

## Financing adult learning database

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| <b>Name of the instrument - Local language</b>      | Concediu de formare profesionala  |
| <b>Name of the instrument - English translation</b> | Training leave  |
| <b>Scheme ID</b>                                    | 188   |
| <b>Country</b>                                      |  Romania |
| <b>Reporting year</b>                               | 2020  |
| <b>Type of instrument</b>                           | Training leave  |
| <b>Sub-type of instrument</b>                       | Paid leave - only employer and employee are involved                                      |
| <b>Type of entry</b>                                | Single instrument   |

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| <b>Short description</b>                            | <p>Employees have the right to a paid educational leave of 10 days/80 work hours per year under specific circumstances. In general, employees have a right to receive training once in 2 years (once in 3 years in companies with up to 20 employees). In case the employer does not offer training, the employee has the above-mentioned right to a paid educational leave. No specific financing mechanisms are established for the training leave. Financing arrangements depend on who initiates the training, the duration, and specificity of the training/educational programme, and the negotiation between employer and employees, observing also the collective agreements. If training is initiated by the employer, all costs are borne by him. Where the employer fails to fulfill its obligation to provide training to its employees, training leave is treated the same way as if the employer had initiated the training. No compensation to the employer is awarded, but the costs are deductible in the calculation of the profit for taxation. Where training is at the employee's initiative, the Labour Code leaves to the employer the decision on terms of participation, including duration (no minimum/maximum specified by law) and coverage of (direct) training costs. Training leave can be also unpaid but recorded as active work in the work record.</p> |
| <b>Short description of the related instruments</b> | Not applicable  |
| <b>Level of operation</b>                           | National  |

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| <b>Name of a part of the country</b>                 | Not applicable  |
| <b>Name of the region (for regional instruments)</b> | Not applicable  |
| <b>Name of the sector (for sectoral instruments)</b> | Not applicable  |
| <b>Relevance</b>                                     | Further instrument  |
| <b>Legal basis</b>                                   | Law 53/2003 - Labour Code, with further updates, art. 51, 154 - 158 (provisions on financing of training leave), Government order 129/2000, Collective agreements for certain professions: agreements between parties or internal decisions of certain professional bodies (e.g. The Bar)   |
| <b>Objective(s) and target(s)</b>                    | Main objectives: a) adapting the employee to the requirements of the job or the workplace; b) obtaining a professional qualification; c) updating the knowledge and skills specific to the job and the job and improving the professional training for the basic occupation; d) professional reconversion determined by socio-economic restructuring; e) the acquisition of advanced knowledge, of some modern methods and procedures, necessary for the accomplishment of the professional activities; f) prevention of unemployment risk; g) promotion in work and professional career development.   |
| <b>Year of implementation</b>                        | 2003  |
| <b>Year of latest amendment</b>                      | 2015  |
| <b>Operation/management</b>                          | Employers are obliged to assure vocational/professional training of employees once every 2 years in companies with over 20 employees and once every 3 years in companies with 20 employees or less. If training is not provided by employer, employee has the right to a paid training leave of 10 working days/80 work hours for vocational training. Employees enrolled in accredited training/educational programmes have the right to 30 days of non-paid training leave in a year. Employer cannot refuse non-paid leave if properly announced 30 days before, unless serious damage to production processes may be caused by the absence of the employee. Actual duration can be longer, if employer agrees, depending on the duration of the course. Both paid and non-paid training leave are assimilated to normal work periods. |
| <b>Eligible group(s)</b>                             | All employees   |
| <b>Group(s) with preferential treatment</b>          | No preferential treatment   |
| <b>Education and training eligible</b>               | No limitation - accredited programmes cannot be refused by the employer, if the employee takes the initiative   |
| <b>Source of financing and</b>                       | Employer, if training is initiated by employer.   |

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| <b>collection mechanism</b>                               |  |
| <b>Financing formula and allocation mechanisms</b>        | No specific financing mechanisms are established. Financing arrangements depend on who initiates the training, the duration and specificity of the training/educational programme and the negotiation between employer and employees, observing also the collective agreements. If training is initiated by employer, all costs are born by him. Where the employer fails to fulfil its obligation to provide training to its employees, training leave is treated the same way as if the employer had initiated the training. No compensation to employer is awarded, but the costs are deductible in the calculation of the profit for taxation. Where training is at the employee's initiative, the Labour Code leaves to the employer the decision on terms of participation, including duration (no minimum/maximum specified by law) and coverage of (direct) training costs. Training leave can be also unpaid, but recorded as active work in the work record. |
| <b>Eligible costs</b>                                     | Not applicable   |
| <b>Volumes of funding</b>                                 | Not applicable   |
| <b>Beneficiaries/take up</b>                              | Not available  |
| <b>Organisation responsible for monitoring/evaluation</b> | Work Inspection  |
| <b>Monitoring/evaluation reports available</b>            | Not available  |
| <b>Most relevant webpage - in English</b>                 | Not available  |
| <b>Most relevant webpage - local language</b>             | Not available  |
| <b>Recent changes</b>                                     | 2015. The amendment introduced in 2015 stipulates that the training leave is not deducted from seniority<br><br>Recent changes in response to COVID-19<br><br>No changes   |
| <b>Sources</b>  | Ministry of Labour: Legea nr. 53/2003 - Codul Muncii, republicat in 2011 (Law no. 53/2003 Labour Code, republished in 2011) - <a href="http://www.mmuncii.ro/pub/imagemanager/images/file/Legislatie/LEGI/LEGE...">http://www.mmuncii.ro/pub/imagemanager/images/file/Legislatie/LEGI/LEGE...</a><br><br>Official Monitor: Legea nr. 12/2015 privind modificarea Legii 53/2003 Codul Muncii (Law no 12.2015 on modification of Law 53/2003 Labour Code) - <a href="http://www.dreptonline.ro/legislatie/legea_12_2015_modificare_lege_53_2...">http://www.dreptonline.ro/legislatie/legea_12_2015_modificare_lege_53_2...</a><br><br>Labour Inspection: Raport de activitate 2019 (Activity report 2013) - <a href="https://www.inspectiamuncii.ro/raport-anual-al-activitatii-inspectiei-m...">https://www.inspectiamuncii.ro/raport-anual-al-activitatii-inspectiei-m...</a>   |

