

**Twinning Seminar**

**“FORGING SOCIAL INCLUSION WITHIN THE SOCIAL DIALOGUE- THE ROLE OF THE  
TRADE UNIONS”**



**Ildico Badescu  
Expert on Migration  
CARTEL ALFA**

**Monday, 14 February 2011  
Athens  
with the support of the European Commission**



# **The migration problem in Romania**

—

**Initiatives undertaken by the  
Trade Unions and how they can  
contribute to the European  
social dialogue**



**Migration has existed since the earliest times, with different rates and different subsequent forms from one historical age to the next. The present form, the most common for migration is the labor migration.**

**The migration of workforce has brought policies dedicated in the member states of the EU, which have caused both high economic growth and the improvement and modernization of social security systems leading to the creation of a community system that insures social protection to migrant workers.**

**The phenomenon of workforce migration requires at least three important topics: integrating legal migrants into destination countries' societies, fighting illegal migration and managing illegal migration**

## **In Romania meets both situation, labor migration in the country and labor migration outside the country :**



- **Foreign citizens of third countries from EU / EEA / European Economic Area (European Economic Area / EEA) or from other countries are able to work in Romania in compliance with domestic laws on free access to the labor market.**
- **From January 1, 2007, after Romania's accession to the European Union (EU), Romanian citizens have the opportunity to work in an EU member, but they may have restricted access in the labor market of old EU member states for a certain period of time but no more than seven years after accession.**

**These restrictions can be applied to Bulgaria (state which also joined the EU on January 1, 2007), Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland and Slovakia (countries that joined the EU on May 1, 2004).**

**Related to the European level of the migration, Romania is not facing similar problems like the western members states of the European Union. The number of EU citizens working in Romania is not significant and majority of them are representing top officials of the multinational companies.**

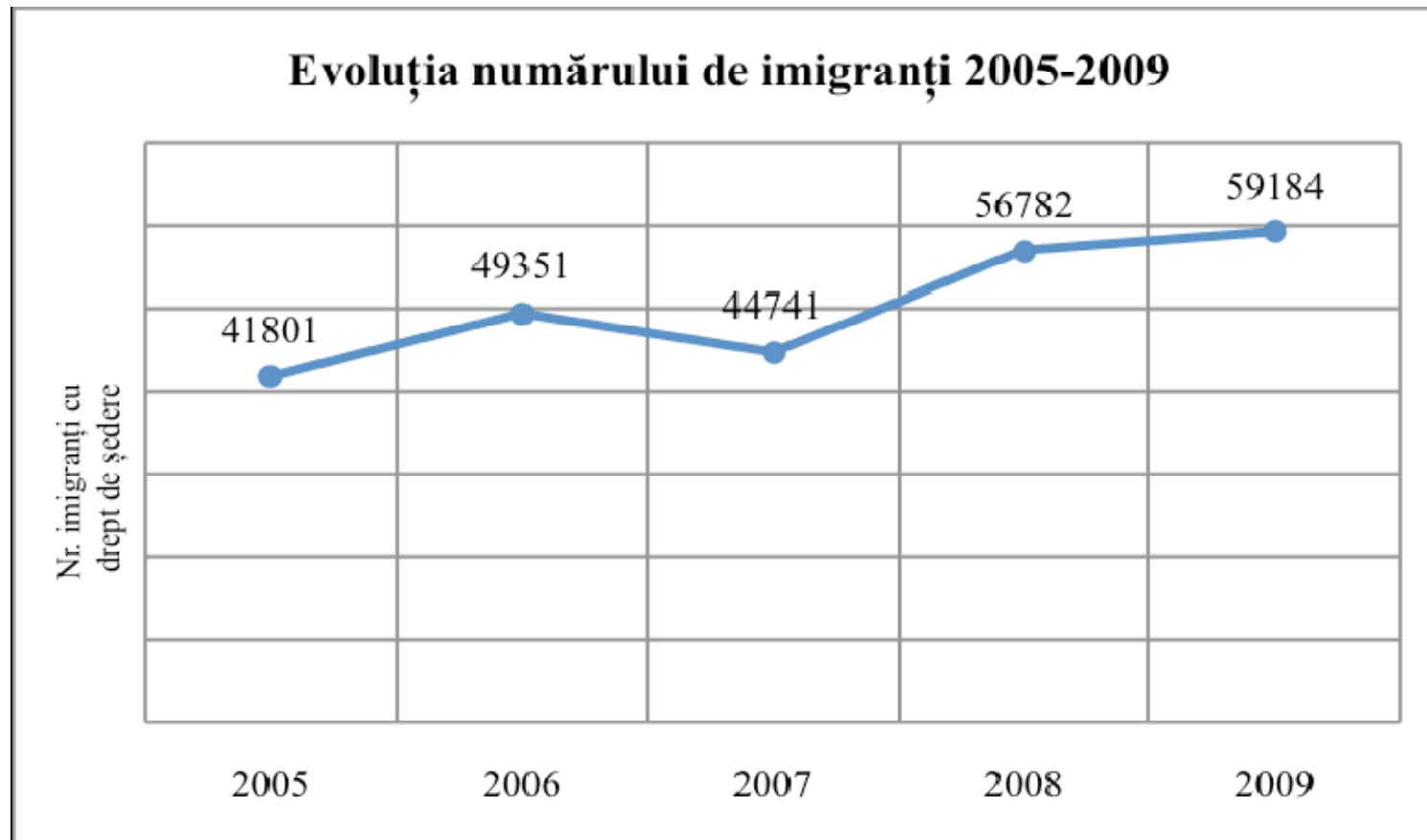


In the first half of 2009 the total number of immigrants with right to stay legal in Romania was 59,184 people.

In 2005-2009, the total number of legal immigrants in Romania increased by about 40% (17,383 persons).

# Evolution of the immigrants number 2005-2009

Source: Romanian Immigration Office



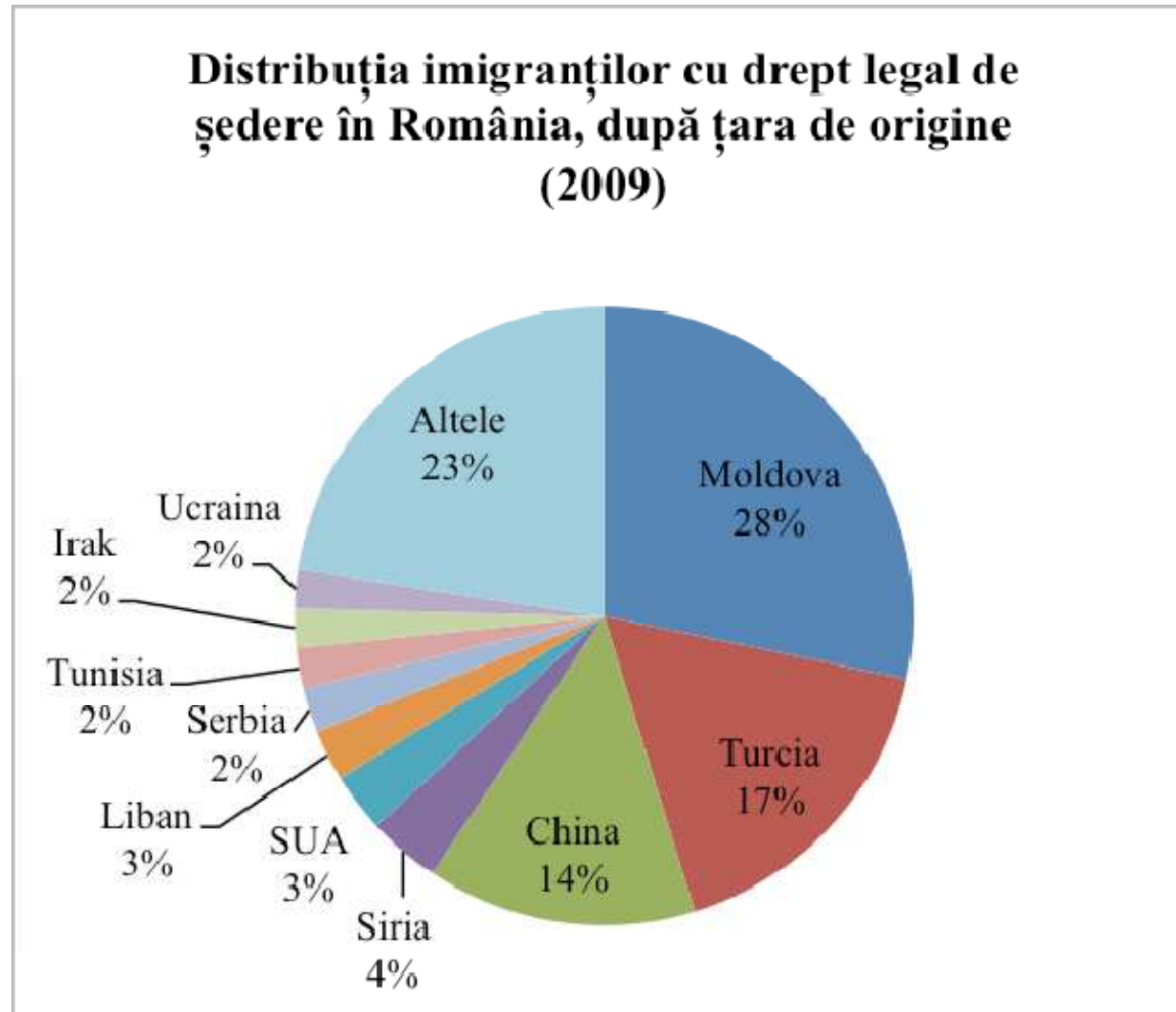
**In the first half of 2009, almost 60% of the total number of non-Community foreigners with legal residence in Romania came from three countries: Moldova R.(28%), Turkey (17%) and China (14%).**



# Distribution of immigrants with right to stay legal in Roman by country of origin (2009)



Source: Romanian Immigration Office



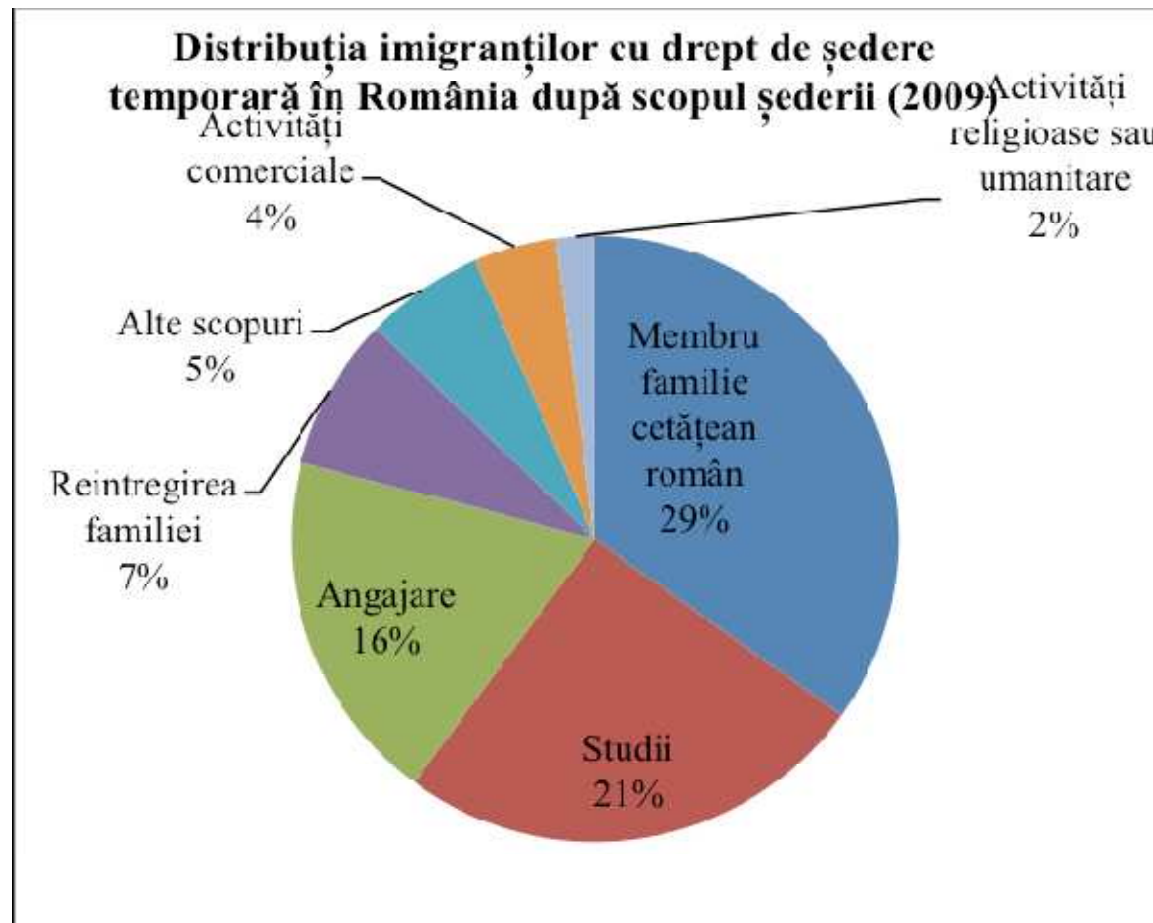


The purpose of request to stay legal for work in Romania was the case of only 16% of non-EU citizens.



## Distribution of immigrants with legal residence in Romania by the purpose of request to stay legal (2009)

Source: Romanian Immigration Office



**Majority of immigrant workers are not Romanian language speakers, as they are coming from Turkey or China. This situation allows to employers to trespass in many respects the Labour Law which theoretically offers for migrant workers the same rights as for Romanians .**



**In 2009 NTUC “Cartel ALFA” implemented a project in partnership with other trade unions and NGOs with the purpose to help the immigrant workers.**

The target group of the project was formed by more than 49,000 migrant workers, majority of them coming from Turkey and China and the result was the elaboration of a Guide printed into the migrant's mother language, for next problems:



- the knowledge by the migrant workers of their rights and their possibilities to be integrate into the Romanian society.
- the access to information for migrant workers on matters related to their labour rights and regarding the development of their capacities to fully participate to the social and economic life

**Negative effects of problems for immigrant workers in Romania may be alleviated as follows:**



- Promote a legislation that fights with corrupt practices in respect to active measures on the labour market;
- Modify and complete the legislation so as to allow the Labour Inspection to take immediate and effective action in fighting illegal practices of some employers.

# Workforce migration in EU



- Due to restructuring of the 1990 years, Romania has lost five million jobs. Now there are around four million jobs in the country.
- Migration of workers from Romania has registered a continuous increase after accession to the European Union.
- At the end of 2010 year it was estimated that 2,8 million people are working outside the country borders, representing 13,1 % from the population.

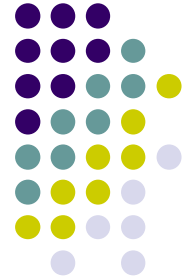
# Implication of trade unions in the migration problem :



**Trade unions from Romania are involved in migration issues and on European level take part in ETUC committees that deal with migration issues.**

ETUC had set the guiding principles in addressing labor migration:

- ♣ Equal opportunities
- ♣ Non-discrimination
- ♣ Reducing illegal migration by suppressing human trafficking networks
- ♣ Penalizing unscrupulous employers who want to benefit from this trade,
- ♣ Support measures for countries of origin.



## **NTUC “Cartel ALFA” implication for migrant workers’ problems is by follows :**

- Promote a rights-based migration policy;
- Cooperate with trade unions from other countries;
- Educate and inform trade union members and especially trade unions’ representatives and public servants;
- Dialogue with migrant workers.

**NTUC “Cartel ALFA”, also tries to establish relationships with national trade unions in EU countries where there are flows of migrants.**



- During the period 10/01/2009 to 09/30/2010, NTUC "Cartel ALFA" was a partner in the European project “Building Cross – Border Decent Work Bridges” European Commission’s-funded project.
- The principal applicant was DEOK (Democratic Labour Federation) - Cyprus and another partner involved in the project was NKOS (Christian Trade Union Confederation) – Slovakia.



**The result of this project was the creation of  
the  
„Information Consultation Support Centre”**



**which provide consultancy, advice and  
information from our trade union  
organizations to benefit decent working  
conditions in the destination country  
Cyprus, regarding labour laws, working  
conditions and employment.**

# Tripartite social dialog in Romania on the issue of labor migration in the EU

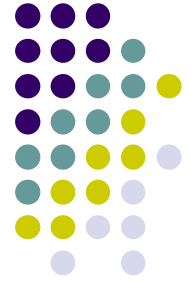


**In Romania, in the field of employment and training, trade unions are social partners of NAE which is the tripartite dialogue structure dealing with labor migration issue.**

**National Agency for Employment** (NAE – ANOFM, Agentia Nationala de Ocupare a Fortei de Munca) has a national component - 41 county agencies, the Agency of Bucharest, 88 local agencies and 156 offices subordinated to the local agencies.

Its services are addressed to the unemployment and economic agents. Its main objective is to increase the employment and thus to lower the unemployment.

Within NAE (ANOFM), the **Department for International Relations - EURES** and **mediation** deals with the issue of labour migration.



**The International Relations Department** is responsible for applying the Community provisions related to unemployment benefits and for carrying out specific activities related to the role of liaison body played by NAE (ANOFM).



From 1st January 2007, the opening, duration and retention of the right to the unemployment benefit paid to migrant workers, are subordinated to the general principles imposed by the Community regulations on the coordination of social security laws, Regulations 1408/71 and 574/72 respectively.

**EURES Romania Department has the following objectives:**



- - to inform, guide and advise the potential migrant workers on their opportunities to work in EU / EEA (European Economic Area), as well as on the work and life conditions in the European area
- - to help employers who are willing to recruit workers from other EEA countries
- - to offer advice and guidance to workers and employers in the crossborder regions

## Mediation department plays a role in:



- - the information on the rights and obligations of the Romanian workers abroad
- - the information of the Romanian citizens, who work or want to work abroad, on the applicable law, on the rights and obligations they have as employees in another state.

# Positive results and negative effects of workers migration from Romania to EU



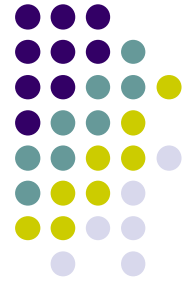


## Positive results of migration are such as :

- Working activity is in the base of a legal contract. Destination countries of migrant workers from Romania with the largest number of concluded contracts include Spain, Italy, Hungaria, Germany, the United Kingdom of Great Britain, Republic of Ireland, Northern Ireland, Greece, Cyprus, France and Switzerland.
- A transfer of the purchasing power on the domestic market that equals the amount of remittances ( 4,5 billion dollars sent in 2010; 5 billion dollars sent in 2009 = 4,4% of GDP = and 9,4 billion dollars sent in 2008; GDP=Gross Domestic Product)
- May later be an important contribution to the specialized knowledge acquired outside the country in case when parts of those working abroad, decide to come back to Romania with a view to develop productive activities;



## Negative effects of migration are such as:



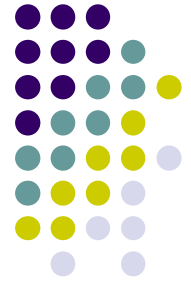
- Absence from Romania as active employees, leads to a lack at social contributions with consequences in lower pensions and lower unemployment benefits.
- Create an inertial adjustment of labor market because the participation rate is reduced on labor market
- Decrease of workforce supply and competitiveness

**Negative effects of migration, as well as imbalances in the labor market, may be alleviated as follows:**



- Promotion of measures for employment proposed by the representatives of social partners in the NAE councils for all socio-professional categories
- Draw up the National Action Plan for Occupation on the sole basis of the occupation programmes of the social partners at a local and regional level;

## How do the trade unions in Romania contribute to the European social dialogue, in terms of migration workers ?



Trade unions in Romania have five representatives in the European Economic and Social Committee (including Mr. Petru Sorin Danda, vicepresident of NTUC "Cartel ALFA");

On 17/18 of 03.2010, the EESC Committee held a plenary session in which it adopted the European Economic and Social Committee exploratory opinion on the integration of migrant workers (on 17.03.2010)