council of AudioVisual (CAN); leaflets and posters were distributed in the country.
- Quarantine measures - people and localities and self-isolation at home. With the introduction of the quarantine measure for people in an international public health emergency caused by COVID-19 infection and the establishment of measures to prevent and limit the effects of the pandemic, the measures for quarantine / self-isolation of persons were regulated, special spaces were prepared intended for the quarantine of persons entering the territory of Romania at the level of all counties, by DSP or local public authorities.
- Stimulation/motivation of medical staff - funds were provided for granting the risk incentive - for April and May 2020, from the Single National Health Insurance Fund (FNUASS)'s budget, medical service providers paid risk incentive in the amount of 162,652.5 thousand lei for 32,451 people in April and 32,610 people in May.
- Ensuring the necessary diagnostic and treatment capacity at the level of the health system to reduce the consequences of the disease: within the National Program for surveillance and control of priority communicable diseases, a new activity was included, namely "laboratory testing by RT-PCR method to detect infection with SARS COV-2 of persons established by the methodology for surveillance of acute respiratory syndrome with the new coronavirus (SARS COV-2) developed by the National Institute for Oublic Health (INSP), by the National Center for Surveillance and Control of Communicable Diseases (CNSCBT) or by order of the Minister of Health.

Also, another lesson learned during this period was the need to develop online / digital services in order to facilitate communication between the National House of Public Pensions (CNPP) and beneficiaries:



- Development of the CNPP website in the fields of national pensions / international pensions / applicable legislation,
- Dedicated email addresses,
- Providing daily phone audiences.

From the beginning of the pandemic until now, in the context of the epidemiological situation caused by the spread of SARS-CoV-2 that led to the establishment of the state of emergency between March 16 - May 14 2020 and beyond, by the state of alert, but also the prolongation measures were taken in the field of social protection which covered several social categories and ensured the elimination of inequalities and, at the same time, respect for employers and employees, as well as all other categories of the population at risk of exclusion. This period was and still is a difficult one from an economic and social point of view for most of the citizens of Romania, but also for the economic actors, regardless of the field in which they operate. Despite all the implementation difficulties, the measures taken proved to be effective, concrete and, above all, provided an immediate response to the multitude of challenges posed by the pandemic.

The main measures adopted in the field of social protection were regulated by Government Emergency Ordinance no. 30/2020 amending and supplementing some normative acts, as well as establishing measures in the field of social protection in the context of the epidemiological situation caused by the spread of SARS-CoV 2 and for establishing additional social protection measures, with the amendments and completions brought by the Government Emergency Ordinance no. 32/2020, as well as by the other normative acts that modify and / or complete them or contain provisions regarding their application. These measures were taken to reduce the impact of the spread of SARS-CoV-2, related to the period of emergency and state of alert.

Also, the measures taken in the field of social assistance benefits through the normative acts approved during this period aimed at ensuring the protection of beneficiaries both during the state of emergency and during the state of alert, by guaranteeing the timely payment of social benefits, without delays, as well as to meet all the needs of the beneficiaries, both at central level and at county and local level.

Measures to protect workers and support employers adopted during the pandemic:

1. Ensuring from the state budget of allowances for persons who have stopped their activity as a result of the effects of SARS-CoV-2, other than employees, respectively professionals (private persons, individual enterprises, family enterprises, etc.), persons who have concluded individual labor agreements based on Law no. 1/2005 (cooperations), lawyers, persons working on the basis of a sports activity contract, private persons who obtain income exclusively from copyrights and related rights, as regulated by Law no. 8/1996. The allowances were set at a maximum of 75% of the average gross earnings provided by Law no. 6/2020. These allowances were granted both during the state of emergency and state of alert for those whose activity is carried out in areas where restrictions are maintained (GEO no. 30/2020,



supplemented by GEO no. 32/2020 , GEO no.43 / 2020, GEO no.53 / 2020, GEO no.70 / 2020, GEO no.92 / 2020, Law no.55 / 2020),

2. In addition to the active measures approved by GEO no.92 / 2020, by GEO no.132 / 2020 and GD no.719 / 2020 the following were established:
 - supporting other categories of persons who earn income independently, respectively other professionals, as regulated by art. 3 para. (2) of Law no. 287/2009 on the Civil Code, republished, with subsequent amendments, whose activity is reduced as a result of the establishment of the state of emergency / alert / siege. For them, it was proposed that during the state of emergency / alert / siege, to be granted a monthly allowance of 41.5% of the average gross earnings, from the state budget, through the National Agency for Payments and Social Inspection (ANPIS) based on the request and the statement on one's own responsibility;
 - supporting employers - beneficiaries of works - who use the daily labor force by subsidising 35% of the due remuneration / working day of the day-worker. The amount paid to the day-workers by the beneficiary of works is subsequently settled from the budget of the Minister of Labor and Social Protection through the National Agency for Payments and Social Inspection and the territorial agencies;
 - for the seasonal workers it was regulated the granting of a benefit representing 41.5% of the salary, but not more than 41.5% of the average gross salary, corresponding to the worked period. The final beneficiaries are employees with individual employment contracts concluded for a period of up to 3 months. The amount is paid by the employer and is subsequently deducted by the National Agency for Employment, through the territorial employment agencies.



3. Policy objectives and measures to be taken

In the context presented above, labour relations legislation should be seen as part of a broader institutional framework that includes social protection systems, active labour market policies and access to lifelong learning.

The social, economic and technological changes and the dynamics of today's society have generated changes, including in terms of forms of work, causing changes in the way the traditional one-to-one relationship between employer and employee is viewed, but also in terms of place in which the employee carries out his activity for the benefit of his employer.

The context created by the emergency and the spread of SARS-CoV-2 has led to the adoption of work flexibility solutions. All this time when people have had to work in telework or work from home, and in private have used IT applications significantly to meet the needs of goods and services has shown that these behaviors work.

This is a favorable premise for continuing the use of telework or work at home, but also for the consideration of the use of other new flexible forms of employment, such as: employee sharing, job sharing, management temporary work, occasional work, coupon-based work, portfolio-based work, collective employment, collaborative work, etc.

The sustainable integration of these emerging forms of employment into human resource management policies, so as to contribute to the consolidation of a more flexible and inclusive labour market, depends on striking a balance between ensuring adequate social protection and acceptable working conditions, which does not make them less favorable to workers than the established types of employment. Their successful implementation requires that they should be easy to use by employers, and that both segments of the labour market have a satisfactory level of information and awareness.

Last but not least, in order to ensure adequate social protection during the period in which the person receives unemployment benefits, the identification and establishment of ways to optimize the system for granting unemployment benefits and its value are considered.

Ensuring the access of self-employed workers to paternity leave regulated by Law no. 210/1999 on paternity leave, with subsequent amendments and completions. According to Law no. 210/1999 on paternity leave, with subsequent amendments and completions, the persons requesting paternity leave must be insured within the state social insurance system. Parental leave is granted by the employer and the parental leave allowance is paid from the employers' salary fund and is equal to the salary corresponding to the respective period. Therefore, only employees are entitled to paternity leave, regardless of the type of contract (part-time or full-time) or its duration.

Recently, Law no. 33/2020 which amends Law no. 210/1999 was approved. Thus, starting with April 2020, Law no. 33/2020 allows the granting of paternity leave to other categories of workers who are not insured within the state social insurance system, such as: police officers, military personnel, soldiers and professional ranks, as well as civil servants with special status from the penitentiary administration system, in activity .



Law no. 210/1999, as subsequently amended and supplemented, will be modified at the beginning of 2022, which will require harmonization with the provisions of EU Directive 2019/1158 on work-life balance of parents and carers and repealing Directive 2010/18/EU. This new Directive aims to introduce minimum standards at European Union level by regulating paternity leave. Article 4 of the new Directive guarantees the right of fathers to take paternity leave in the form of a period of leave of 10 working days at the time of the birth of their child. The implementation of this new Directive will have an impact on the provisions of national legislation, the transposition of the new provisions into national legislation being mandatory until August 2, 2022.

In this context, the possibility of introducing provisions to allow self-employed workers to benefit from the right to parental leave and from an adequate allowance related to this leave.

The policy objectives and related measures are set out in detail in the Annex to this document.



4. Way forward

The health status of Romania's population is improving, but remains below the EU average. Life expectancy at birth in Romania was among the lowest in the EU. Ischemic heart disease remains the leading cause of death, although cancer mortality is on the rise. The preventable mortality rate and the mortality rate from treatable causes are among the highest in the EU.

In Romania, healthcare expenditures are still very low. In 2017, about 5.2% of Romania's GDP was spent on healthcare, compared to 9.8% in the EU, despite the fact that healthcare spending as a percentage of total public spending increased steadily in previous years.

Preventive care is underfunded and its availability is limited. Expenditure on preventive healthcare is well below the EU average (1.8% compared to 3.1%). Romania faces challenges in preventing infectious diseases, with the highest rate of tuberculosis in the EU (OECD, 2019b). Vaccination rates are declining, affecting children in particular. In addition, health promotion measures may play a role in reducing the observed rate of obesity, which has increased especially among children in recent years (OECD, 2019b).

The objective in the field of health is to ensure a fair and efficient distribution of outpatient and inpatient medical services throughout the country, with an adequate coverage of primary, secondary, third and long-term care units. The reorganization of the current system must take into account the health care needs of the population, the demographic and epidemiological transition, the opportunities offered by the availability of less invasive diagnostic and treatment procedures and the mandatory transition from a hospital-centered system to a patient-centered approach, to achieve the following goals:

- Improving the population's access to medical services and increasing, at the same time, the level of equity in the provision of services;
- Reducing regional and county disparities in primary care and services in existing hospitals;
- Increasing the level of effectiveness, efficiency, productivity and cost efficiency in providing services;
- Ensuring quality and safety in providing medical services;
- Development of coordination and complementarity at the level of different medical service providers and the social sector;
- Promoting alternative models for hospital services (outpatient care, hospitalization and day surgery).

Among the main challenges we foresee in implementing measures in relation to the specific areas of the recommendation are: the difficulty of regulating the granting of paternity leave in the case of self-employed workers, as they do not have an employer from whom they can request this type of leave. Currently, for employees and other categories of workers (police, military personnel, soldiers and professional ranks, as well as civil servants with special status in the penitentiary administration system, in activity), parental leave is granted by the employer and the allowance for paternal leave is paid from the employer's salary fund and is equal to the salary corresponding to the respective period. Therefore, the parental leave allowance is not borne by a contributory fund, only employees are entitled to this type of leave, regardless of the type of contract (part-time or full-time) or its duration. However,



self-employed workers can apply for parental leave and allowance, which is granted from the state budget, to all categories of workers, including those who earn income from self-employment.

Regarding the type of EU support needed to implement the recommendation and the national plan, practices from other Member States implementing the provisions of the Recommendation, the possibility of accessing the structural funds for the proper implementation of the provisions of the Recommendation would be particularly useful.

According to the Guide developed by the European Commission, the provisions of this recommendation apply to the branches of social protection which are usually more closely linked to participation in the labor market and which mainly provide protection against loss of professional income when a certain risk arises. The child raising allowance is a family-type benefit and is not granted as an income that arises from a certain risk, which is why this type of benefit is not covered by this recommendation.

We note, however, that with regard to the granting of leave and allowance for raising children, self-employed workers enjoy the same rights as employees, and there are no gaps in legislation regarding their access to this right.



CURRENT LEGAL FRAMEWORK¹

MEASURE	AIM OF THE MEASURE	SPECIFIC TARGET (SUB)- GROUP (estimated no.of persons covered)	BRANCH/RISK COVERED	EXPECTED RESULTS (including no. Of workers and self-employed covered)	TIMELINE FOR IMPLEMENTATION	FINANCIAL RESOURCES ALLOCATED (national and EU)	IMPLEMENTING BODIES AND COOPERATION WITH STAKEHOLDERS	EVALUATION
Granting unemployment benefit, provided by Law no. 76/2002 on the unemployment insurance system and employment stimulation with subsequent amendments and completions	Ensuring an income for the unemployed both following the fact that they are compulsorily insured, by the effect of the law or based on a voluntarily insurance contract in the unemployment insurance system concluded by that person	The persons compulsorily or voluntarily insured in the unemployment insurance system can be: <ul style="list-style-type: none"> • Romanian citizens who are employed or earn income in Romania; • Romanian citizens working abroad; • foreign citizens or stateless persons who, during the period in which they 	Social protection of insured persons in case of job loss.	The forecast of registered unemployment for 2021 made by the National Commission for Strategy and Forecast estimates a number of 310,000 registered unemployed at the end of 2021.	Yearly, depending on the contribution period, as follows: <ul style="list-style-type: none"> • 6 months, for persons with a contribution period of at least one year; • 9 months, for persons with a contribution period of at least 5 years; • 12 months, for people with a contribution period of more than 10 years. 	16766147 thousands lei (according to Law no. 15/2021 -Law on state budget for 2021)	<ul style="list-style-type: none"> • PES through its territorial structures • PES with similar bodies from EU Member States 	Yearly, in relation to the values estimated / proposed by the National Employment Program of PES, proposed by PES and approved by MoLSP.

¹ For the National House of Public Pensions (CNPP) - Current legal framework:



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- Regulations 883/2004 and 987/2009
 - on Pensions: Law no. 263/2010, GD no. 257/2011, Regulations (EC) 883/2004 and 987/2009



CURRENT LEGAL FRAMEWORK¹

MEASURE	AIM OF THE MEASURE	SPECIFIC TARGET (SUB)- GROUP (estimated no.of persons covered)	BRANCH/RISK COVERED	EXPECTED RESULTS (including no. Of workers and self-employed covered)	TIMELINE FOR IMPLEMENTATION	FINANCIAL RESOURCES ALLOCATED (national and EU)	IMPLEMENTING BODIES AND COOPERATION WITH STAKEHOLDERS	EVALUATION
		<p>have their domicile or residence in Romania, are employed or earn income.</p> <p>In-work pensioners are exempted.</p> <p>Total no. of registered unemployed at the end of December 2020: 296.091, out of which 100.740 receiving unemployment benefit and 195.311 not receiving unemployment benefit (according to PES data).</p>						
Social Health Insurance	Ensuring health condition	Ensured persons	Disease risk	17192000 (2015)	Implemented	FNUASS	National House of Health	Annually



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						(39169513000 lei -2019)	Insurance (CNAS)	
Medical leave and allowances for temporary work incapacity, caused by common illnesses or accidents outside work	Financial protection in the event of an illness that causes temporary work incapacity	1. Persons who earn income from carrying out an activity on the basis of an individual employment contract, employment relationship, act of secondment or a special status provided by law, as well as other income assimilated to salaries, in compliance with the provisions of European law applicable in the field of social security, as well as the agreements regarding the social security systems to which Romania is a party;	Disease risk	No. of certificats: 6130058 No. of days: 25602284 (2019)	Implemented	FNUASS (2750011000 lei -2019)	National House of Health Insurance (CNAS)	Annually
Medical leave and allowances for the prevention of illness and recovery of work capacity, exclusively for situations resulting from work-related accidents or occupational diseases	Prevention of illness and recovery of work capacity, insured by: a) allowance for reducing working time; b) leave and allowance for quarantine; c) spa treatment, in accordance with the individual	2. Persons which earn income in Romania from employers from	Disease risk	No. of certificats: 1018 No. of days: 7222 (2019)	Implemented		National House of Health Insurance (CNAS)	Annually



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MEASURE	AIM OF THE MEASURE	SPECIFIC TARGET (SUB)- GROUP (estimated no.of persons covered)	BRANCH/RISK COVERED	EXPECTED RESULTS (including no. Of workers and self-employed covered)	TIMELINE FOR IMPLEMENTATION	FINANCIAL RESOURCES ALLOCATED (national and EU)	IMPLEMENTING BODIES AND COOPERATION WITH STAKEHOLDERS	EVALUATION
	recovery program.	countries which don't fall under the						
Medical leaves and maternity benefits	Leaves for pregnancy and childbed, for a period of 126 calendar days,	European applicable legislation in the area of social security, as well as of agreements on social security systems to which Romania is party;	Maternity protection	No. of certificates: 567076 No. of days: 9849457 (2019)	Implemented		National House of Health Insurance (CNAS)	Annually
Medical leaves and benefits for caring for the sick child	Leave and allowance for the care of a sick child up to 7 years old, and in the case of a disabled child, for intercurrent illnesses, until the age of 18. In the case of a child with serious illnesses, the insured are entitled to leave and allowance for the care of a sick child up to 16 years of age.	3. Persons benefiting from unemployment benefit, according to law. 4. Private persons, other than those at points 1-3, based on an insurance contract for leaves and benefits of health social insurances.	Disease risk	No. of certificates: 267126 No. of days: 1136676 (2019)	Implemented		National House of Health Insurance (CNAS)	Annually



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MEASURE	AIM OF THE MEASURE	SPECIFIC TARGET (SUB)- GROUP (estimated no.of persons covered)	BRANCH/RISK COVERED	EXPECTED RESULTS (including no. Of workers and self-employed covered)	TIMELINE FOR IMPLEMENTATION	FINANCIAL RESOURCES ALLOCATED (national and EU)	IMPLEMENTING BODIES AND COOPERATION WITH STAKEHOLDERS	EVALUATION
Medical leaves and maternity risk benefits	Maternal risk benefit in the amount of 75% of the calculation base established according to the legal provisions.	The persons stipulated in the Government Emergency Ordinance no. 96/2003 on maternity protection at workplaces, approved with amendments and completions by Law no. 25/2004.	Maternity protection	No. of certificates: 97156 No.of days: 1708072 (2019)	Implemented		National House of Health Insurance (CNAS)	Annually
The possibility to submit documents online and facilitate existing procedures, regarding: -Applications for issuing A 1 portable documents (for employed / self-employed posted workers, persons in a situation of multi-activity	Measures taken to combat the COVID-19 crisis, through: -developing a website/app for CNPP), -creating an email address dedicated to this purpose,	Migrant workers according to Title II of Regulations no. 883/2004 and no. 987/2009	Applicable legislation	Supporting the activities carried out by the economic operators that have seconded employees / have requested Portable Documents A1	Permanent	National	CNPP	



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MEASURE	AIM OF THE MEASURE	SPECIFIC TARGET (SUB)- GROUP (estimated no.of persons covered)	BRANCH/RISK COVERED	EXPECTED RESULTS (including no. Of workers and self-employed covered)	TIMELINE FOR IMPLEMENTATION	FINANCIAL RESOURCES ALLOCATED (national and EU)	IMPLEMENTING BODIES AND COOPERATION WITH STAKEHOLDERS	EVALUATION
(development of a CNPP portal), -Decreasing the number of documents requested by CNPP in this regard to interested persons, - Intensifying the collaboration through electronic means of communication with corresponding institutions from abroad, -Intensification of the digitization activity by starting a project for the development of an online application for	<p>- Signing collaboration protocols with other institutions in Romania in order to facilitate their access to certain databases</p> <p>- Facilitating citizens' access to information and social security benefits</p>					ESF POCA project		



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issuing portable documents A1.								
Possibility to submit online applications for an international pension Extending the communication by electronic means between the territorial pension houses with the beneficiaries / applicants of international pensions	Measures taken to combat the COVID-19 crisis Developing a website/app for CNPP)	Applicants / beneficiaries of international pension rights	International pensions	Continuing access to already acquired rights / facilitating access to new benefits	Permanent	-	CNPP	
Intensifying the activity of public relations through telematic means	Creating dedicated email addresses Expanding the activity of telephone audiences	Applicants / beneficiaries of international pension rights Migrant workers according to Title II of	International pensions Applicable legislation	Continuing access to already acquired rights / facilitating access to new benefits	Permanent	National	CNPP	



CURRENT LEGAL FRAMEWORK¹

MEASURE	AIM OF THE MEASURE	SPECIFIC TARGET (SUB)- GROUP (estimated no.of persons covered)	BRANCH/RISK COVERED	EXPECTED RESULTS (including no. Of workers and self-employed covered)	TIMELINE FOR IMPLEMENTATION	FINANCIAL RESOURCES ALLOCATED (national and EU)	IMPLEMENTING BODIES AND COOPERATION WITH STAKEHOLDERS	EVALUATION
		Regulations no.883/2004 and no. 987/2009	for migrant workers	Supporting the activities carried out by economic operators who have seconded employees / requested Portable Documents A1				
Law no. 210/1999 on paternity leave, with subsequent amendments and completions.	Adaptating paternity leave to the specifics of self-employed workers, in order to ensure the proper implementation of the provisions of the Recommendation	No administrative data are available on the number of persons receiving parental leave allowance, as it is paid by employers from the employer's salary fund.	Assimilated paternity benefits	Self-employed workers with newborn children will be able to claim the right to leave and paternity allowance. It is currently not possible to estimate the number of self-employed workers who	2022	National resources Parental leave is granted by the employer and the parental leave allowance is paid from the employer's salary fund and is equal to the salary corresponding to the	It is not the case	



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				will apply for paternity leave.		respective period.		



POLICY OBJECTIVES AND MEASURES TO BE TAKEN

MEASURE	AIM OF THE MEASURE	SPECIFIC TARGET (SUB)- GROUP (estimated no.of persons covered)	BRANCH/RISK COVERED	EXPECTED RESULTS (including no. Of workers and self-employed covered)	TIMELINE FOR IMPLEMENTATION	FINANCIAL RESOURCES ALLOCATED (national and EU)	IMPLEMENTING BODIES AND COOPERATION WITH STAKEHOLDERS	EVALUATION
Policy Objective 1: Modernizing and strengthening labour market institutions in order to create an environment conducive to supporting a flexible, functional and resilient labour market (3rd Specific Objective from the National Employment Strategy 2021-2027)								
1) Developing a stimulating regulatory framework for new forms of employment, while ensuring the balance between labour market flexibility and workers security;	Providing a stimulating framework for new forms of work under flexicurity conditions	Persons interested in performing activities specific to new forms of work	Social protection of workers	Draft normative act amending the existing legislation Number of persons with flexible forms of work	2021-2027	N/A	MoLSP, Labour Inspectorate, National Scientific Research Institute for Labour and Social Protection, Social partners	Currently, the draft of the National Employment Strategy 2021-2027 is in the external approval procedure, and will be approved by GD.
2) Completion / modification of the legal framework regarding platform work in order to ensure adequate social protection for	Ensuring social protection for platform workers	Platform workers	Social protection of platform workers	Number of projects of normative acts new/amending the legal framework	2021-2027	N/A	MoLSP, Labour Inspectorate, National Scientific Research Institute for Labour and Social	Currently, the draft of the National Employment Strategy 2021-2027 is in the external approval procedure, and



POLICY OBJECTIVES AND MEASURES TO BE TAKEN

MEASURE	AIM OF THE MEASURE	SPECIFIC TARGET (SUB)- GROUP (estimated no.of persons covered)	BRANCH/RISK COVERED	EXPECTED RESULTS (including no. Of workers and self-employed covered)	TIMELINE FOR IMPLEMENTATION	FINANCIAL RESOURCES ALLOCATED (national and EU)	IMPLEMENTING BODIES AND COOPERATION WITH STAKEHOLDERS	EVALUATION
workers, including those who are self-employed;							Protection, Social partners	will be approved by GD.
3) Identifying and establishing ways to optimize the system for granting the unemployment benefit and its value;	Optimizing the system for granting unemployment benefits	Unemployed receiving unemployment benefits	Social protection of unemployed	Number of studies / impact assessments carried out. Number of normative acts drafts.	2021-2027	N/A	MoLSP, Social partners	Currently, the draft of the National Employment Strategy 2021-2027 is in the external approval procedure, and will be approved by GD.
4) Identification of tools / mechanisms to ensure an adequate level of social protection for all workers,	Ensuring an adequate level of social protection especially for	Seasonal and day workers	Social protection of seasonal and day workers	Number of instruments identified	2021-2027	N/A	MoLSP, Social partners, Entities whose object of activity is	Currently, the draft of the National Employment Strategy 2021-2027 is in the external approval



POLICY OBJECTIVES AND MEASURES TO BE TAKEN								
MEASURE	AIM OF THE MEASURE	SPECIFIC TARGET (SUB)- GROUP (estimated no.of persons covered)	BRANCH/RISK COVERED	EXPECTED RESULTS (including no. Of workers and self-employed covered)	TIMELINE FOR IMPLEMENTATION	FINANCIAL RESOURCES ALLOCATED (national and EU)	IMPLEMENTING BODIES AND COOPERATION WITH STAKEHOLDERS	EVALUATION
especially in the case of seasonal / fixed-term and occasional / day workers.	seasonal and day workers			Mechanism created			research and development	procedure, and will be approved by GD.
Policy Objective 2: Adapting the legislation in the field of health social insurances which stipulates the disease risk and the protection for the maternity period								
Adapting the legislation in the field of health social insurances which stipulates the disease risk and the protection for the maternity period	Integration of European Regulations' provisions and national trends	Insured persons	Risk of disease Maternity protection		Permanent	FNUASS State budget	CNAS/ Ministry of Health	Annual
Policy objective 3: Adaptation of paternity leave to the specifics of self-employed workers, in order to ensure the proper implementation of the provisions of the Recommendation								
Amendment of Law no. 210/1999 on paternity leave, with subsequent amendments and completions.	Adaptation of paternity leave to the specifics of self-employed workers, in order to ensure the proper implementation of the provisions of the Recommendation	Number of self-employed persons receiving parental	Assimilated paternity benefits	All self-employed workers with newborn children will be	2022	National resources Currently, parental leave is granted by	N/A	Annual



POLICY OBJECTIVES AND MEASURES TO BE TAKEN

MEASURE	AIM OF THE MEASURE	SPECIFIC TARGET (SUB)- GROUP (estimated no.of persons covered)	BRANCH/RISK COVERED	EXPECTED RESULTS (including no. Of workers and self-employed covered)	TIMELINE FOR IMPLEMENTATION	FINANCIAL RESOURCES ALLOCATED (national and EU)	IMPLEMENTING BODIES AND COOPERATION WITH STAKEHOLDERS	EVALUATION
		leave allowance.		<p>able to claim the right to leave and paternity allowance</p> <p>Currently, the number of workers requesting paternity leave cannot be estimated, as it is paid from the employer's salary fund.</p>		the employer and the parental leave allowance is paid from the employer's salary fund and is equal to the salary corresponding to that period.		