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Addendum

ROMANIA

9 June 1978

I

The socio-political system of the Socialist Republic of Romania is based on a set of principles and rules which are enshrined in the 1965 Constitution. The fundamental law of the Romanian State reflects, at the legal level, the results of the entire social, economic and political evolution during the period following the Second World War, a period which resulted in radical changes in Romanian life and in the building of a new society.

In the context of the revolutionary transformation of society and the assumption of State power by the workers, the necessary framework was provided for the solution of man's basic problems and for the realization of his vital rights. The main achievements in this area include the elimination of exploitation and oppression, equitable distribution of income among the different social categories, the guarantee of the right to work and to remuneration commensurate with individual qualifications, and the creation of better living conditions for all citizens (free social services and medical care, maternity benefits, family allowances, improved retirement pension system, free education, 10 years of compulsory education, etc.).

At the same time, Romanian society creates the necessary conditions for active participation by the masses in the management of public affairs and affairs of State, and in the conscious building of their own future. A practical framework has been provided to enable each citizen to participate in the formulation of the country's over-all policies and in their implementation. The supreme objective of Romanian policy in this area is to secure the effective realization of the exercise of fundamental human rights and the broad development of democracy. In Romania there is an extensive system of collective management organs for all economic and social enterprises and institutions, and there are organized channels through which citizens can participate in the planning and implementation of programmes of work in all the social sectors.

By 5 January 1977, the population of the Socialist Republic of Romania numbered 21,559,416. The increase in the country's economic strength and the achievement of society's fundamental aim - to enhance the material and spiritual standard of living and the degree of civilization of the life of Romanian citizens - made it possible for the country's population to increase by almost 2.5 million compared with 1966.

Of the population of Romania 88.137 per cent are Romanians, 7.912 per cent Hungarians, 1.616 per cent Germans and 2.335 per cent are other nationalities. In their work and life all these groups are guided by the common ideal of the development and prosperity of the Socialist Republic of Romania, and they enjoy complete equality of rights in all areas of political, economic and socio-cultural life.

The Romanian Constitution proclaims and guarantees full equality of rights for all citizens, without distinction as to nationality or race. The question of nationality has been resolved by making it possible for all citizens to participate in socio-economic life and in the management of the various sectors of activity and of society as a whole. The co-inhabiting nationalities are guaranteed the free use of their mother tongue, and books, newspapers, magazines, theatres and education at all levels in their own language. In administrative and territorial districts inhabited also by a population of other than Romanian nationality, all organs and institutions use the language of that nationality in speech and in writing and appoint officials from among that population or from among other citizens conversant with the language and way of life of the local population.

The implementation of the policy of growth and modernization of production forces and of the technical and material basis of society, and of the policy of balanced and harmonious development of all counties in the country, has led to radical changes in the employment of the labour force and of the population as a whole and in the structure of the labour force in each sector of activity. Thus, in the period 1966-1976, 2,253,500 new jobs were created. At the present time, 47.5 per cent of the population live in municipalities, in towns and suburban communities. Over the period 1966-1977, the number of towns increased by a factor of 53 and 17 municipalities have over 100,000 inhabitants.

The State earmarks considerable investment funds for construction of the housing required by the population. Thus, in the period 1971-1975, more than 550,000 apartments were built with State and public funds. By 1980 more than one million apartments will be built with State investment funds, or with State help in the form of loans and building work, and 250,000 to 300,000 dwellings with public funds. This represents a yearly average of 13 homes per thousand inhabitants.

In rural areas, structural changes have occurred in the training of the labour force as a result of the steady process of agricultural modernization and development. The urban development process has been intensified by the increasingly widespread construction of housing and municipal works.

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In Romania, a large-scale programme of measures has been adopted to increase the real average remuneration of all categories of workers by more than 32 per cent over the period 1976-1980. Thus, while the average wage was 1,289 lei in 1970 and 1,595 lei in 1975, it will be 2,200 lei in 1980. Moreover, it was decided that, as of 1 January 1978, the working week would be gradually reduced from 48 to 44 hours. As in the past, employees in some places of work will have a shorter working week. Steps have also been taken to increase the income of rural workers, improve the system of retirement pensions and increase pensions in both urban and rural areas, and to increase family allowances.

In 1976, the industrial production plan was implemented to the extent of 101.9 per cent, representing a growth rate of more than 11.5 per cent as compared with 1975. Agricultural production also increased by more than 17 per cent, and the country recorded the largest harvest in its entire history (20 million metric tons). Forecasts were met with regard to improvements in the population's standard of living; further substantial progress was made in education, science, culture, and indeed in the entire social life of Romania. Moreover, in 1977, in spite of the difficulties and losses occasioned by the disastrous earthquake of 4 March, the industrial production plan was implemented at the rate of 103 per cent, representing an increase of 12 per cent over 1976.

The Romanian Government's concern to ensure the exercise of fundamental human rights was reflected in Romania's signature, on 27 June 1968, of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The two Covenants were ratified under Decree No. 212 of 31 October 1974 by the State Council of the Socialist Republic of Romania.

As was shown in the introduction to the Decree of ratification mentioned above, Romania believes that "The human rights Covenants contain principles and provisions that are important for ensuring the progressive development of contemporary international law, such as the right of peoples to decide their own destiny, by virtue of which they freely determine their political status and pursue their economic, social and political development, the right of peoples to dispose of their natural wealth and resources, and the prohibition of warmongering propaganda. They also reaffirm the democratic principles governing the protection and promotion of human rights".

The relevant aspects of the law and practice of the Socialist Republic of Romania in matters concerning the implementation of the International Covenant on Economic, Social and Cultural Rights are discussed below:

II

1. In connexion with article 1 of the International Covenant on Economic, Social and Cultural Rights, the Government of the Socialist Republic of Romania is reproducing below articles 1, 2 and 4 of the Constitution of 21 August 1965 of the Socialist Republic of Romania:

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"Article 1. Romania is a socialist republic. The Socialist Republic of Romania is a sovereign, independent and unitary State of the working people of the towns and villages. Its territory is inalienable and indivisible.

Article 2. All power in the Socialist Republic of Romania belongs to the people, who are free and the masters of their destiny.

The power of the people is founded on the worker-peasant alliance. In close union, the working class - the leading class of society - the peasantry, the intellectuals and the other categories of working people, without distinction as to nationality, build the socialist system, creating the necessary conditions for the transition to communism.

Article 4. The people, the sovereign holder of power, shall exercise it through the Grand National Assembly and through the people's councils, organs elected by universal, equal and direct suffrage and by secret ballot.

The Grand National Assembly and the people's councils constitute the basis of the entire system of State organs.

The Grand National Assembly is the supreme organ of State power, under whose guidance and supervision all other State organs carry on their activity."

Article 2, paragraph 1, of the Covenant

As a result of the consistent implementation of the policy of socialist industrialization, over-all industrial production in Romania is 34 times greater today than in 1938, the year in which the economy reached its development peak under the old régime. As a result of the efforts made to ensure harmonious development of the forces of production throughout the entire territory of Romania, the number of counties whose over-all production exceeds 10 billion lei increased from 4 in 1965 to 23 in 1976. By 1980, all 39 counties will exceed this figure. Compared with the world average rate of economic development, which was 6.1 per cent during the period 1953-1975, Romania's industrial production increased by 12.2 per cent. Industry's share in the total national income is approximately 56 per cent, and it has brought stability and given impetus to the entire national economy. Major achievements have also been obtained in agriculture, thanks to the widespread introduction of mechanization and applied chemistry. In recent years, record harvests have made it possible to take steps to increase the extent to which agriculture satisfies the needs of industry and meets the demands of consumers and the public, and to improve the material and spiritual well-being of the entire population.

As a result of the remarkable achievements realized in the area of socio-economic development, and of the Romanian Government's consistent policy of expanding and diversifying its ties of co-operation with all countries of the world, Romania's economic relations with the developing countries are proving increasingly to be a model of fruitful and mutually beneficial co-operation between sovereign nations with equal rights. They are also a practical reflection of Romania's solidarity with those peoples in their struggle against colonialism and neo-colonialism and for a new economic order and a new international policy.

Romania maintains relations with more than 90 developing countries. Its trade with these countries represents approximately 20 per cent of its total foreign trade. Economic co-operation with these States takes the form of long-term credits, technical assistance, the creation of joint production and sales companies, fellowships for study in Romania, etc.

By carefully harmonizing its own efforts in priority fields with the constant, mutually beneficial development of co-operation with all countries of the world, socialist Romania is seeking to create all the necessary material and spiritual conditions necessary for the effective and genuine implementation of and respect for economic, social, cultural, political and civil human rights and for the continued improvement of the material and spiritual well-being of the people.

Article 2, paragraph 2

The Constitution of the Socialist Republic of Romania provides as follows:

"Article 17. The citizens of the Socialist Republic of Romania, irrespective of nationality, race, sex or religion, shall have equal rights in all fields of economic, political, legal, social and cultural activity.

The State shall guarantee the equal rights of citizens. No restriction of these rights and no discrimination in the exercise thereof on grounds of nationality, race, sex or religion shall be permitted.

Any manifestation aimed at establishing such restrictions, nationalist-chauvinist propaganda and incitement to racial or national hatred shall be punishable by law."

In Romania, approximately 12 per cent of the population is made up of co-inhabiting nationalities (Hungarians, Germans, Serbians, Ukrainians, Turks, Tatars, etc.), who live and work with the Romanian people as an integral part of the population which is building a new society in the territory of Romania. They enjoy equal rights with all citizens of the country and are represented in the organs of State power and administration, in the Government, in the management of enterprises and institutions and in the Communist Party. Under the Constitution and in practice the co-inhabiting nationalities are guaranteed the opportunity to use their own language in the schools and in all fields of activity. Magazines and books are published in these languages, and theatre performances are given in Hungarian, German and Yiddish.

Article 2, paragraph 3, of the Covenant

Decree No. 424/72 on the constitution, organization and operation of joint companies in the Socialist Republic of Romania (Official Gazette No. 121/72).

"Article 33 The rights and obligations of foreign personnel of joint companies shall be established by the Board of Directors or, where appropriate, by the Managing Committee.

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Foreign personnel may perform managerial functions in joint companies.

Foreign personnel of joint companies may transfer their wages abroad through the Romanian Foreign Trade Bank. The amount to be transferred shall be determined by the management of the company."

Act No. 25/1969 on the regulations governing aliens in the Socialist Republic of Romania stipulates, in article 1, that "aliens, according to the law, enjoy the same fundamental rights - except for political rights - as Romanian citizens, as well as civil rights and any other right recognized by law or by international agreements ratified by Romania."

Articles 3, 4 and 5 of the Covenant

Constitution of the Socialist Republic of Romania:

"Article 23 In the Socialist Republic of Romania women have equal rights with men."

Labour Code:

Section 2. All citizens of the Socialist Republic of Romania, without restriction or distinction of sex, nationality, race or religion, are guaranteed the right to work, with the possibility of carrying on an occupation in the economic, technical-scientific, social or cultural field suited to the aptitudes, vocational training and aspirations of each, in accordance with the needs of the whole society.

Section 14. Women are assured of wide opportunities for their abilities on a footing of complete equality with men, enjoying equal pay for equal work and special protective measures. Women are guaranteed the right to hold any position or job in keeping with their training, so that they can make their contribution to the development of material production and creative work, while being assured of the necessary conditions for the growth and education of the children.

Family Code:

Article 1, paragraph 4 "Men and women shall enjoy equal rights in relations between spouses and in the exercise of their rights with respect to the children."

Article 25 "Men and women shall have equal rights and obligations in marriage."

Article 26 "The spouses shall take decisions by mutual agreement in all matters relating to the marriage."

In 1976, the employed population totalled 6,612,900 persons, of whom 2,342,900 were women (35.4 per cent of the total employed). The proportion of women in that total has increased considerably in recent years (from 33.1 per cent in 1973 to 35.4 per cent in 1976) and is expected to amount to 39.5 per cent by 1980.

Article 5, paragraph 1, of the Covenant

Constitution of the Socialist Republic of Romania, article 18, paragraph 1

"In the Socialist Republic of Romania, citizens have the right to work. Every citizen is given the opportunity to carry on, according to his training, an activity in the economic, administrative, social or cultural field, and is remunerated according to its quantity and quality."

Labour Code:

Section 2. All citizens of the Socialist Republic of Romania, without restriction or distinction of sex, nationality, race or religion, are guaranteed the right to work, with the possibility of carrying on an occupation in the economic, technical-scientific, social or cultural field suited to the aptitudes, vocational training and aspirations of each, in accordance with the needs of the whole society.

Section 7. From the age of 16 years, every person who is fit for work and is not attending courses at a school has a duty, until reaching pensionable age, to engage in socially useful work providing his livelihood and means of spiritual development.

Act No. 25/1976 respecting the allocation of able-bodied persons to useful employment

Article 1 (1) Every citizen of the Socialist Republic of Romania shall have the right and duty, in accordance with the Constitution, to perform useful work for society.

(2) The State shall guarantee every citizen an opportunity of engaging, in accordance with his training, in economic, social, cultural or administrative activity.

During the period 1976-1977, more than 1,000 major industrial, agricultural and livestock facilities were put into operation, providing new jobs for the country's entire working population.

In the period 1976-1980, between 1 million and 1,200,000 new jobs will be created. As a result of the policy of increasing the birth-rate and providing assistance for children and large families, Romania will have a population of at least 25 million by 1990 and an active labour force of almost 11.5 million, of which 9.5 million will be employed in industry and other non-agricultural sectors.

Article 6, paragraph 2, of the Covenant

In Decree No. 208/1977 the following provisions regarding the organization and operation of vocational training in Romania are laid down:

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Article 1 Vocational training in the Socialist Republic of Romania shall be provided by vocational training schools which train skilled workers in a broad range of trades required by the national economy, in order to meet the country's socio-economic development needs and to provide the cadres needed for the construction of a socialist society developed in all respects and in all fields and for Romania's advancement towards communism.

Article 6 Individuals who have successfully completed 10 years of compulsory education, or equivalent studies, shall be admitted to the vocational training schools.

Article 11 The vocational training schools shall be operated by the economic ministries, the other organs of State administration and co-operatives, and by the executive committees of people's councils in the various counties and of the municipality of Bucharest, in conjunction with enterprises and other socialist organizations.

Article 14 Vocational training schools shall provide training courses in several trades. Classes for students with two trades may also be established, in the light of the need for skilled labour.

In vocational training schools in regions where there is also a dense minority population, classes may be set up in which certain subjects, selected by the Ministry of Education, are studied in Romanian, while others are studied in the mother tongue of that minority either with the entire class or in groups of pupils.

Labour Code:

Section 2. All citizens of the Socialist Republic of Romania, without restriction or distinction of sex, nationality, race or religion, are guaranteed the right to work, with the possibility of carrying on an occupation in the economic, technical-scientific, social or cultural field suited to the aptitudes, vocational training and aspirations of each, in accordance with the needs of the whole society.

Section 15. Through the educational system and through specialized vocational guidance bodies, the State shall ensure that young people are trained and allocated to employment suited to their aptitudes and personal aspirations in the service of the socialist fatherland.

Article 7 (a) of the Covenant

Constitution of the Socialist Republic of Romania:

Article 17 guarantees the equal rights of citizens, without discrimination, in all fields, including the economic field.

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Article 18, first paragraph "... For equal work there is equal pay"

Labour Code:

Section 19 provides that a person appointed to a socialist unit has the right:

- "(a) to be given a post according to his aptitudes, vocational training, aspirations and the needs of the unit;
- (b) to be remunerated, in conformity with the socialist principle of distribution, according to the quantity, quality and social usefulness of the work which he performs."

Section 82. (2) Remuneration is based on the quantity, quality and social importance of the work, equal remuneration being paid for equal work. To enable the wage to perform its incentive function, remuneration is fixed taking into account the complexity of the work, the degree of responsibility and effort which it involves, and the level of training and seniority required; at the same time care is taken to ensure a suitable proportion between the highest and lowest wages of the persons on work staffs according to the stage of development of the national economy and the principle of socialist equity.

Wages are guaranteed in exceptional cases where the production process is temporarily interrupted:

Section 86. In exceptional cases where the production process has been interrupted for technical or other reasons, the persons on the staff shall be paid 75 per cent of their scheduled wage for the time of the stoppage, provided that it was not due to any fault of theirs and that they remained at the disposal of the unit throughout the period.

Wages take priority over the unit's other debts and must be paid regularly:

Section 87. (1) Wages are paid at regular intervals not exceeding one month.

(2) Payments due to personnel take priority over any other debts of the unit.

(3) Deductions from remuneration due for work done are permissible only in the cases and conditions specified by law.

Other recommendations concerning wage supplements and the awarding of bonuses:

Section 88. With the aim of ensuring stability of personnel, persons appointed to work staffs receive wage supplements according to length of uninterrupted seniority in the unit.

Section 89. Persons engaged on jobs involving unhealthy or dangerous conditions receive wage supplements as prescribed by law. The managements of units are required to take action to eliminate the causes of such situations and to maintain satisfactory working conditions exempt from risk of accident or occupational disease.

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Section 90. With the aim of promoting initiative and efforts to improve production efficiency, annual bonuses or, in appropriate cases, bonuses in the course of the year are awarded, having regard to favourable results achieved in the work, especially in meeting quality targets and promoting technical progress and the application of innovations for making savings in materials and labour.

The same subject is dealt with in Act No. 1/1970 on organization and discipline in State socialist units and Act No. 57/1974 on determination of wages according to the quantity and quality of work done.

Article 7 (b) of the Covenant, concerning safe and healthy working conditions

Constitution of the Socialist Republic of Romania:

Article 18, second paragraph, "Measures for the protection and safety of labour and special measures to protect working women and young workers shall be adopted by law."

Labour Code:

Section 19 (h). A person appointed to a socialist unit has the right: to enjoy proper working conditions, labour protection, free medical care, social security benefits in the event of temporary incapacity for work, measures for the prevention of disease and for restoring or reinforcing health, and the special measures for the protection of women and young people; to this end, substantial resources are allocated for the elimination of causes of work accidents and occupational diseases and for labour protection and reduction of physical strain.

Section 138. (1) Continuous improvement of working conditions and the search for ways of protecting the worker's life and health in the production process and preventing work accidents and occupational diseases are a constant preoccupation of the State and a major responsibility of all ministries and other central authorities, of economic units and of institutions.

(2) By providing undertakings with machinery and equipment of advanced design and through mechanization and automation of production processes, the physical strain on workers is reduced and their safety at work is assured; the State accordingly allocates considerable resources to labour protection.

Section 139. (1) Labour protection is based on the safety and health standards laid down for the various types of workplace, machinery, equipment, apparatus, installation, appliance or technological process.

(2) The standards for labour protection throughout the Republic are binding on all branches of production; for workplaces with special characteristics departmental standards are prescribed by the ministries and other central authorities, on the basis of the national standards.

Section 140. (1) Labour protection is an integral part of the production process and provision shall be made for such protection when investment projects

are designed, when buildings, installations, equipment, machinery, apparatus and appliances are constructed, when they are installed, when they are put into operation, and likewise when new technological processes are introduced embodying modern scientific and technological methods.

(2) No new unit and no unit which has been re-equipped shall commence operations, wholly or in part, until it has obtained authorization from the labour protection and public health authorities.

Section 141. (1) Persons on work staffs are entitled to free protective equipment as required by the conditions in which they work. They are also entitled to work clothing as prescribed by law.

(2) Persons working in unhealthy and dangerous conditions are supplied during their work with special foods to increase stamina, as prescribed by law.

Section 142. (1) In addition to the action required for carrying out the production programme or service assignments, the managements of units are also responsible for making appropriate arrangements for labour protection at each workplace, including measures to prevent and combat pollution of the environment. Similarly, action shall be taken to ensure that persons on the work staff are fully familiar with the occupational safety and health standards which they are required to observe in carrying out their work.

(2) The managements of units are required to carry out, jointly with the trade union and public health organs, periodical analyses of the causes of work accidents and diseases, and to adopt measures to eliminate any harmful factors which constitute a danger to the lives and health of the workers.

Section 143. (1) Responsibility for full compliance with the labour protection measures lies with those who, in virtue of their functions, organize, direct, co-ordinate and supervise the work in the units.

(2) Persons on the work staff are required to be fully familiar with and to comply fully with the occupational safety and health standards at the places where they work, and to maintain the personal protection equipment supplied to them in proper condition.

(3) Infringements of the legal provisions relating to safety and health at work shall be reported by the next higher organ, the state labour protection inspectorate, the public health authorities and the trade union organs, and shall give rise to disciplinary penalties, administrative action, payment of damages or criminal proceedings as appropriate in each case.

Act No. 1/1970 on labour organization and discipline in State socialist units also makes provision, in article 4 (f) for adequate work protection provisions, and for special protective measures for women and young people.

In the same connexion, mention may also be made of:

Act No. 5/1965 concerning labour protection republished on 18 February 1969.

Decision No. 2494/1969 of the Council of Ministers defining and penalizing infringements of labour and social protection provisions.

Decision No. 2506/1969 of the Council of Ministers defining and penalizing infringements of the legal rules governing hygiene and the prevention of communicable diseases.

Decision No. 2509/1969 of the Council of Ministers on the regulations governing the use of explosives in economic activities and defining and penalizing infringements of those regulations.

Article 7 (c) of the 'Covenant', concerning equal opportunity for everyone to be promoted in his employment to an appropriate higher level.

Labour Code:

Section 19 (f) A person appointed to a socialist unit has the right: to be promoted to a higher category of appointment or higher duties in accordance with training, experience, work results and the unit's needs, benefiting in this way from the opportunities created by the socialist system for displaying and developing personal aptitudes and abilities.

Section 75. The promotion to a higher position or category of a person appointed to the staff takes place in accordance with the needs of the unit, having regard to the requirements of the post, personal qualities and performance of earlier assignments. Promotion is based on the results of a practical test or of an individual or competitive examination, as provided by law.

Act No. 12/1971:

Article 4. Staff appointed to posts in State socialist units shall, according to the law, have the right:

(d) to be promoted to higher job categories or to managerial functions, depending on their professional skills and aptitudes, in accordance with their diplomas and the seniority required for the respective post.

Article 11. In State socialist units, a person who fulfils the following conditions may be promoted to a managerial position:

(a) has the necessary diplomas and seniority for the post in question;

(b) has adequate qualifications and is prepared to pursue his vocational training;

(c) has proved exceptionally successful in performing the tasks allocated to him;

(d) has passed the necessary examination or succeeded in the competition;

(e) has proved to be a good organizer of production and labour, to be thorough, and able to analyse and plan ahead and take the right decisions;

(f) shows a principled and fraternal attitude and has the right approach to his work, guiding and supervising the team with which he works;

(g) shows dedication to the socialist system and to the interests of the people, and applies the policies of the party and the State consistently;

(h) behaves as a responsible member of society.

Article 7 (d) of the Covenant

Constitution of the Socialist Republic of Romania:

Article 19. "The citizens of the Socialist Republic of Romania have the right to leisure.

The right to leisure is guaranteed to the working people by the establishment of a maximum of eight hours to the working day and of weekly rest and of paid annual leave.

In sectors in which work is arduous or very arduous, the length of the working day is reduced to less than eight hours without any reduction in pay."

Labour Code:

Section 19 (g): A person appointed to a socialist unit shall: be allowed a weekly rest day and annual leave with pay, and to make use of the opportunities provided by the socialist society for recreation, restoration of working capacity and cultural improvement, and the facilities for travel to health resorts for rest and treatment.

Section 112. (1) Hours of work shall not exceed 48 in the week and eight in the day.

(2) Where the hours of work for a particular working day in the week are fixed at less than eight, the hours on the other days may be more than eight but not more than nine.

Section 113. (1) Pending elimination of the factors giving rise to unhealthy, arduous or dangerous working conditions, the daily hours are reduced at certain places of work, for persons working in such conditions, to less than eight without involving any reduction in remuneration.

(2) The places of work where there are unhealthy, arduous or dangerous conditions and the reduced hours for persons working in such conditions in each of them are specified by order of the Council of Ministers. The ministries, other central authorities, executive committees of the people's county councils and the municipality of Bucharest shall make proposals for this purpose in consultation with the Minister of Labour, the Minister of Health and the General Federation of Trade Unions.

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Section 114. (1) For persons whose work period falls during the night, the hours of work are shorter than those for work during the daytime, without this involving any reduction of remuneration. The provisions of this subsection shall not apply to persons whose normal work period is less than eight hours.

(2) In units where the work process is continuous or where special work conditions make this necessary, the work periods during the night may be equal to those during the daytime. Hours worked at night as part of such a period are paid for at 15 per cent above the person's scheduled rate if they represent one half or more of his normal work period. In exceptional cases the Council of Ministers may authorize certain units to increase up to 25 per cent the night work supplement to the scheduled rate.

(3) The supplement for night work is also payable to persons whose hours of work are fixed under section 113.

Section 115. "Night work" shall mean work carried out between 10 p.m. and 6 a.m., with a possible deviation, in cases where this is justified, of one hour later or earlier than these times.

Section 116. In construction, forestry and agriculture and in other activities where there are special conditions, hours of work may be longer, on such conditions and within such limits as are prescribed by an order issued by the Council of Ministers in agreement with the General Federation of Trade Unions, and provided that the average daily hours over a month, quarter, half-year or year (as appropriate) shall not exceed the normal daily hours of work.

Section 124. (1) Persons appointed to work staffs are entitled each week to a rest period of at least 24 consecutive hours.

(2) The weekly rest period is as a rule given on Sundays. Where the production process is such that operations cannot be interrupted or where the nature of the service requires work to be done also on Sundays, the management of the unit shall fix another day of the week as the rest day, in agreement with the trade union committee, provided that each member of the work staff shall have a rest day on a Sunday at least once in every two months. In exceptional cases due to the conditions in which work at isolated sites must be carried on, the weekly rest day may be postponed and the days due allowed consecutively at longer intervals with the consent of the persons on the work staff.

(3) Public holidays and other non-working days are specified by law.

Section 125. (1) Every person appointed to a work staff is entitled in every calendar year, subject to the conditions prescribed by law, to leave with pay of 15 to 24 working days according to his seniority.

(2) In addition to the leave allowed according to seniority, persons working in unhealthy, arduous or dangerous conditions receive additional leave as prescribed by law. Persons performing managerial and equivalent duties in units also receive additional leave as provided by law.

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(3) Leave for teaching personnel is governed by their service regulations and is allowed during the school or university vacations.

Act No. 26/1967:

Article 1 (1) Employed persons shall be entitled in respect of each calendar year to paid vacation leave of 14 to 24 working days, according to length of service.

(2) In the case of young persons under 18 years of age the duration of the vacation leave shall be 18 to 24 working days according to their age.

Article 2 (1) In addition to the leave granted on account of length of service, employed persons who work in places where special working conditions exist shall be entitled to supplementary leave of three to 12 working days.

(2) The Council of Ministers may in certain cases grant supplementary vacation leave of more than 12 working days' duration for persons who work in places where there are conditions of a special nature necessitating longer vacation leave.

Article 3 (1) Employed persons who carry on managerial functions or the like shall be entitled to supplementary vacation leave of two to five working days.

The continual improvement of working conditions and care to protect the life and health of workers in the production process and to prevent illness are a fundamental obligation for all ministries and other central organs, and for economic units and institutions.

The occupational health measures provided for in the national labour protection rules approved by the joint ordinance No. 34/1975 and 60/1975 of the Ministry of Labour and the Ministry of Health, are compulsory for all production sectors. Being an integral part of the production process, the occupational health measures are implemented at the design stage of production projects and at the stage when the investments are made.

Economic units may be put into full or partial operation only with the prior authorization of the labour protection and health authorities. To this end, joint ordinance No. 51/1977 and 145/1977 of the Ministry of Labour and the Ministry of Health establish procedural rules governing authorization for the entry into operation of economic and socio-cultural units.

The occupational health rules, which form part of the national labour protection rules, specify the maximum concentrations of toxic substances and powders permissible in the atmosphere of the work area, lay down standards relating to physical stress, light, noise and vibration and call for preventive medical examinations on recruitment and at regular intervals.

Women and young people appointed to a work unit are covered by special health protection measures expressly laid down in the Labour Code.

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Persons working under certain conditions are entitled, during working hours and in accordance with the law, to special foods designed to increase their stamina.

In the Socialist Republic of Romania, industrial doctors (more than 2,000) have special duties in the field of occupational health and form an integral part of the life of the enterprise. They report systematically to the management of economic units on the state of health and work capacity of the staff and on the health and hygiene conditions of the place of work. They introduce the necessary measures to promote the health of the workers and organize the work process on the basis of health and physiological criteria.

The management of enterprises is required to review periodically (every six months), in conjunction with trade union bodies and medical officers, the state of health of the staff and the working conditions, and to take steps to prevent and reduce illness or temporary incapacitation.

In addition to the dispensaries attached to enterprises, occupational medical surgeries are maintained in large enterprises or in polyclinics to serve a larger number of enterprises (in general, approximately 10,000 workers). Their main task is to study conditions in places of work from the occupational health angle, and they participate in the implementation of the measures needed to adapt the work process to suit the psychological and physiological capacities of the workers.

The third facet of occupational health activities is the health and epidemic control centre which operates at the county level. These centres have two laboratories, specializing in industrial medicine and industrial chemistry, and co-ordinate activities carried out throughout the county paying special attention to studies of the industrial environment, studies of sample workplaces to determine their effects on workers' health and the introduction of the necessary measures to prevent illness.

The hygiene and public health institutes in the Socialist Republic of Romania provide a methodological framework for occupational health activities and, through the technical assistance which they provide, contribute directly to the improvement of work processes.

Article (8) (1) of the Covenant

Constitution of the Socialist Republic of Romania:

"Article 27. Citizens of the Socialist Republic of Romania shall have the right to associate in trade unions, co-operatives, young people's, women's, social and cultural organizations, unions of creative artists, scientific, technical and sports associations and other public organizations. The State shall support the activity of mass and public organizations, create the necessary conditions for the development of the material basis of such organizations and protect their property.

/...

Article 28. Citizens of the Socialist Republic of Romania shall be guaranteed freedom of speech, of the press, of assembly, of meeting and of demonstration."

Labour Code:

Section 19 (k)

A person appointed to a socialist unit has the right: "to join trade unions and other civic organizations in accordance with the provisions of the Constitution of the Socialist Republic of Romania".

Section 164. The unions are occupational organizations set up in virtue of the right of association laid down in the Constitution, and operating on the basis of the by-laws of the General Federation of Trade Unions, the federations for the different branches of activity and the trade union organizations in the units.

Section 165. (1) The trade unions mobilize the masses for implementing the programme of the Romanian Communist Party for the building of a new society, and to this end carry on sustained activities for raising labour productivity, improving the quality of production, promoting technical progress, raising levels of training among the workers, promoting strict discipline in production and fulfilment by each worker on the staff of his obligations.

(2) The trade unions serve the interests of the workers, participating directly in the elaboration and implementation of party policy in regard to working conditions and steady progress in the welfare of those who work. They participate directly, at all levels, in the conduct of economic and social affairs, having representatives on the committees and councils of workers, on the collective management organs of ministries and other central institutions, and in the Government of the Socialist Republic of Romania.

Section 166. Through all their activities the trade unions contribute to the development of a socialist consciousness among those who work, in line with the materialist conception of the world and society, and to the growth of moral attitudes in line with socialist and communist ethical principles and equity; they are responsible for organizing cultural, artistic and sports activities, using for this purpose their own premises and equipment as well as the resources available to the socialist units, and they devote attention to the proper organization and judicious use of free time by the workers, collaborating closely with the other social organizations and specialized organs.

Section 167. The trade unions participate directly, together with the appropriate state authorities, in the drafting and application of all regulations dealing with the rights and obligations of persons on work staffs and with labour protection; they see that the system of labour remuneration is correctly applied, and ensure observance of work programmes, rest periods and other measures prescribed by the labour legislation.

Section 168. Together with the committees and councils of workers, the trade unions ensure that the general meetings of the workers are properly prepared and conducted; they see that arrangements are made to enable the participants in the meetings to consider the mode of implementing the plan and to make suggestions for improving the unit's operations and the conditions of life and work of the personnel; and they take action for following up the resolutions adopted and suggestions made at the general meetings.

Section 169. The trade union organizations defend the rights of their members under the labour legislation before jurisdictional organs of all types and before organs of the State and the public.

Section 170. The managements of units are required to facilitate the activities of the trade unions by providing the material conditions needed for these to be carried on properly. It is also the duty of the managements of units to examine and give effect to proposals made by the trade union organs with a view to improving the units' operations and the conditions of life and work of the workers.

On the same subject, see also:

Trade Union Act No. 52 of 21 January 1945 (as amended by Act No. 389 of 25 May 1976, Act No. 125 of 21 April 1947, Act No. 316 of 1 September 1947 and Decree No. 263 of 15 June 1957); the Basic Trade Union Statute; the Basic Statute of the Federation of Professional Trade Unions.

Article 9 of the Covenant

Constitution of the Socialist Republic of Romania:

"Article 20. Citizens of the Socialist Republic of Romania shall have the right to material security in old age, sickness or incapacity for work.

The right to material security shall be realized for manual and non-manual workers through pensions and sickness benefits awarded under the State social insurance system, and for the members of co-operative organizations or other public organizations through the forms of insurance provided by those organizations. The State shall provide medical care through its public health institutions.

Paid maternity leave shall be guaranteed."

Labour code

Section 19 (i)

A person appointed to a socialist unit has the right: "to receive a pension on reaching retirement age or in the event of disability."

Act No. 1/1970 concerning organization and discipline in work carried out in State socialist units provides, in article 4 (c), for material assistance, as part of State social insurance, in cases of temporary incapacitation, maternity, the need to care for a sick child, to regain and restore health, and in cases of a death in the family. It also provides for free medical care and facilities for undergoing treatment at a health spa.

Under State Council decrees Nos. 210, 211, 212 and 214 of July 1977, measures were taken to increase the pensions of all categories of wage-earners and members of agricultural production co-operatives, to introduce a pension scheme for rural workers in areas where there are no co-operatives and for individual farmers, and to increase family allowances. The entire pension system of the Socialist Republic of Romania was revised to improve the criteria and method of calculating the amount of the pension directly in terms of socio-economic and humanitarian considerations and the principles of socialist ethics and equity.
