


# Apprenticeship at the workplace

Ucenicia la locul de munca  
 Romania

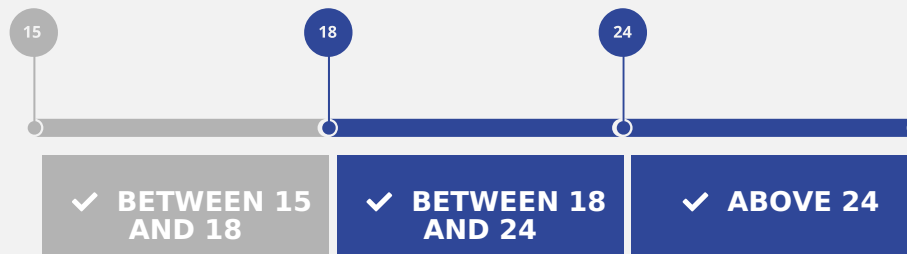
## 1 Target group

**Q6. Does the legal basis define the minimum and maximum age limits for enrolment of the target group of this scheme?**



Apprentices must be at least 16 years old. There is no upper age limit.



**Q7. What is the average age of learners in practice?**



Data from the Ministry of Labour and Social Justice for the first half of the year 2019 indicates that 90% of apprentices are adults (over 25 years of age) and 10% are young people (aged 16-25) who are no longer in formal education or training (early school leavers or NEETs). In the first 6 months of 2019 there were concluded 2419 apprenticeship contracts, out of which 238 for persons under 25 years old and 2181 for persons over 25 years old.

## 2 Overview of the scheme

### Q8. Is the scheme included in the ISCED 2011 mapping?

YES  NO

Apprenticeship at the workplace is a scheme regulated and managed by the Ministry of Labour and Social Justice. It is part of the system for the vocational training of adults (CVET).

### Q9. Is there any organization at the national level with roles in co-ordinating the scheme?

YES  NO

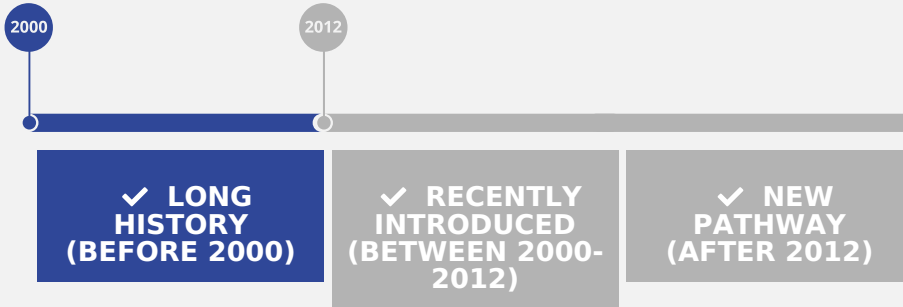
The scheme is implemented by the National Agency for Employment. Employers may apply for the public employment service subsidy of EUR~483 per month (2250 Romanian Leu) for each apprentice for up to three years (the duration of the apprenticeship programme) from the unemployment insurance budget or ESF. Programme minimum duration varies by qualification level:

- six months for EQF level 1;
- one year for EQF level 2;
- two years for EQF level 3;
- three years for EQF level 4.

Control of compliance with the obligations on the maintenance of employment relationships between apprentices and employers who benefit from subsidies for apprenticeship from the unemployment insurance budgets is carried out by the control bodies within the county employment agencies.

Labor inspectors have the competence to control the way of concluding, executing, modifying, suspending and terminating the apprenticeship contract in the situations and under the conditions laid down by the methodological norms for the application of the provisions of the apprenticeship law.

### Q10. When was the scheme introduced?



The apprenticeship at the workplace has a tradition of over 85 years. It was first introduced in the Labour Code in 1929 and then through a specific law in 1950 (Law No 3/1950) that was then amended in 1972. The legislative framework was completely updated in 2005 when many new provisions were introduced for ensuring the vocational training through apprenticeships at workplace.

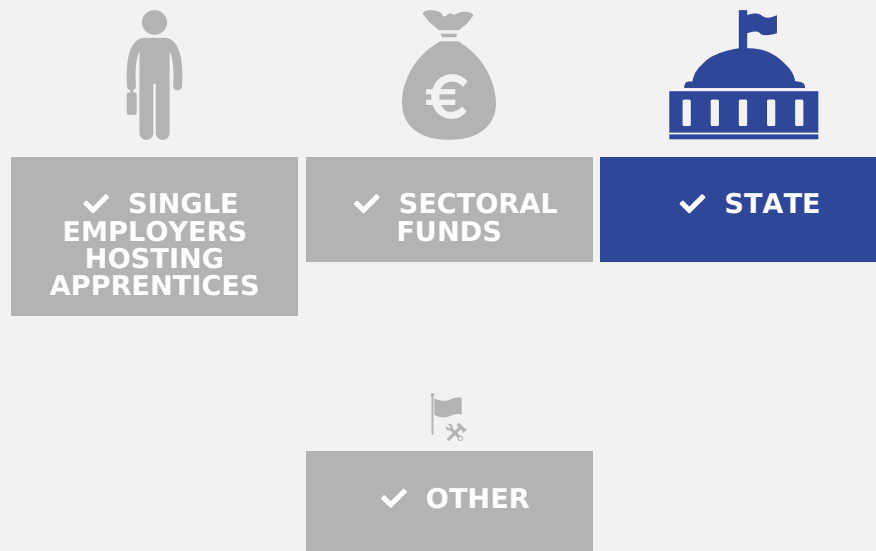
**Q11. How did the apprenticeship scheme originate?**



The Labour Code from 1950s as well as the Laws introduced in 1929, 1950 and 1972 indicate clearly that the apprenticeship scheme was traditionally targeted at preparing apprentices for a specific occupation within a given sector, under the supervision of a foreman.

More recently, the apprenticeship at workplace has been targeted at increasing the level of qualifications among young people and facilitating their entry on the labour market. These objectives were made explicit in the Law No 179/2013 amending the law of 2005.

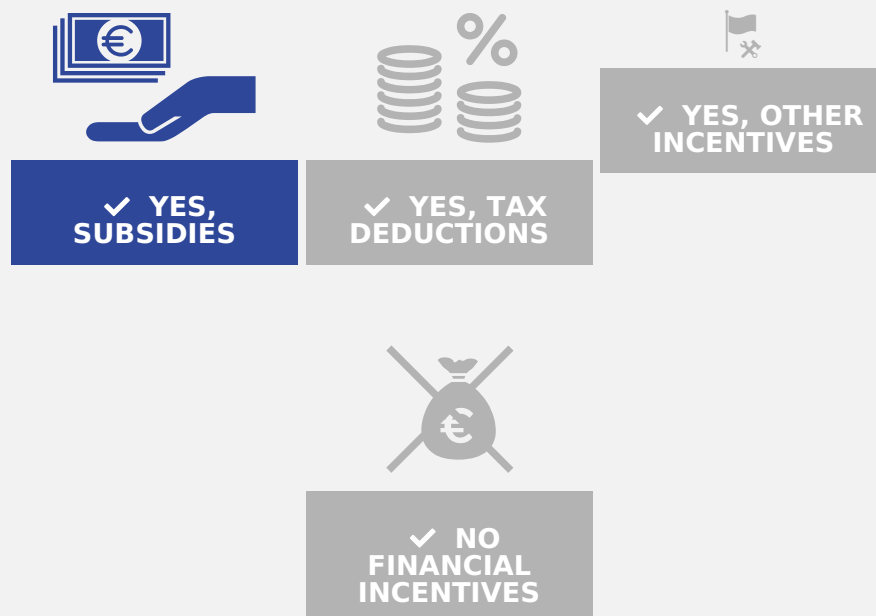
**Q12. What are the sources of financing of the direct costs for the in-company training part of the apprenticeship scheme?**



All apprentices under a contract of apprenticeship at the workplace receive a salary. This is financed through the unemployment insurance budget, managed by the National Agency for Employment.

The Law No 179/2013 amending the initial 2005 law on apprenticeships at workplace introduced a new clause that the financing of apprenticeships is permitted also from other sources: donations, sponsorships, EU funding sources, own resources from employers etc. so in the last years the main sources of financing were unemployment insurance budget and ESF.

**Q13. Are there any financial incentives for companies that offer apprenticeship places?**



Employers may apply for the public employment service subsidy of 2250 Romanian Leu per month for each apprentice for up to three years (the duration of the apprenticeship programme) from the unemployment insurance budget or ESF.

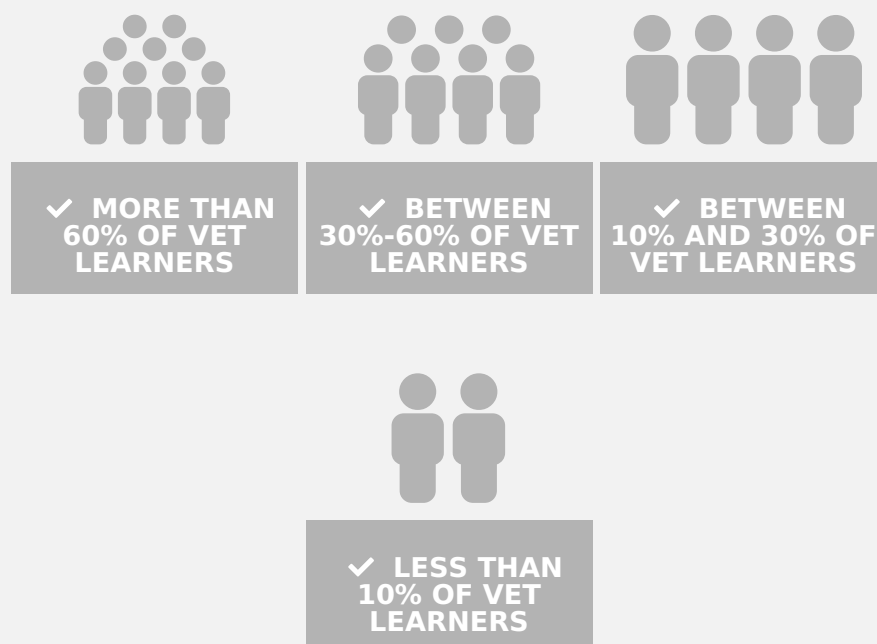
#### Q14. How many learners are enrolled in this scheme?

Data provided by the Ministry of Employment indicates that since 2006, 6847 apprenticeship contracts were concluded:

- in 2006-2010 only 41 apprenticeship contracts were concluded with only one employer;
- in 2012, 60 contracts were concluded;
- in 2013-2015, 365 apprenticeship contracts were concluded;
- in 2016, 167 apprenticeship contracts were concluded;
- in 2017, 431 apprenticeship contracts were concluded;
- in 2018, 3364 apprenticeship contracts were concluded;
- in the first 6 month of 2019, 2419 apprenticeship contracts were concluded;

The reason for the increase in apprenticeship contracts concluded in recent years compared to the earlier years lies in the simplification of rules through the amendments introduced by the successive changes in 2017, 2018, 2019. <https://www.anofm.ro/index.html?agentie=&categ=1&subcateg=6>

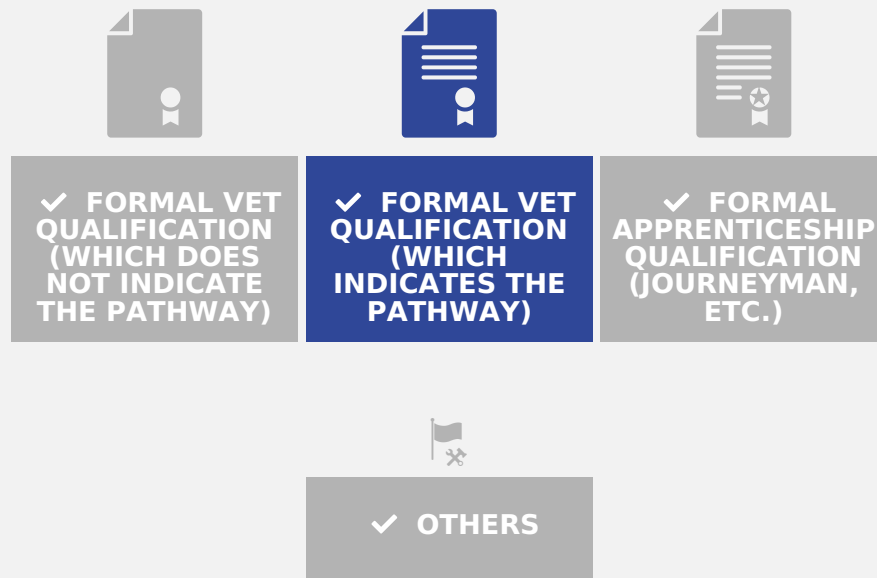
#### Q15. What is the share of apprentices enrolled in this scheme in relation to all VET students for the corresponding educational level(s) as reported in Q3?



Not applicable: Apprentices are employees under an apprenticeship contract (employment contract) with an employer. More than half of apprentices are adults and the other half young people who are no longer in formal education or training (early school leavers or NEETs), so they are not VET learners.

#### Q16. Which is the type of qualification obtained through the apprenticeship

## scheme?



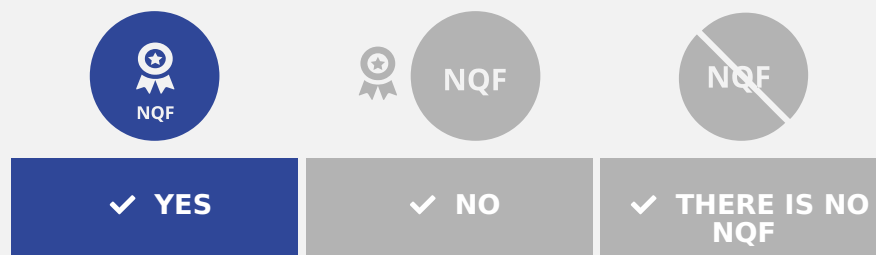
Article 3 of Government Decision 129 / 2000 stipulates that the vocational training of adults, finalised with certificates of vocational qualifications, is recognised nationally and is part of the national system of vocational education and training.

Apprenticeship law stipulates that the apprenticeship at workplace can be organised for qualifications at levels 1, 2, 3 and 4 on the NQF / EQF.

Apprenticeships at workplace can be organised for the qualifications established by the legislation in force and for the occupations included in the Occupation Classification in Romania, for which professional **training standards or occupational standards** exist.

All apprentices receive nationally recognised qualification certificates of equal value as in initial VET.

## Q17. Is the qualification included in the National Qualification Framework (NQF)?



Apprenticeship law stipulates that the apprenticeship at workplace can be organised for qualifications at levels 1, 2, 3 and 4 on the National Qualifications Framework, equivalent to the EQF.

## Q18. How does the qualification link to the scheme?



✓ IT IS A SPECIFIC TYPE OF QUALIFICATION WHICH CAN ONLY BE OBTAINED THROUGH THIS APPRENTICESHIP SCHEME



✓ THE SAME QUALIFICATION CAN BE ACHIEVED ALSO THROUGH OTHER SCHEMES (I.E. SCHOOL-BASED VET)

The same qualifications can be obtained in initial vocational education and training programmes.

**Q19. Does the scheme provide direct access to higher education?**



✓ YES



✓ NO

In Romania, no person can access higher education without first successfully passing the Bacalaureate exam (upper-secondary school leaving exam). Apprentices who successfully pass this exam can then enroll in higher education.

### 3 Programme

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**Q20. How is the scheme linked to a training programme?**



✓ THE SCHEME IS IMPLEMENTED VIA A SPECIFIC APPRENTICESHIP PROGRAMME



✓ THE SCHEME IS IMPLEMENTED ON THE BASIS OF THE SCHOOL-BASED VET PROGRAMME



✓ THE SCHEME IS IMPLEMENTED BASED ON THE VET STANDARDS (VALID GENERALLY FOR ALL VET SCHEMES)



✓ OTHER

The apprenticeship training program at the workplace is an integral part of the apprenticeship contract.

The training program is developed by the employer together with an authorized professional training provider with which the employer concludes a service contract for the apprenticeship program.

Apprenticeship training program includes theoretical training and practical training, in accordance with the legal provisions in force and, as the case may be, with the special laws governing that occupation.

Theory and practical training (WBL at least 70%) is provided mainly by companies, in cooperation with authorised professional training providers that also organise qualification exams. Training periods alternate with working time allocated for the tasks specified in the job description; the practical training of the apprentice is performed under the guidance and supervision of the training provider.

## 4 Duration

**Q22. If the scheme is not implemented via specific apprenticeship programme, how is duration of apprenticeships defined in the regulation?**





✓ IT IS DEFINED AS MINIMUM AND MAXIMUM SHARE OF A VET PROGRAMME



✓ IS DEFINED AS MINIMUM SHARE OF A VET PROGRAMME



✓ IS DEFINED AS MAXIMUM SHARE OF A VET PROGRAMME



✓ IS NOT DEFINED BY REGULATION



✓ OTHER

Art. 9 of Law 279/2005 amended in 2018 stipulates that the duration of the apprenticeship program must be established according to the level of qualification targeted, without being less than:

- a) 6 months where the apprenticeship is organised for the relevant competences of a qualification at level 1;
- b) 12 months where the apprenticeship is organised for the relevant competences of a qualification at level 2;
- c) 24 months if the apprenticeship is organised for the relevant competences of a qualification at level 3;
- d) 36 months, if the apprenticeship is organised for a qualification in the relevant competences Level 4.

**Q23. Is there a distinction between the training time and working time for the period spent at workplace, as per regulation?**



✓ YES, THE LEGAL FRAMEWORK MAKES THIS DISTINCTION



✓ NO, THE LEGAL FRAMEWORK MAKES NO DISTINCTION

The training takes place over the entire duration of the apprenticeship contract. The time allocated to vocational training alternates with the time allocated for work duties

specified in the job description. The time required for the apprentice's theoretical training is included in the normal work schedule.

Sources: Law No 279 / 2005 with subsequent amendments.

## 5 Alternation of work-based (in-company) training and school-based training

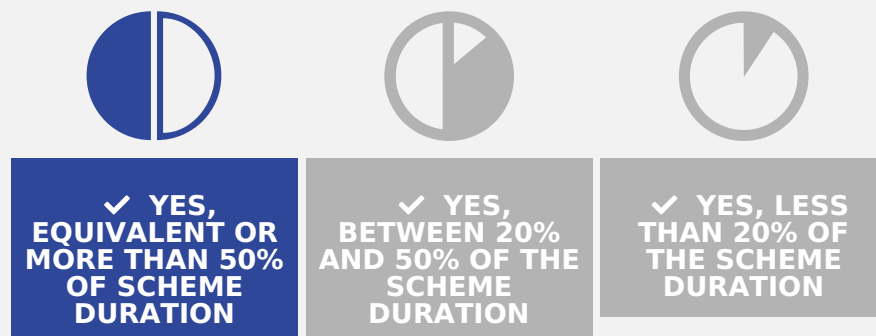
**Q24. Is it compulsory to alternate training between two learning venues (school and company)?**



Article 9 of Law 279 / 2005 with subsequent amendments stipulates that the apprenticeship at workplace should **include both a theoretical and practical training at workplace**. The training provider decides together with the employers the entire apprenticeship program and the locations for theory and all other details regarding the program.

Apprenticeship contracts, which are the basis for apprenticeships at workplace, can only be established by employers.

**Q25. Is the in-company training defined as minimum share of the apprenticeship scheme duration?**





✓ NO, NO  
MINIMUM SHARE  
IS COMPULSORY

In the authorization methodology for adult vocational training providers, approved by joint order of the Minister of Labor and the Minister of Education stipulates that applicative activities are allocated at least two thirds of the total duration of the training program.

Vocational training periods alternate with the work time allocated to performing the tasks specified in the job description.

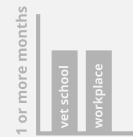
### Q26. What is the form of alternation of training between workplace (company) and school?



✓ EVERY WEEK  
INCLUDES BOTH  
VENUES



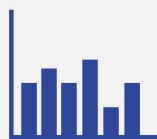
✓ ONE OR  
MORE WEEKS  
(LESS THAN 1  
MONTH) SPENT  
AT SCHOOL  
FOLLOWED BY  
ONE OR MORE  
WEEKS AT  
WORKPLACE



✓ ONE OR  
MORE MONTHS  
(LESS THAN 1  
YEAR) SPENT AT  
SCHOOL  
FOLLOWED BY  
ONE OR MORE  
MONTHS AT  
WORKPLACE



✓ A LONGER  
PERIOD (1-2  
YEARS) SPENT AT  
SCHOOL  
FOLLOWED BY A  
LONGER PERIOD  
SPENT TRAINING  
AT WORKPLACE



✓ VARIOUS -  
DEPENDS ON  
AGREEMENTS  
BETWEEN THE  
SCHOOL AND THE  
COMPANY



✓ OTHER

✓ NOT SPECIFIED

The employer has the obligation to designate an apprenticeship coordinator who instructs the apprentice to acquire the professional skills required for the qualification for which apprenticeship is organised.

The apprentice coordinator has the obligation to work with the training provider to organise the apprentice's training and to develop the apprentice's work plan with the training provider based on the occupational standard corresponding to the occupation.

Apprenticeship training takes place throughout the apprenticeship contract.

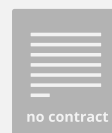
Vocational training periods alternate with the work time allocated to performing the tasks specified in the job description.

The time allocated to the training program is correlated with the purpose, objectives, content of the theoretical and practical training.

The Law regulating the apprenticeship contract stipulates that the time required for the theoretical training of the apprentice is included in the normal weekly work schedule at the company, which is 8 hours a day and 40 hours a week, and for young people up to 18 years, work time is 6 hours a day and 30 hours a week.

## 6 Formal relationship with the employer

**Q27. Is any contractual arrangement between the learner and company, required as per regulation?**



✓ YES

✓ NO

The apprenticeship contract is an individual fixed-term individual employment contract under which a natural person called an apprentice undertakes to professionally prepare and work for and under the authority of a legal or individual person called an employer who is obliged to pay the salary and all the conditions necessary for the professional training. The conclusion, execution, modification, suspension and termination of the apprenticeship contract are made subject to compliance with the provisions of Law no. 53/2003 - Labour Code.

## Q28. What is the nature of the contractual arrangement?



✓ APPRENTICESHIPS ARE A SPECIFIC TYPE OF CONTRACT



✓ APPRENTICESHIPS ARE AN ORDINARY EMPLOYMENT CONTRACT



✓ A FORMAL AGREEMENT

The apprenticeship contract is an individual fixed-term individual employment contract under which a natural person called an apprentice undertakes to professionally prepare and work for and under the authority of a legal or individual person called an employer who is obliged to pay the salary and all the conditions necessary for the professional training. The conclusion, execution, modification, suspension and termination of the apprenticeship contract are made subject to compliance with the provisions of Law no. 53/2003 - Labour Code.

In addition to the mandatory elements of the individual employment contract, the apprenticeship contract also includes the following clauses regarding:

- a) the name of the qualification to be acquired by the apprentice;
- b) the name of the training provider carrying out the apprenticeship training;
- c) the name of the apprentice coordinator and his / her qualification;
- d) the place(s) in which the professional training is carried out;
- e) the time required for theoretical and practical training through apprenticeship;
- f) additional obligations of the employer;
- g) the obligations of the apprentice;
- h) other clauses, according to the law.

## Q29. Where is the contract or the formal agreement registered?



✓ AT THE SCHOOL



✓ AT THE MINISTRY OF EMPLOYMENT



✓ AT THE CHAMBERS



✓ AT THE  
MINISTRY OF  
EDUCATION



✓ OTHER

Article 6 of the Law 279/2005 stipulates that the employer needs to register the apprenticeship contract within 20 days at the territorial labour inspectorate.

Prior to the start of the activity, the apprenticeship contract needs to be registered also in the general register of employees evidence, which is transmitted to the territorial labour inspectorate.

### Q30. What is the status of the learner?



✓ APPRENTICE  
IS A SPECIFIC  
STATUS



✓ STUDENT



✓ EMPLOYEE



✓ OTHER

Article 10 of Law No 279/2005 specifies the status of apprentice: *'The person employed under a contract of apprenticeship at the workplace has the status of apprentice'*. Article 11 clarifies that the status of apprentice gives all rights and obligations applicable to paid employees under the labour law.

The responsibilities of the apprentice are:

- to carry out the activity in accordance with the provisions of the apprenticeship contract;
- to participate in the theoretical and practical training corresponding to the vocational training program, completed with an adult vocational qualification certificate;
- to participate in a final examination at the end of theoretical and practical training sessions in order to obtain the vocational qualification certificate.

## 7 Compensation

### Q31. Do apprentices receive a wage or allowance?



✓ YES, ALL APPRENTICES RECEIVE A WAGE (TAXABLE INCOME)



✓ YES, ALL APPRENTICES RECEIVE AN ALLOWANCE (NOT A FORM OF TAXABLE INCOME)



✓ APPRENTICES RECEIVE A REIMBURSEMENT OF EXPENSES



✓ NO FORM OF COMPENSATION IS FORESEEN BY LAW

All apprentices under a contract of apprenticeship at the workplace receive a salary. The basic monthly salary set by the apprenticeship agreement is at least equal to the country's minimum gross national salary in force for a program of 8 hours a day and 40 hours per week on average.

### Q32. How is the apprentice wage (taxable income) set?



✓ BY LAW (APPLYING FOR ALL)



✓ BY CROSS-SECTORAL COLLECTIVE AGREEMENTS AT NATIONAL OR LOCAL LEVEL



✓ BY SECTORAL COLLECTIVE AGREEMENTS AT NATIONAL OR LOCAL LEVEL



✓ OTHER

✓ BY FIRM-LEVEL COLLECTIVE AGREEMENTS OR INDIVIDUAL AGREEMENTS BETWEEN APPRENTICE AND COMPANY

The basic monthly salary set by the apprenticeship agreement is at least equal to the country's minimum gross national salary in force for a program of 8 hours a day and 40 hours per week on average.

### Q33. Who covers the cost of the wage or allowance of the apprentice?



✓ OTHER

✓ EMPLOYERS

✓ STATE

### Q34. Does the wage or allowance of the apprentice cover both the time spent at school and in the company?



✓ YES

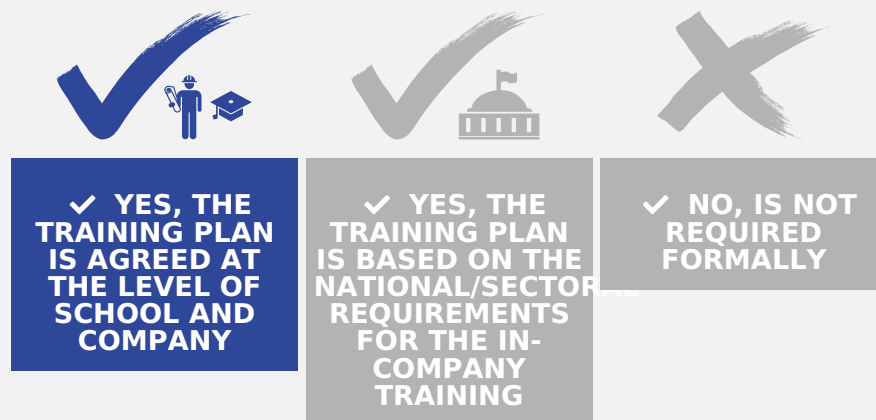
✓ NO, IT COVERS ONLY THE TIME SPENT IN THE COMPANY

The training takes place over the entire duration of the apprenticeship contract. The time allocated to vocational training alternates with the time allocated for work duties specified in the job description. The time required for the apprentice's theoretical training is included in the normal work schedule.



## 8 Responsibility of employers

**Q35. Is the company hosting apprentices required by regulation to follow a training plan at the workplace?**



The apprenticeship training program is an integral part of the apprenticeship contract concluded between the employer and the apprentice.

The apprentice coordinator (from employer's side) has the obligation to work with the training provider to organize the apprentice's training and to develop the apprentice's work plan with the training provider based on the occupational standard corresponding to the occupation.

Apprenticeships is organized for the qualifications established by the legislation in force and for the occupations included in the Occupation Classification in Romania, for which professional training standards or occupational standards exist.

Article 6 (6) of the Law No 279/2005 stipulates that the employer is obliged 'to ensure access of the apprentice to the theoretical and practical training corresponding to the vocational training program, completed with a certificate of professional qualification of adults, under the provisions of the Government Ordinance no. 129/2000 regarding the vocational training of adults, republished, as subsequently amended and supplemented'.

The training provider concludes with the employer a contract for the provision of training services provided in art. 4 lit. e) of the apprenticeship law.

**Q36. What are the requirements on companies to provide placements, as per regulation?**



Article 5 of Law No 279 / 2005 with subsequent amendments stipulates that: 'The employer has the obligation to **appoint a coordinator** to oversee the training of the apprentice in order to acquire the necessary vocational skills to obtain the qualification for which the apprenticeship at workplace is organized.'

Article 6 (6) of the Law No 279/2005 stipulates that the employer is obliged to ensure payment of wages to the apprentice as well as to ensure the **conditions necessary for the training** of the apprentice, including **access to theoretical training** by means of developing a contract for services between the employer and an authorized vocational training provider. The employer and the training provider develop together **the training plan** for the apprenticeship.

Article 12 of Law 279/2005 stipulates that the employer is obliged to ensure for the apprentice **access to theoretical and practical training** as well as all the necessary conditions for the authorized training provider and the coordinator to fulfil their duties regarding training the apprentice.

**Q37. Are there any sanctions on companies that do not provide training to apprentices at the workplace?**



✓ YES

✓ NO

Labour inspectors have the competence to control the way of concluding, executing, amending, suspending and terminating the apprenticeship contract in the situations and under the conditions provided by the methodological norms for the application of the provisions of this law. (art.20)

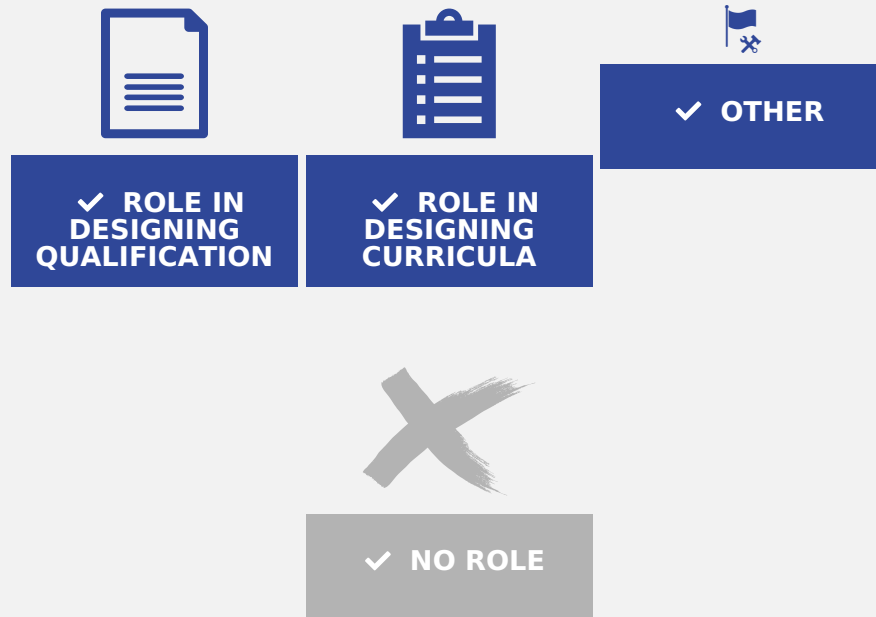
The Ministry of Labour and Social Justice, through the County Employment Agencies and the Bucharest Municipality respectively, controls the activity of authorised training providers carrying out apprenticeship training programmes at the workplace. (art.21)

Article 23 of Law No 279/2005 introduced a clause on sanctions to employers that fail to fulfil their responsibilities towards training of apprentice, namely a fine of RON 10.000 (the appointment of an apprenticeship coordinator, the failure to observe the provisions on the conclusion and registration of the employment contract, the failure to comply with the apprentice's access conditions, maternity discrimination, the length of the apprenticeship program, the non-inclusion of theoretical training in the normal work schedule, access to theoretical and practical training, etc.)

Employers benefiting from a grant for the apprenticeship program are obliged to maintain the labour relations with the apprentice throughout the apprenticeship contract. In case the apprenticeship contract ceases before the date stipulated in the contract, the employer is obliged to return to the county employment agency the sums received from the unemployment insurance budget for the apprentice, plus the reference interest rate of the National Bank of Romania in force at the date of termination of the apprenticeship contract, if the termination of the contract took place for reasons attributable to the employer.

**Q38. What is the role of chambers, employers' and employees' representatives, sectoral councils (if existent), in shaping apprenticeship**

### content, as per regulation?



No role is stipulated explicitly in the legal framework, but employers' and employees' representatives are members in the counties authorization commissions that authorize the training providers and the vocational training programs. The authorization process also involves verifying the training programs, the curricula, compliance with the occupational standard etc. County authorization commissions are set up by the Ministry of Labour and Social Justice. Each commission consists of five members, including representatives of county administration, trade unions and employers' organizations. They are in charge of authorization and monitoring of training providers and deciding on the examination commissions at country level.

There are also established 16 sectoral committees, at economic sector level, which are social dialogue structures comprising employees' and employers' representatives. Sectoral committees participate through the main activities: participate in the development of a legal framework regarding training, evaluation and certification of competences at sectoral level, validate the qualifications and associated occupational standards, approving new qualifications etc.

The occupational standards are approved by the National Qualifications Authority, after they are approved by sectoral committees.

Chambers do not have any role in the design of apprenticeship scheme.

### **Q39. What is the role of chambers, employers' and employees' representatives in implementing the apprenticeship scheme, as per regulation?**



✓ ROLE IN  
FINAL  
ASSESSMENT OF  
APPRENTICES

✓ ROLE IN  
ACCREDITATION  
OF COMPANIES

✓ ROLE IN  
MONITORING OF  
THE IN-COMPANY  
TRAINING



✓ OTHER



✓ NO ROLE

The authorization commissions of which are also members of national representative organisations and trade unions also have the responsibility to monitor the authorised training providers and training programmes and therefore the apprenticeship programmes. The authorization commissions designate outsourcing specialists to participate in final exams to complete professional training programmes, as well as apprenticeship programmes.

Chambers do not have any role in the implementation of apprenticeship law.