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HTUR/JB

03/05/2017

Crisis in social dialogue

Dear Prime Minister,

The International Trade Confederation is the global voice of working people, representing 181 million workers through 340 affiliated national trade union centres, including CNS Cartel Alfa, CNSLR Fratia, BNS and CSDR in Romania.

We are writing in support of our affiliates' demand for legislative changes to unblock national social dialogue and collective bargaining in Romania, in line with international labour standards.

More in particular, we urge your government to amend legislation to safeguard freedom of association, the right to collective bargaining and the right to strike; remove obstacles to the right to collective bargaining such as undue representativeness criteria and affiliations conditions for social partners, revise the mechanisms for opening and closing collective bargaining and the monitoring of collective bargaining agreements and the mechanisms for labour disputes as well as to restore the mechanism extending collective bargaining at sectoral level and ensuring conditions for the proper functioning of social dialogue structures.

The ILO Convention n° 98 on the Right to Organise and Collective Bargaining Convention, 1949, holds a positive obligation to 'encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements' (Art. 4). The Convention was ratified by Romania in 1958.

The ILO Committee of Experts on the Application of Conventions and Recommendations has repeatedly requested your Government to ensure that the relevant legislation is amended in order to guarantee respect for the principle that negotiation between employers and organizations of workers should be encouraged and promoted.

Despite these explicit requests, there has been no legislative reform while the destructive effects of the changes in the legal framework of 2011 become ever more apparent. Romania now tops the EU ranking of violations of freedom of association and the right to collective bargaining. Indeed, today, social dialogue and collective bargaining in Romania is non-existent. Since the 2011 reforms no new collective bargaining agreements have been signed at either the national or the sectoral level.

We urge your government to take the appropriate steps to amend the legal framework and restore social dialogue in Romania. We will continue to support our affiliates in their legitimate demands to

exercise freedom of association and the right to collective bargaining. The ITUC will continue to closely monitor any developments in this area. In the absence of any significant improvement, we will be forced to report ongoing and systematic violations of these rights to the appropriate supervisory mechanisms in the UN system.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. B...', written in a cursive style.

General Secretary

CC: Ms Lia-Olguța VASILESCU, Minister of Labour and Social Justice