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Transposition of the new European Directive 2009/38/CE
to the Romanian Law System.

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Introduction

- Romanian labor force has a rich history in trade-unionism. Nowadays more than 30% of the labor force is unionized. Bargaining takes place at both sector and company level, but now company level bargaining is the most important.
- The metalworkers sectors represented by Solidaritatea Metal Federation is one of the most important sectors and benefits of a strong Collective Bargaining Agreement at sector level.



EWC in Romania

- In Romania the employee representation and collective bargaining is largely conducted by trade unions. Employee representatives represent only a very small part and are active in non unionized companies. In consequence, trade-unions representatives are present in the bodies of EWC where such an organism is created.
- The feelings among Romanian trade unionists on EWC go from scepticism and suspicion caused by the lack of tradition of EWC and questionable results to optimism on creating networking between European trade unionists and ensure a real and constructive flow of information regarding the activity and plans each involved the company.
- But we all agree that a EWC is a great way of transmitting valuable information between employees and benefit of international cooperation between employee representatives of any transnational company.



Transposition to Romanian law

- In order to meet the demands required for the UE integration, the European EWC regulations 94/45/CE and 97/74/CE were transposed to the Romanian law system since 2005, by a special law # 217/2005.
- Over the years this law suffered modifications in order to comply with the transformations of the European EWC regulations. The last modification was decided by the Romanian Executive in 2007 in order to implement the 2006/109/CE directive.
- The law as it was, regulated until 24 OCT 2011 (implementation of the new law) the way EWC were to be created in Romania, applying for transnational companies in UE zone. It's declared purpose accordingly to art.1. was to enrich the informal and consulting right of the employees regardless of their national location.



New law project for EWC regulations

- For the transposition of the new European EWC directive 2009/38/CE the Romanian Parliament has developed a law project in order to completely modify the old 217/2005 law. The new law is to be in line with all new changes of the European regulations regarding EWC.
- The new law has been adopted on 24 October 2011 by the Romanian Parliament, under # 186/2011.
- It's main goals are to improve the level and effects of consulting and informing between employees, creation of more EWC bodies, creating a more balanced correlation between European and national level in terms of consultations, legislation and juridical security.
- All this, with the purpose of creating a real and constructive social dialog based on the access to information.



Conclusions

- EWC can be a powerful tool for promoting and defending employees interests if organized and conducted with a correct representation from all parties. Management will always try to impose their own people into the EWC bodies and so the importance of unionization and correct transposition of the European EWC directives to the national laws, become critical.
- Employees within the same company but located in different countries should not be competing one against the other but cooperating for defending together their interests.



THANK YOU!

- If any questions, please don't hesitate to ask!

