



Capacity building for social dialogue at sectoral and company level

Romania

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This report is available in electronic format only.

Introduction

This study examines the capacity of social partners in Romania to participate effectively in social dialogue at sectoral and company level. It represents a second phase of a larger scale project commissioned by the European Commission and coordinated by the European Foundation for the Improvement of Living and Working Conditions, the first phase being focused on the national social dialogue capacity building, while this second phase examines sectoral and company level social dialogue capacity building. The project aims to help the social partners from recently integrated European Union member states, Bulgaria, Croatia, Romania and Turkey to establish adequate institutional capacities for anticipation and management of change at sectoral and company level. Information was gathered through questionnaires completed by one person in each nationally representative trade union and employers' organisation that participated in the study. The response rate was 72.2% as 13 of the total of 18 employers and trade union central organisations participated in the study (see appendix no. 2). The European Foundation for the Improvement of Living and Working Conditions designed the standard questionnaire utilised in all participating countries.

The study concentrates on examining the organisational, financial and human resources capacities at sectoral and company level based on information gathered from central trade union and employers' organisations.¹ It also focuses on the involvement of social partners in tripartite and bipartite social dialogue at the two levels. The answers reflect the views of central organisations about social dialogue capacity at sectoral and company level. The study does not pretend to exhaustively present the situation at sectoral and company level, as it has its limits (such as the interviewing of just one person in each organisation and the fact that not all central organisations participated to the study).

There were sectoral federations (The Employers' Organization for Petroleum and Gas) that considered that the methodology used is not adequate to depict the real situation of social dialogue at sectoral and company level. It was stated that not all national confederations are involved in sectoral social dialogue and consequently, not all of them know the situation of the sectoral social dialogue, this being one of the limits of the study.

At the same time, the project has a number of benefits as it can contribute to enhancing the social dialogue in Romania, its results reflecting the general practice in the country, that can be used as a starting point for future developments and improvements.

Social dialogue in Romania has a pyramidal structure, as it takes place at several levels:

- a. At national level, there are two forms of social dialogue: tripartite social dialogue (between government, national trade union confederations and national employers' confederations) and bipartite social dialogue (between national trade union confederations and national employers' confederations). One of the main results of social dialogue at national level is the national collective agreement that stipulates the minimum wage, working conditions, etc. One of the tools for national social dialogue is the Economic and Social Council (CES) that provides a tripartite form of social dialogue; it has a consultative role as it discusses all legislative initiatives during the meetings that take place on a regular basis. A new law is under discussion at the moment that envisages the removal of government representatives from the CES.

¹ Central trade union and employers' organisations refer to nationally representative confederations recognised by law.

- b. At sectoral level, there are also two forms of social dialogue: b.1. tripartite sectoral social dialogue (between sectoral trade union federations, sectoral or national employers' federations and specific ministries) through the committees formed along main ministries that also have a consultative role and discuss the main legislative initiatives in the sector. B.2. bipartite sectoral social dialogue takes place between sectoral trade union federations and sectoral employers' federations/national employers' confederations/certain ministries (in case of the public sector) and has as a result the sectoral collective agreements.
- c. Social dialogue at the level of groups of companies. In certain instances, there are collective agreements concluded by a group of companies, as specific subsectors within a sector (the cement industry as part of the non-metallic industry, the non-ferrous metallurgy as part of metallurgy or the airport services as part of the transport industry).
- d. Social dialogue facilitates company level collective agreements made between company level trade unions and company management (usually in large companies).

National social dialogue is seen as being the most important) as national collective agreements (the main form of national social dialogue) cover all employees in the country (*erga omnes* principle), have a social protection role (minimum wage), are used as a reference point in setting wages and have a legal dimension.

Social dialogue at sectoral level

Main actors

As is known from the previous phase in Romania the largest number of social partners' organisations is at central level: five central trade unions and 13 employers' central organisations. There are 11 employers' representative confederations at national level and two umbrella organisations: ACPR and UPR. In 2006, seven national confederations have grouped in ACPR which is an organisation recognised by UNICE and IOE. All national confederations, trade unions and employers' have been granted national representativeness and almost all responding organisations include some sectoral organisations that are representative at sector level. See Tables 1 and 2.

The central trade union organisations comprise a total number of 167 sectoral member organisations, the number of sectoral organisations per peak organisations varying from 25 to 44. Most of the sectoral organisations operate in the industrial sector (43.1% of all sectoral organisations). While industry alone covers now over 25% of GDP (as against 41% in 1990) and employs 39% of the the total number of employees in Romania (as against 47.2% in 1990), it continues to be the most unionised sector in the country.

The public sector is the sector with the lowest number of trade unions, only 12 representing 7.1% of the total number of sectoral trade unions. Eighteen Thirty-one of all sectoral trade union organisations (18.5%) operate in sectors other than industry, services, public sector and agriculture; they operate in sectors such as mass media, culture, etc.

Of the total number of sectoral organisations 40% have sectoral representativeness², most of them conducting their activities in the industrial sector (51.3% of the industrial trade unions have sectoral representativeness).

² Representativeness at sectoral level is granted to a trade union federation when the organisation includes over 7% of the total number of employees in the relevant sector.

Table 1: *Sectoral member organisations in trade union central organisations*

Central trade union	Total no. of sectoral members		In industrial sector		In service sector		In the public sector		In the agricultural sector		In other sectors	
	Total	S.R.*	Total	S.R.*	Total	S.R.*	Total	S.R.*	Total	S.R.*	Total	S.R.*
BNS	42	15	33	8	4	4	1	1	1	1	3	1
Cartel Alfa	44	18	11	11	4	1	3	2	9	2	17	2
CNSLR Fratia	38	17	18	11	9	1	3	1	3	2	5	1
CNS Meridian	25	17	10	7	3	2	5	3	1	1	6	4
CSDR	18**	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL	167	67	72	37	20	7	12	7	14	6	31	8

* Sectoral representativeness

** Data gathered from secondary sources.

Unlike the trade unions that use a double criterion of organisation, both regional and sectoral, the employers' federations are organised on a predominantly regional basis. National employers' confederations have more criteria for organisation: a) sectoral criterion (ex.: CONPIROM), b) territorial criterion (ex.: CNIPMMR) and c) mixed criteria (sectoral and territorial, some with territorial predominance) (most of the employers' confederations). This can also explain the lower rate of response to the study from the employers' organisations that are not very active at sectoral level and know little about sectoral developments.

However, there are a few central employers' organisations that include sectoral federations as shown in Table 2. Some of them even include most of their members from predominant sectors: for instance UGIR 1903 has a majority of sectoral members from industry, CNIPMMR has sectoral members (albeit a small number) from the service sector and a large percentage of its UNPR's sectoral members has are in agriculture. ARACO groups only companies from construction, CONPIROM groups companies from metallurgy, cement, paper and CPISC's structure comprises only federations and associations grouped strictly on the sectoral criterion: electrical energy, petroleum, gas, mining, services and trade.

Trade unions in Romania are better organised at sectoral level than the employers' organisations that use the regional criteria for organisation, as all national trade unions have sectoral federations as members, along with members that are not part of sectoral federations. All sectors under discussion are represented by sectoral trade unions at the level of branch or sub-branch.

Table 2: *Sectoral member organisations in employers' central organisations*

Central employer organisation	Total no. of sectoral organisations		In industrial sector		In service sector		In the public sector		In the agricultural sector		In other sectors	
	Total	S.R.*	Total	S.R.*	Total	S.R.*	Total	S.R.*	Total	S.R.*	Total	S.R.*
ACPR***	64	N/A	31	N/A	20	N/A	1	N/A	2	N/A	10	N/A
ARACO	4	1	4	1	0	0	0	0	0	0	0	0
CNIPMMR	12	0	4	0	8	0	0	0	0	0	0	0
CNPR	11	N/A	1	N/A	4	N/A	1	N/A	1	N/A	4	N/A
CONPIROM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CoNPR	10	5	1	1	5	2	0	0	1	1	3	1
CPISC	22	7	18	6	1	1	0	0	0	0	3	0
PNR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
PR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
UGIR	5	2	3	1	2	1	0	0	0	0	0	0
UGIR 1903	63	6	32	3	17	1	5	2	2	0	7	0
UNPR	53	30	20	5	10	7	0	0	20	15	3	1
UPR**	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL****	180	51	93	17	47	12	6	2	24	16	20	4

* Sectoral representativeness

** Umbrella organisation with no established organisational structure

*** Umbrella organisation formed of ARACO, CNIPMMR, CNPR, CoNPR, CPISC, PNR și UGIR

**** All 11 national confederations without the umbrella organisations ACPR and UPR

The number of workers members of the sectoral member union varies from around 300.000 to around 1.000.000 members per central trade union. According to the opinions of the organisations participating in the study, the highest number of trade union members is in the industrial sector that accounts for 46.7% of the total number of trade union members and the lowest number of members is in agriculture accounting for 4.49% of the total number of trade union members.

As presented in Table. 3 the total number of members from sectoral federations has remained relatively stable since 2000, with variations from one sector to another. In industry the total number of trade union members is perceived by most of the central trade unions as decreasing (in the period 2000-2006), while in the public sector the number of members is perceived as having increased since 2000.

The central employers' organisations had difficulties in providing the data regarding the number of firms affiliated to the sectoral employers' organisations part of the peak organisation. Among those that mentioned the number of firms affiliated to the sectoral employers' organisations, industry was the main economic sector. Overall, most responding organisations declared that there was an increase in the number of firms in their sectoral organisations, due to either a development of sectoral type of employer-body activity or due to an increased interest by particular employer organisations. There was one employers' organisation of the view that the number of firms belonging to sectoral employers' organisations decreased since 2000, due to the dismantling of numerous (mainly service) companies in accordance with the law.

Table 3: Number of members in sectoral trade unions

Central trade union	Total no. of sectoral members (approximation)		In industrial sector		In service sector		In the public sector		In the agricultural sector		In other sectors	
	Total	Evol*	Total	Evol*	Total	Evol*	Total	Evol*	Total	Evol*	Total	Evol*
BNS	440.000	↑	308.000	↑	110.000	↑	14.000	↔	5.000	↓	3.000	↔
Cartel Alfa	1.000.000	↔		↓	50.000	↑	100.000	↑	50.000	↓	400.000	↑
CNSLR Fratia	800.000	↔		↔	330.000	↔	15.000	↑	15.000	↔	N/A	↔
CNS Meridian	313.650	↑		↓	28.350	↔	52.650	↔	30.000	↑	95.000	↑
CSDR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL	2.113.650		987.650		408.350		167.650		95.000		495.000	

* Evol = evolution since 2000

(↑ = growing, ↔ = constant, ↓ = decreasing)

Table 4: Number of firms members of employers' sectoral organisations

Central employer organisation	Total no. firms members of sectoral organisations (approximation)		In industrial sector	In service sector	In the public sector	In the agricultural sector	In other sectors
	Total	Evol*	Total	Total	Total	Total	Total
ACPR***	36.716	↑	N/A	N/A	N/A	N/A	N/A
ARACO	1.200	↑	1.400	0	0	0	0
CNIPMMR	N/A	↑	N/A	N/A	N/A	N/A	N/A
CNPR	21.016	↑	10	23	20	20.000	963
CONPIROM	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CoNPR	11.900	↓	9.000	2.000	0	300	600
CPISC	2.400	↑	1874	66	0	0	460
PNR	N/A	N/A	N/A	N/A	N/A	N/A	N/A
PR	N/A	N/A	N/A	N/A	N/A	N/A	N/A
UGIR	N/A	↑	N/A	N/A	N/A	N/A	N/A
UGIR 1903	14.100	↑	7.300	1910	4.300	140	450
UNPR	5.060	↑	3.500	500	0	50	50
UPR**	N/A	N/A	N/A	N/A	N/A	N/A	N/A

* Evol = evolution since 2000

** Umbrella organisation with no established organisational structure

*** Umbrella organisation formed of ARACO, CNIPMMR, CNPR, CoNPR, CPISC, PNR și UGIR

(↑ = growing, ↔ = constant, ↓ = decreasing)

Organisational and financial capacities of trade unions

Organisational capacity

Overall sectoral trade unions have a good organisational capacity from the personnel point of view. In terms of numbers, all central trade unions provided data about the personnel of their sectoral members, showing that there is such capacity in these organisations, and also that they are aware of it. See Table 5.

Table 5: *Number of personnel in offices of sectoral trade union organisations*

Central trade union	Total no. of sectoral members (approximation)			In industrial sector	In service sector	In the public sector	In the agricultural sector	In other sectors
	Total	Male	Female	Total	Total	Total	Total	Total
BNS	126	73	53	92	9	0	3	22
Cartel Alfa	75	51	24	40	10	6	8	11
CNSLR Fratia	150	120	30	90	30	10	5	15
CNS Meridian	147	86	61	64	15	8	7	33
CSDR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL	498	330	168	286	64	44	23	81

There is a lower proportion of female employees in the sectoral trade union organisations' personnel than men. On average female employees account for 33.7% of the total workforce at sectoral organisations' level (with differences from one federation to another); the highest participation of females in union activity at sectoral level taking place in the BNS sectoral organisations (42%) and in the CNS Meridian sectoral organisations (41%). On average the industrial sector accounts for the largest workforce at sectoral level in all trade unions, the lowest number of personnel being encountered in the agricultural trade unions.

Personnel

In terms of personnel and qualified personnel for pursuing collective bargaining at sectoral level, the situation is perceived differently by different central trade union organisations. Two of them consider that there are such resources at a moderate level, while one central organisation considers that there are enough personnel resources and the other that there is a great lack of such resources at sectoral level. However, almost all agreed that such resources are not equally distributed between different sectoral organisations; the large ones are seen as having higher and better personnel resources than the smaller ones, a situation conditioned by the availability of financial resources. All central organisations declared that they provide personnel support to the sectoral organisations as needed.

Financial capacities

Financially, the sectoral trade unions have rather a lack of resources, as two central organisations appreciate that there is a great lack of financial resources in sectoral organisations, while one appreciates that such resources are available at a moderate level and another that there are enough financial resources. The availability of financial resources is mainly related to the size of the sectoral trade union organisation and its number of members. Two central organisations declare that their sectoral organisations rely solely on membership fees, while the other two mention that there are other possible sources such as sponsorships, project participation. Given the situation there are differences between sectors, with some sectors having higher financial possibilities than others: the industrial and the public sectors are seen by some as having better resources, while others perceive the federations coming from the formerly autonomus as being richer. Specific industries such as electricity, equipment building, siderurgy and defense industry have been identified as having higher financial resources.

Legal assistance capacity

The capacity of sectoral trade unions to offer legal assistance to members is perceived as being rather low; two central organisations mention that there is a great lack of resources in this domain and one central organisation is of the view that there are moderate resources for offering legal support, while only one appreciates that sectoral organisations have sufficient resources in this field. While one central organisation mentions that all sectoral organisations affiliated to it offer legal advice to its members, all the others state that legal advice is provided at central level. Federations from the petroleum and gas industry, electricity, telecommunications and health sector have been identified as having the capacity to offer legal assistance to its members.

Summary

The overall capacity of sectoral organisations to conduct collective bargaining is perceived as being good as presented in Table 6. The industrial sector is seen by all central organisations as having a good collective bargaining capacity at sectoral level because there are strong trade union organisations, due to the experience they obtained over time, continuous training at national and international level for conducting social dialogue and permanent information exchange.

Table 6: *Perception of sectoral trade union federations' capacities to conclude collective bargaining*

Central trade union	In general			In industrial sector			In service sector			In the public sector			In the agricultural sector			In other sectors			
	G	M	P	G	M	P	G	M	P	G	M	P	G	M	P	G	M	P	
BNS	x			x				x					x					x	
Cartel Alfa	x			x				x			x			x					
CNSLR Fratia		x		x					x	x					x				
CNS Meridian	x			x				x		x			x						
CSDR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Average	X			X				X		X				X				X	

G = good; M = moderate; P = poor

Other sectors are perceived as having moderate capacities for conducting collective bargaining or as having variate capacities for collective bargaining. For instance, the private service sector union activity is seen as having difficulties, as it is in the restructuring process. Construction, building are seen as having good collective bargaining capacities, while arts, libraries and culture are seen as having weak collective bargaining capacities. In the latter cases, the union and employer activity is less organized and more diffuse and the union members are more passive and less involved in union activity.

Organisational and financial capacities of employers' organisations

Personnel

Most employers' organisations had no available data about the personnel in sectoral offices, as such organisational forms are seldom met in the employer-body activity. See table 7.

Capacity building for social dialogue at sectoral and company level

Table 7: Number of personnel in offices of the sectoral employers' organisations

Central employers' organisation	Number of employees of sectoral employers' organisations			In industrial sector	In service sector	In the public sector	In the agricultural sector	In other sectors
	Total	Male	Female	Total	Total	Total	Total	Total
ACPR***	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ARACO	15	8	7	15	0	0	0	0
CNIPMMR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CNPR	36	25	11	2	12	3	3	16
CONPIROM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CoNPR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
CPISC	97	76	21	79	6	0	0	12
PNR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
PR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
UGIR	23	12	11	18	5	0	0	0
UGIR 1903	88	N/A	N/A	57	13	9	3	6
UNPR	35	21	14	15	10	0	5	5
UPR**	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

** Umbrella organisation with no established organisational structure

*** Umbrella organisation formed of ARACO, CNIPMMR, CNPR, CoNPR, CPISC, PNR și UGIR

Collective bargaining at sectoral level takes place with a limited number of sectoral employers' organisations; in many sectors central employers' organisations participate. Most employers' organisations consider that personnel resources for collective bargaining at sectoral level are developed at a moderate level, while one considers that there is great lack of qualified personnel for collective bargaining and the other two say there are enough personnel resources for this activity. For instance, CPISC has permanent personnel, both at Confederation level and at the sectoral federations' level for negotiating and implementing the collective agreements, a situation arising from the importance of the represented branches: petroleum, gas, electrical energy, mining, etc.

Some employers' organisations consider that there are necessary training programs in the field of management of the employer-body activity, while others identify as a weakness the fact that employer-body negotiators cannot dedicate all their time for this activity and sometimes when more immediate problems arise they cease participating in collective bargaining.

Financial capacities

Three employers' organisations considered that there are enough financial resources for sectoral collective bargaining, another two consider that there is a great lack of financial resources, while most of them declare that they do not have information about the financial situation of sectoral organisations and about the way the budget is used.

Legal assistance capacity

Most employers' organisations consider that there is a great capacity to offer legal and other type of assistance at sectoral level, while only two consider that this capacity is developed at a moderate level. However, few of them consider that there are differences between sectors, as well as at local level.

Summary

The overall perception of employers' organisations is that there is a moderate capacity to participate at sectoral collective bargaining at employer level. See Table 8.

Table 8: *Perception of sectoral trade union federations' capacity to conclude collective bargaining*

Central employers' organisation	In general			In industrial sector			In service sector			In the public sector			In the agricultural sector			In other sectors			
	G	M	P	G	M	P	G	M	P	G	M	P	G	M	P	G	M	P	
ACPR***																			
ARACO		x																	
CNIPMMR		x		x			x									x			
CNPR	x			x			x			x			x			x			
CONPIROM																			
CoNPR		x			x								x				x		
CPISC	x			x			x									x			
PNR																			
PR																			
UGIR	x			x			x												
UGIR 1903	x																		
UNPR	x			x			x			x			x			x			
UPR**																			
Average	X			X			X												

G = good; M = moderate; P = poor

** Umbrella organisation with no established organisational structure

*** Umbrella organisation formed of ARACO, CNIPMMR, CNPR, CoNPR, CPISC, PNR și UGIR

Roles and competencies of sectoral organisations

Sectoral collective bargaining and collective agreements

Collective bargaining is regulated by Law no. 130/ 1996, the collective bargaining law.

In Romania, based on the erga omnes principle all employees are covered by collective agreements and there is a 100% coverage of the workforce that is legally employed. If there is a collective agreement at the company level, employees are covered by that. If a collective agreement does not exist at company level, the employees are covered by the collective agreement at sectoral level. If there is no sectoral level collective agreement, employees are covered by national collective agreement.

All sectoral trade union organisations that are representative have mandate to negotiate collective agreements as stipulated by law. According to the Ministry of Labour, Social Solidarity and Family in the year 2005 24 collective agreements in were concluded (including multi-annual agreements signed in the previous years), 13 at sectoral level (out of 32 sectors in the Romanian economy) and 11 by groups of companies at sub-branch level³ (see appendix no. 3). In

³ By law collective agreements have to be registered to the Ministry of Labour, Social Solidarity and Family.

Capacity building for social dialogue at sectoral and company level

2006 another 16 sectoral collective agreements were signed, of which seven were at company group level. One collective agreement involved participation by all sectoral trade unions and all sectoral employers' federations functioning in the respective branch. This made the total number of participations in concluded collective agreements to be different for sectoral trade unions and employers' organisations. Sectoral trade unions participated in a total of 68 collective agreements as shown in Table 9. Peak trade union and employers' organisations appreciate that in the next three years the number of sectoral collective agreements will increase. The conditions contributing to the increase are:

- the signing of new protocols between trade unions and employers,
- restructuring of employer activity, so that new solid, interested and motivated employers' bodies will be formed at sectoral level
- the increase in the number of multi-annual collective agreements at sectoral level, once Romania enters the EU
- the increase in the number of economic entities through restructuring the existing state owned ones (especially in the industrial sector) and the setting up of new companies, that will all be involved in collective bargaining
- growing interest in collective bargaining
- the social partners are permanently pursuing the improvement of collective bargaining processes.

Only one employer organisation (CNIPMMR) considers that the number of collective agreements will decrease in the next three years, due to a shift from negotiations at sectoral level towards negotiations at the company level. CPISC, a confederation formed of large employers, appreciates that this is not desirable because one of the reasons why collective agreements at sectoral level should exist, is to restrict unfair competition based on quality of working conditions and wages. This may not be important to small and medium sized companies, but given their number, and the general tendency of sectoral structuring, they will probably endorse collective bargaining in due course.

All central trade union organisations consider the sectoral collective bargaining negotiation processes as being quite good, as there is a stable legal framework in the field in Romania, the relationships between partners are consolidated, and the rules of the game are well known by participants. Also employer organisations state that sectoral collective bargaining processes are quite good (one considered that they are very good) as they always achieve their objective.

Table 9: *Participation to sectoral collective agreements concluded in 2005 (by trade unions)*

Central trade union	Total number of participations in sectoral collective agreements concluded in 2005	In industrial sector	In service sector	In the public sector	In the agricultural sector	In other sectors	Tendency in the next 3 years of sectoral collective agreements
BNS	16	12	2	0	1	1	↑
Cartel Alfa	18	8	1	1	1	7	↑
CNSLR Fratia	14	7	3	1	1	2	↑
CNS Meridian	20	9	2	3	1	5	↑
CSDR	N/A	N/A	N/A	N/A	N/A	N/A	
TOTAL	68	36	8	5	4	15	

(↑ = will grow, ↔ = will remain constant, ↓ = will decrease)

Also the existence of multi-annual collective agreements concluded by well established and representative trade union federations contributed to stability in social dialogue. The industrial sector, the private services sector and the public sector have been mentioned by the peak organisations trade unions and employers' organisations as being sectors in which collective bargaining experiences have been encouraging.

Most of the employer organisations declare that only a part of the sectoral employers' organisations have a mandate to negotiate collective agreements, since only a few of them were able to meet the sectoral representativeness criteria according to law. The number of participations to the sectoral collective agreements concluded in 2005 by employers' organisations was smaller than the participations of sectoral trade unions, 22 as compared to 68, as presented in Tables 9 and 10. Possible explanations are:

- part of the collective agreements are concluded in the public sector and are signed by ministries, not by the employers' federations. For instance, collective agreements in education (where there are 400,000 employees) are signed from the employers' side by the Ministry of Education and Research).
- for the private sector, sectoral collective bargaining is sometimes concluded by nationally representative employers' organisations and not by sectoral employer's organisations.
- the non-participating organisations may cover some of the missing data.

Four organisations (two of the central trade union organizations and two of the employers' organisations) considered that more than 50% of Romanian enterprises are covered by sectoral collective agreements, while two organisations (one trade union and one employers' organisation) consider that only 20-50% of the Romanian companies are covered by sectoral collective bargaining and another two (one trade union and one employers' organisation) consider that less than 20% of all companies in Romania (including SMEs) are covered by such collective agreements.

Table 10: *Participation to sectoral collective agreements concluded in 2005 (by employers' organisations)*

Central trade union	Total number of participations in sectoral collective agreements concluded in 2005	In industrial sector	In service sector	In the public sector	In the agricultural sector	In other sectors	Tendency in the next 3 years of sectoral collective agreements
ACPR***							↑
ARACO							
CNIPMMR							↓
CNPR	4		1	1	1	1	↑
CONPIROM							
CoNPR	3	3	0	0	0	0	↑
CPISC	4	4	0	0	0	0	↑
PNR							
PR							
UGIR	3	2	1	0	0	0	↑
UGIR 1903	7	4	2	1	0	0	↑
UNPR	1	0	1	0	0	0	↑
UPR**							
TOTAL	22	13	5	2	1	0	

(↑ = will grow, ↔ = will remain constant, ↓ = will decrease)

** Umbrella organisation with no established organisational structure

*** Umbrella organisation formed of ARACO, CNIPMMR, CNPR, CoNPR, CPISC, PNR și UGIR

Summary

Sectoral social dialogue capacities in Romania are developed to a certain extent, but there is much room for further development. Union activity at sectoral level is more developed than employers' activity at sectoral level. While trade unions have a sectoral organisation combined with regional organisation, employers have a more diverse criteria or organisation: some are organized solely based on the sectoral criteria, some are organised based on territorial criteria and others combine features of the previous two. This is reflected in the number of members at sectoral level and in the number of participations in collective agreements concluded at sectoral level by the two types of social partners. In Romania in 2005 24 collective agreements were concluded, 13 at sectoral level (out of the 32 sectors in the Romanian economy) and 11 at company group level. While trade unions have been involved in 68 collective agreements in 2005, employers' organisations have been involved in only 22 collective agreements in the same year. The higher level of involvement of trade unions in collective bargaining for 2005 can be explained by the development of collective bargaining in the public sector where negotiation is led by ministries on the employers' side, by the fact that some of the sectoral negotiation involved national employers' confederations (where sectoral federations were not developed) and by the higher degree of development in terms of organisational capacities by sectoral trade unions.

Social dialogue at company level

Unionisation

All central trade union organisations declare that shop stewards in Romanian companies are rare and that in many organisations there is only one trade union. However the trade union fragmentation phenomenon, in which there are organisations with more than one trade union is seen as being spread by national trade union confederations. Percentages given for the organisations with one trade union varied from 40% to 80%.

On the other hand, most central employers' organisations (3) consider that there are trade unions in 20-50% of the Romanian companies (especially the large ones), while two consider that less than 10% of the companies (including the SMEs) have a trade union operating.

All trade unions state that the main law regulating their activity is Law no. 54/2003, the Trade Union Law. All trade unions specify the same conditions (stipulated by the law) for setting up a trade union at the company level:

- the existence of a minimum of 15 persons willing to adhere to and set up a trade union within a company
- the existence of a Statute of new trade union,
- a list of signatures of all adhering employees,
- the mandatory registration of the new organisation as stipulated by law.

Type of employment contracts

All trade unions agree that in most Romanian companies there are written employment contracts with the employees, this being stipulated by law. Most employers' organisations also state that companies have mainly written employment contracts with their employees, while only one states that there are both forms (oral and written employment contracts) in the Romanian companies.

Company collective agreements

According to the Ministry of Labour, Social Solidarity and Family in 2005 there were around 18.000 company level collective agreements in Romania.

As far as company level collective agreements are concerned, the results of the present study are the following: company level collective agreements are found especially in large and medium companies and only occasionally in companies with less than 50 employees, according to both central trade union and employers' organisations. For instance, trade unions consider that between 75%-100% of the companies with over 250 employees have collective agreements. In the companies with 50-249 employees it was considered that between 20%-100% of the companies have collective agreements, while in companies with less than 50 employees only one trade union states that up to 50% have collective agreements, while the others consider that 10% at most have collective agreements. Employers' organisations have similar opinions: figures for companies with over 250 employees varying between 50-100% for companies having collective agreements, while a lower percentage (maximum 50%) of small companies is seen as having collective agreements.

Sectoral trade unions are seen to participate in negotiations at company level only, sometimes by two central trade unions and very often by the other two trade unions. Opinions regarding the evolution of the number of negotiation processes at company level in the following three years varied. Three central trade unions consider that negotiations at company level will increase due to the accession of Romania to EU when a shift from sectoral collective negotiations to company level negotiations will take place. One central trade union considers that the opposite will happen and there will be a decrease in company level collective negotiations, as these will be kept in companies with over 250 employees, while the others will take over collective agreements signed at sectoral level (that are expected to become more detailed and to constitute the basis for negotiation at company level).

Employers' organisations foresee an increase in the collective negotiation processes at company level in the next 3 years as social partners will be more concerned to improve collective negotiations at company level, once Romania is part of the EU.

We can conclude that two major tendencies were manifested as far as the evolution of future collective agreements is concerned:

1. Trade unions consider that in the future sectoral collective agreements will be predominant in comparison with company level collective agreements, while
2. Employers' organisations foresee a higher increase for the next 3 years of company level collective agreements.

Employers (especially the large ones) want collective bargaining at company level, while trade unions want collective bargaining at sectoral level.

Works Councils

The existence of Works Councils in Romanian companies is low (according to central trade unions in 2%-15% companies). They mainly exist in branches of multinational companies operating on the Romanian market. Their number will increase in the future, once Romania will integrate in the European Union and implements EU directives in the field. There is already a law (Law no. 217/ 2005 regarding the setting up, the organisation and the functioning of the European Works Council) stipulating that starting from 1 January 2007 Company Committees/ Works Councils have to be organised in all companies.

The cooperation between trade unions and existing Works Councils in Romanian companies is perceived as being good by all central trade unions, especially where trade unions are represented in the councils, and where no attempt is made by company management to subordinate the Work Councils nor to undermine the trade unions' authority and activity.

Employers' organisations also stated that Works Councils are rare in Romanian companies (maximum 10% of the large companies), but they all consider that their number will increase in the future as part of improving dialogue between social partners.

EU directive on Information and Consultation

The implementation of the EU directive on Information and consultation at the workplace was perceived as being very difficult by two central trade unions, while the other two perceived it as being quite easy, but all of them state that its implementation will increase information and consultation at the workplace very much.

Half of the employers' organisations appreciate that the implementation of the EU directive on Information and consultation was quite easy, while the other half has no knowledge about this directive. Some employers' organisations consider that the implementation of the directive will greatly increase the information and consultation processes at the work place.

Conflicts at the work place

Wages have been mentioned by all central trade unions and employers' organisations as being the most common source of workplace conflict. Conflicts constantly focus on wages, working conditions, working hours and professional training.

Trade unions consider that wage conflict is followed by conflicts on working hours and on working conditions, while employers' organisations consider that they are followed by conflicts on working conditions and on dismissals. Most central trade unions and all employers' organisations consider that the existing conflict resolution mechanisms should be further developed and improved. Only one central trade union states that there are properly functioning and developed conflict resolution mechanisms in place.

An employer organisation considers that the CES (Economic and Social Council) should increase its role in preventing and solving work conflicts, given that this body is equipped to do so. The same employers' organisation considers that it is important that trade unions better understand the difference between the state as a total or partial owner of some companies' capital and that of employer. It highlights the numerous revendicative actions of some trade unions that were wrongly directed in the direction of some ministries (that cannot have more than one, maximum two places in AGA – the Shareholders' Meeting) instead of negotiating with the employer and its management. This situation was tolerated and even encouraged by some ministries for political and electoral reasons, being offered solutions from the public funds and not from the real resources of the companies, regardless of their capital nature. For instance, in transportation, mining, etc.

Future development

Both central trade unions and employers' organisations offered proposals for future developments and improvements in social dialogue in Romania, as presented in tables 11 and 12. Proposals ranged from the general to the specific and from strategic oriented to tactical oriented.

Generally speaking, trade unions' proposals focus on four main areas for future development:

- More educational and training programmes both at sectoral and company level for trade union members
- Conforming to regulations and practices in the labour and industrial relations fields at European level

- The use of professional negotiators and other qualified personnel
- Increase the degree of recognition of the trade unions rights and roles in the negotiations and ensure of implementation of the results of negotiations.

Table 11: *Proposals for future developments in social dialogue in Romania (trade unions)*

Proposals	Central trade unions	
	Sectoral level	Company level
Development of organisational capacities	<ul style="list-style-type: none"> ■ Educational and training programmes ■ Using professionals such as economists, lawyers, etc ■ Increasing the role of bipartite social dialogue as opposed to tripartite social dialogue ■ Reduce the gap between the results of social dialogue and executive action ■ To study and consider the changes in the European Union legislation and practices 	<ul style="list-style-type: none"> ■ Receiving conciliation from sectoral federations ■ Further develop information and consultation of the employees ■ A higher degree of unionization ■ A clear statute of union delegates ■ Respecting the right of free association
Development of negotiation skills capacities	<ul style="list-style-type: none"> ■ Continuous training and educational programmes in the field of industrial relations and negotiations for both trade union leaders and members ■ Collaborations with International Labour Organisation and sectoral federations organised at European and international level ■ Better knowledge and application of international norms and practices in the field of labour relations ■ Implementation of the basic stipulations of the Collective Agreements signed at national level with the social partners ■ Participation in training and development programmes at European level ■ The professionalisation of the negotiation processes by using professional negotiators 	<ul style="list-style-type: none"> ■ Receiving conciliation from sectoral federations ■ Applying the sectoral Collective Agreement ■ Using the sectoral expertise coming from trade unions and employers' organisations ■ Organizing training programmes for company level unionists or facilitating their participation in training organised by sectoral or national federations ■ The use of professional negotiators
Development of financial capacities	<ul style="list-style-type: none"> ■ To increase the financial percentage transferred to sectoral federations by company trade unions by at least 40% ■ Improve the commission collection by sectoral organisations ■ Identifying and attracting new financial sources (projects, economic and lucrative activities, organising trainings, EU programs, etc) ■ Supporting the organisation of new trade unions and their adherence to sectoral trade unions ■ Trade union concentration 	<ul style="list-style-type: none"> ■ To increase the degree of unionisation by attracting new members ■ Better collect membership fees ■ Rationalising the use of resources ■ Collecting the membership fee automatically directly from the salary ■ Benefiting of fiscal facilities
Others	<ul style="list-style-type: none"> ■ More recognition of the trade unions' role and rights during negotiations ■ A higher degree of professionalism on the part of trade union and employers' negotiators 	<ul style="list-style-type: none"> ■ To introduce the collective agreements' negotiator position ■ Strengthening of trade unions and more recognition of their rights and their role in negotiation

Capacity building for social dialogue at sectoral and company level

Employers' organisations emphasised the improvement of legislation and reglementation, on the professionalisation of negotiation processes, acknowledgement by government of the role of social partners and of the need to learn from EU legislative and practical experiences.

There were no suggestions for company level social dialogue, as employers' organisations consider that this is to be of more interest to trade unions rather than employers.

Table 12: *Proposals for future developments in social dialogue in Romania (employers' organisations)*

Proposals	Central employers' organisations	
	Sectoral level	Company level
Development of organisational capacities	<ul style="list-style-type: none"> ■ Professional training in crisis management ■ To adopt new regulations: according to European and International Labour Organisation principles ■ To evaluate the way existing legislation is applied, to organise debates with social partners over deficiencies and to propose changes that should be first tested on a pilot basis and amended accordingly before final adoption ■ The Social Dialogue Commissions working with different ministries to be treated as a major discussion partner by taking into consideration de facto their point of view ■ To extend social dialogue at the level of all ministries and to Parliamentary level. This should mirror the European consultative system that has an institutionalised SD at the level of the EU Commission, Parliament and Council. In a similar way we should have SD at Government, Parliament and Presidency level. ■ In order to increase the efficiency of the employers' activity this should be organised on stricter criteria (sectoral and regional) of the employers' organisations. 	<ul style="list-style-type: none"> ■ Recruiting more companies to employers' organisations
Development of negotiation skills capacities	<ul style="list-style-type: none"> ■ Training in the field of negotiation (also using UE funds) ■ A better knowledge of the legislation ■ Higher transparency is needed regarding the interests represented by negotiators ■ Using specialist negotiators ■ Creating group of experts for negotiations ■ Strengthening sectoral trade unions and employers' organisations through consultancy and support ■ The setting up of sectoral Committees to include legitimate representatives of the sections that participate in the autonomous SD, committees with the mission of negotiating and monitoring the implementation of the collective agreements. ■ To establish a minimal procedure for negotiating collective agreements including the setting up of modular contracts, so as to create more flexible instruments, more easily adaptable to the changes imposed by the evolutions of the economic environment. 	

Table 12: *Proposals for future developments in social dialogue in Romania (employers' organisations) (cont'd)*

Proposals	Central employers' organisations	
	Sectoral level	Company level
Development of financial capacities	<ul style="list-style-type: none"> ■ Look for other financial sources besides membership fees ■ All companies that did not adhere to an employer body to be obliged to pay around 50% of the amount of the membership fee for the services they benefit from ■ To make it obligatory for companies to adhere to a employer organisation and to pay a membership fee ■ Sectoral committees should be set up in the CES structure, to generate a permanent and certain financing tripartite source. 	
Others	<ul style="list-style-type: none"> ■ The introduction in negotiation process of European indicators specific in each sector ■ Developing an autonomous social dialogue ■ Organise exchange programmes with EU organisations 	<ul style="list-style-type: none"> ■ Introducing work productivity indicators in the negotiation process ■ Continuous training for the employers' organisations' specialists and/or getting specialised support during negotiations ■ Organise exchange programs with EU organisations

However, there are some common proposals coming from both trade union and employers' organisations:

1. To increase the degree of professionalism by a) the use of professional negotiators by both trade unions and employers' organisations and other type of specialists in their organisations and by b) continuously involving their administrative employees of their offices in national and international training programmes
2. Both trade unions and employers' organisations suggest that they are not always taken seriously by government representatives from ministries in the tripartite negotiations and the role of social partners should increase in the future.

Conclusion

Social dialogue at sectoral level in Romania first developed as a form of dialogue between the government and trade unions, while employers' organisations played a smaller role. In time as the employers' organisations consolidated, their role started to increase and bipartite (employer body-trade union) collective bargaining developed. Accordingly trade unions are more involved in collective bargaining at sectoral level than employers' confederations, which tend to be more regionally oriented in their organisation. Central employers' organisations had difficulties in offering figures about activity at sectoral level (such as number of sectoral members, or number and structure of employees of sectoral offices) and some of them did not participate at all in the study.

The perception is that larger trade unions have better personnel and financial resources than the small ones and consequently better negotiation capabilities. Also trade unions from specific sectors (industry: electricity, mining, defence industry and the public sector) are seen as having higher resources than the other sectors.

At company level most companies have written employment contracts with their employees. Works Councils are rare and are found only in large companies and branches of MNCs. Both trade unions and employers consider that the main type of conflict that arises in Romanian companies is pay-related and that existing conflict resolution mechanisms should be further developed and improved.

Future developments for Romanian social dialogue include: a) the professionalization of social partners by hiring specialists and by ongoing training of their personnel, b) the use of international and European legal and practical experience and conformity with EU regulations and practices and c) to increase the degree of importance given by government (as decision maker) to social partners and outcomes of social dialogue.

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Annex

Outcome of the workshop

Strengths and weaknesses at sectoral level

Organisational capacity

Strengths	Weaknesses
<ul style="list-style-type: none"> ■ 100% trade union sectoral density (there are trade unions in all 32 economic branches) 	<ul style="list-style-type: none"> ■ fragmentation of trade unions within the same sector
<ul style="list-style-type: none"> ■ erga omnes principle: all sectoral employees are covered at sectoral level 	<ul style="list-style-type: none"> ■ a low number of representative employers' organisations at sectoral level
<ul style="list-style-type: none"> ■ only one collective agreement at branch level 	<ul style="list-style-type: none"> ■ in trade unions is a weak sectoral organisation at regional/territorial level
<ul style="list-style-type: none"> ■ upper level organisations (T.U and E.O) have the legal right to assist their members in collective labour agreement 	<ul style="list-style-type: none"> ■ E.O: sectoral representativeness criteria are only quantitative (more qualitative criteria is needed, such as contribution to the field)
<ul style="list-style-type: none"> ■ E.O: independence (as is done by court decision) in the recognition of sectoral representativeness 	<ul style="list-style-type: none"> ■ sometimes social dialogue is formal and inefficient
<ul style="list-style-type: none"> ■ existence of a good legislative and institutional framework 	
<ul style="list-style-type: none"> ■ upper level collective labour agreements represent the starting point (minimum level) in negotiating lower level collective labour agreements 	

Financial capacities

Strengths	Weaknesses
	<ul style="list-style-type: none"> ■ insufficient financial resources at sectoral level in both trade unions and employers' organisations
	<ul style="list-style-type: none"> ■ only a fraction of the members contributions goes to upper levels (sectoral federations and national confederations)

Skills capacities

Strengths	Weaknesses
<ul style="list-style-type: none"> ■ expertise in sectoral trade unions due to experience in sectoral negotiations 	<ul style="list-style-type: none"> ■ insufficient human resource at sectoral level in trade union and employers' organisations
<ul style="list-style-type: none"> ■ good human capacities at sectoral level in trade unions 	<ul style="list-style-type: none"> ■ insufficient qualified personnel in sectoral employers' organisations
<ul style="list-style-type: none"> ■ moderate human capacities at sectoral level in employers' organisations 	<ul style="list-style-type: none"> ■ uneven T.U/E.O. qualified human resources

Capacity building for social dialogue at sectoral and company level

Capacity building projects

- Concentration of trade union organisations at sectoral level.
- Increasing the trade union and employers' organisations representatives' participation at European Works Councils
- Participation by sectoral representatives of trade unions and employers' organisations in national and international training programmes to further develop their negotiation skills.

Strengths and weaknesses at company level

Organisational capacity

Strengths	Weaknesses
■ high trade union density: almost in all companies with over 50 employees	■ fragmentation of trade union organisation and activity at company level
■ upper level organisations can represent lower level organisations (sectoral organisations can represent company level organisations)	■ low level of unionisation of SMEs
■ erga omnes principle	■ insufficient autonomy of trade union leadership at company level
■ only one company level collective agreement	
■ company level collective agreements include upper level stipulations, as minimum levels	
■ all companies with over 21 employees have to initiate collective bargaining according to law.	

Financial capacities

Strengths	Weaknesses
■ good financial resources at company level (most of the members' contributions remain at company level)	

Skills capacities

Strengths	Weaknesses
	■ insufficient experience and qualified human resources at company level trade unions

Capacity building projects

- Increasing the degree of unionisation in SMEs
- Concentration of trade union organisation at company level, so that only one trade union to remains in operation
- Real involvement of multinational companies in social dialogue.
- Participation at national and international training programmes about social dialogue by company level representatives.

List of Abbreviations

Trade unions

BNS	the National Trade Union Bloc (Blocul Național Union)
Cartel Alfa	the National Confederation Cartel Alfa (Confederația Națională Unionă Cartel Alfa)
CNSLR Fratia	the National Confederation of Free Trade Unions in Romania Brotherhood (Confederația Națională a Unionlor Libere din România Frăția)
CSDR	the Confederation of Democratic Trade Unions in Romania (Confederația Unionlor Democratice din România)
Meridian	the National Trade Union Confederation Meridian (Confederația Unionă Națională Meridian)

Employers' organisations

ACPR	the Alliance of Employers' Confederation in Romania (Alianța Confederațiilor Employere din România)
ARACO	the Romanian Association of Building Entrepreneurs (Asociația Română a Antreprenorilor de Construcții)
CNIPMMR	the National Council of Private Small and Medium Enterprises in Romania (Consiliul Național al Întreprinderilor Private Mici și Mijlocii din România)
CNPR	the National Confederation of Romanian Employers (Confederația Națională a Patronatului Român)
CONPIROM	the Employers' Confederation of the Romanian Industry (Confederația Employeră din Industria României)
CoNPR	the National Council of Romanian Employers (Consiliul Național al Patronatului Român)
CPISC	the Confederation of Employers in Industry, Services and Trade (Confederația Patronatelor din Industrie, Servicii și Comerț)
PNR	the Romanian National Employer (Patronatul Național Român)
PR	the Romanian Employer (Patronatul Roman)
UGIR	the General Union of Romanian Industrialists (Uniunea Generală a Industriașilor din România)
UGIR 1903	the General Union of Romanian Industrialists 1903 (Uniunea Generală a Industriașilor din România 1903)
UNPR	the National Union of the Romanian Employer (Uniunea Națională a Patronatului Român)
UPR	the Union of Romanian Employers (Uniunea Patronatului Român)

Interview response rate

No.	Organisation	Participation
	Central trade unions	
1.	BNS	Yes
2.	Cartel Alfa	Yes
3.	CNSLR Fratia	Yes
4.	CNS Meridian	Yes
5.	CSDR	No
	Employers' organisations	
6.	ACPR***	Partially
7.	ARACO	Yes
8.	CNIPMMR	Yes
9.	CNPR	Yes
10.	CONPIROM	No
11.	CoNPR	Yes
12.	CPISC	Partially
13.	PNR	No
14.	PR	No
15.	UGIR	Yes
16.	UGIR 1903	Yes
17.	UNPR	Yes
18.	UPR*	No
TOTAL	18	12
	Response rate	72.2%

* Umbrella organisation with no established organisational structure

*** Umbrella organisation formed of ARACO, CNIPMMR, CNPR, CoNPR, CPISC, PNR și UGIR

Sectoral and groups of companies level collective agreements concluded in 2005 (including last years multiannual agreements)

No.	Branch	Year of contract	Level
1.	Agriculture	2004	Group of companies
2.	Mining industry	2003	Sectoral
3.	Leather and shoes industry	2004	Sectoral
4.	Wood and wood products industry	2004	Sectoral
5.	Cellulose, paper and paper products industry	2005	Sectoral
6.	Industry of petroleum-based products	2000	Group of companies
7.	Industry of chemical products and synthetic and artificial fibres	2005	Sectoral
8.	Industry of other products obtained from non-metallic minerals	2005	Group of companies
9.	Glass and ceramic industry	2005	Sectoral
10.	Metallurgy	2004	Sectoral
11.	Equipment and machines building industry	2005	Sectoral
12.	Electrical and optical equipment industry	2005	Sectoral
13.	Construction and building	2005	Group of companies (roads)
14.	Construction and building	2005	Sectoral
15.	Wholesaling, retailing and cars, motorcycles and other goods' repair (cooperatives)	2005	Group of companies
16.	Transport: naval transport	2003	Group of companies
17.	Transport: airport services	2005	Group of companies
18.	Financial intermediaries	2004	Group of companies
19.	Research and development, design	2005	Sectoral
20.	Research in physics	2002	Group of companies
21.	Health and social assistance	2004	Group of companies in transport
22.	Health and social assistance	2005	Sectoral
23.	Community services industry	2005	Sectoral
24.	Cooperatives	2005	Group of companies

Source: *Ministry of Labour, Social Solidarity and Family, 12.10.2006*

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Workshop on Social dialogue capacity building at sectoral and company level in the new Member States, Bulgaria, Croatia, Romania and Turkey

9 - 10 October 2006

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