



The EU Mutual Learning Programme in Gender Equality

Instruments to foster long-term paternal involvement in family work

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Long-term paternal involvement in family work: a missing point from Romania's political agenda

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1. Brief historical context of family policies.

1.1. Romania before EU membership (December 1989 – 2007)

The negotiations regarding Romania's accession to the EU were launched in 2000, but its initial request dates back to 1995. As Saxonberg (2015) stresses, EU has a higher influence when countries try to become members, and a lesser influence after they already became members. In Romania, notable developments in the field of gender equality during the accession negotiations are represented by the 2002 Law on Equality of Opportunity and the instauration of ANES (National Agency for Equality of Opportunity between Men and Women) in 2005.

1.1.1. Paid parental leave: first steps

Paid parental leave (offered in addition to the maternity leave) was introduced in Romania only after the fall of communism. From 1990 to 1997, it was granted only to mothers until the child turned one year old. Since 1997, parental leave has been extended to two years and became gender neutral, allowing both parents to claim the leave. The payment level was changed several times between 1990 and 2007: at first 65% of the national minimum salary, followed by 85% of the previous earnings of the parent, followed then by a flat rate payment of approx. 200 €.

1.1.2. Paternal involvement legislation in Romania before EU membership

Two main measures were taken to tackle paternal involvement in childcare: in 1990, the paid paternity leave of five working days was introduced, and in 1997 the paid parental leave became gender neutral.

1.2. Romania as an EU member state (2007-present)

1.2.1. Parental leave: changes on payment conditions

Legislation regarding the payment level of the parental leave has been changed numerous times since 2007. The most important changes derived from the following legislative acts: Law 257/2008, OUG 111/2010, Law 166/2012, Law 66/2016, OUG 82/2017. Since 2017, the payment level of the parental leave is of 85% if the of the previous earnings of the parent. The benefit has a lower and an upper threshold: the payment cannot be lower than 2.5 points of the social reference indicator ISR (a total of 1250 Ron, approx. 270 €), and not more than 8,500 Ron (approx 1,850 €).

1.2.2. Parental leave taken by fathers

Updated data regarding fathers' usage of the parental leave is not available. In what regards fathers and parental leave, previous data might be misleading. Romania had the highest percentage of men taking the paid parental leave from the EU (Popescu 2015), 17% in urban areas and 30% in rural areas (Ghebrea 2013). This, however, occurred mainly because in rural areas men have a higher employment rate than women. As such, they engage in a dual practice: receiving the paid leave, while continuing to engage in informal paid work.

1.2.3. Paternal involvement in child-raising: the father's month

In regards to legislation encouraging paternal involvement in child-raising, in 2011 Romania implemented the 2010/18/EU Directive and introduced the 'father's month' (OUG 111/2010). This was the first measure consisting of a non-transferable quota of the parental leave allocated to the secondary carer. If the father did not use this month, then the total parental leave would be shortened with one month. The measure was not very successful shortly after its introduction: in 2014, only 2.8% of fathers used their non-transferable month (Popescu 2015).

1.2.4. Maternal involvement on the labour market: the back to work bonus

Since 2010 (OUG 111/2010), Romania has introduced the "back to work bonus" with the aim of encouraging women to return to the labour market (but can be used even by fathers, as it is gender neutral). If the main receiver of the parental leave opts to return to work 2 months before the parental leave ends, then the parent is entitled to a benefit offered until the child turns three years old (age at which the child is eligible to be enrolled to kindergarten). The payment of this bonus has been changes over years, and it currently amounts to 650 RON (approx. 140 €) according to OUG 6/2017.

Given the fact that the "back to work bonus" was introduced at the same time with the "father's month", the two measures are correlated and meant to be complementary. If the father (or secondary carer) decides to use the non-transferable month (during which the main carer cannot be on paid leave), and if the main carer shortens the duration of the leave with another month (while the secondary carer can still be on paid leave), then the main parent will receive the back to work bonus until the child turns three years old. The back to work bonus can be claimed regardless whether the parent's job is full-time or part-time. As such, the bonus can be linked with any cost related to day care in a nursery.

1.2.5. Part-time employment and part-time leave: a missed opportunity.

While combining part-time work with part-time paid leave should be a fruitful measure to balance equal shares of responsibilities between both parents, this measure is absent in Romania. Only 5.2% of women in Romania with a child under six years old is in part-time employment, compared with 55.6% of women in Germany (Eurostat, data for 2017). While the back to work bonus offers the possibility that the parent combines part time work with the benefit, the payment is offered on a flat rate of approx. 140 €/month (which might discourage parents for which this amount is much less than half of their monthly salary). Moreover, this possibility is granted solely to the main parent on leave, generally the mother.

1.2.6. Public childcare facilities: an urgent need

The public provision of childcare services suffered massive cutbacks since 1990, which led to the decrease of the number of nurseries (for children of 1 to 3 years) from 840 in 1990 to 285 in 2011. From the total of 285 units registered in 2011, only 1% were in rural areas (MADR 2014). During the school year 2014-15, there were only 350 nurseries functioning, having enrolled only 9% of the total number of children under the age of three years (INS 2015).

Most of the existing public childcare facilities are situated in urban areas, few have a full-time programme and those which have it do not provide for free (parents need to cover extra costs) (Kovacs 2015). Unlike Germany, Romanian authorities do not have the legal obligation to secure a place in a public childcare facility. Until August 2018, local authorities were the only responsible ones for providing such public services. Currently the government is working on establishing a national strategy to tackle this issue.

In the absence of affordable day care, middle-class parents often make use of an alternative that meets both traditional approaches on childcare, as well as the liberty to go back to work on a full time basis: babysitters, in most cases informally paid, without a work contract. In urban areas, the monthly payment of an informal babysitter equals the cost of a private full time nursery. Those who cannot afford neither full time nurseries, nor babysitters, have to appeal to the support of the extended family or to opt for a leave of 3 years, out of which one is unpaid.

1.3. Tendencies noticed in Romania (2007 – present)

1.3.1. 'Re-familiarisation' trend

The main policy Romania has embraced after the fall of communism was to grant almost exclusively paid parental leave to working parents (mostly mothers) for two years. The development of policies for families with children strongly suggests an explicit familiarisation regime, as public childcare services remained ignored and underfunded after the fall of communism until the present. This "refamiliarisation trend" is common to many East European counties (Saxonberg 2013) and reinforces the male-breadwinner model (Robila 2012). Even if formally there exists the possibility to combine part-time work with part-time day care (given the back to work bonus), the lack of information makes this measure a purely theoretical one. Moreover, currently there is no measure taken to address long-term, substantial, paternal involvement in family work.

1.3.2. Focus on a statistical minority: middle class, urban, families

Existing family policies address mostly urban, middle class families who can afford to pay 'private care suppliers'. But this measure does not advance paternal involvement in family responsibilities. It rather helps women return to work earlier, and disregards the involvement of fathers. After entering the EU, most former communist countries have adopted family policies that "have benefited the middle-class families, sometimes at the expense of the poor" (Inglot et al 2012). What is particular for Romania is that only 10% of its population belongs to the middle class (INS National Institute of Statistics).

2. Recent policy debates in Romania

In August 2018, the Government announced that it will pass an emergency law that puts childcare facilities under the ministry of Education (until recently they were under the Ministry of Health, providing no educational activities), guarantees funding from the state budget (previously was only up to local budgets), and promises massive public investment. The new measures should be applicable starting with the 2019-20 school year.

3. What Romania can learn from Germany's family policy

3.1. Massive investment in public childcare facilities

Germany's increase of the percentage of children under three years old enrolled in childcare facilities derives from Kinderförderungsgesetz (the law granting every child a place in public nurseries), whereas in Romania this topic had been largely ignored. A comparison can be seen in the table below, based on Eurostat data. Moreover, the state should regulate the informally paid babysitters, or offer subsidies for their fee.

No. of hours provided by nurseries	Romania in 2011 ¹	Romania in 2015	Romania in 2016	Germany in 2016	EU average in 2016
Zero hours	98	90.6	82.6	67.4	66.9
1-29 hrs	1	4.2	8.6	11.2	15.1
Over 30 hrs	1	5.2	8.8	21.4	18

3.2. Mixing part-time employment with part-time paid parental leave for both parents.

In Romania, the percentage of mothers employed on a part-time basis is more than 10 times lower than in Germany. Germany has addressed this issue through ElterngeldPlus, which enable and encourage both parents to take part-time work and part-time parental leave, incentivising parents to share responsibilities of family work on a long term basis.

No. of children	Part-time employment, age 15-64 years (%) (Eurostat 2017)					
	Romania		Germany		EU average	
	Male	Female	Male	Female	Male	Female
Zero	7.2	6.9	10.4	35.9	9.9	26.8
1, under 6 years	4.8	5.2	6.3	55.6	5.6	34.1
2, under 6 years	5.5	6.1	6	71.8	5.6	41.5

¹ Austerity measures are striking as in 2011 only 2% of children under 3 years old in Romania were enrolled in childcare facilities.

3.2.1. Making the ‘back to work bonus’ available for both parents

The back to work bonus allows the main parent to combine part-time work with the bonus, but this is available to only one parent – the one taking the majority of the leave. A change is needed so that both parents can make use of this bonus.

3.2.2. Adjusting the ‘back to work bonus’ according to previous earnings

In order to encourage taking this bonus, there should be a correlation between the parent’s previous earnings and the amount of the benefit. A great model is represented by PAP in Germany, which is offered at a minimum of 150 € and a maximum of 900 €, compensating between 65% - 100% of the income lost due to the part-time work.

3.2.3. Increasing the number of non-transferable father’s month from one to two months, to allow more mothers to use the back to work bonus.

An increase in the secondary parent’s non-transferable quota of paid parental leave from one month to two would allow mothers to return to work two months before the child turns two years and thus can access the back to work bonus until the child turns three years and can be enrolled in kindergartens, which are not as scarce as public nurseries.

3.3. Dissemination of information to all interested parents.

Given the numerous legislative changes that governed the policies for families with children, many parents and employers are not aware of the existing legislation. The father’s month is not well known, nor the gender neutrality of the parental leave or the back to work bonus.

4. Conclusions and recommendations

Among the policies derived from Romania’s membership to the EU, we can count: the gender neutrality of the parental leave and the non-transferable father’s month.

4.1. Recommendations

4.1.1. Establishment of an EU-level percentage of the paid parental leave based on previous earnings

A percentage of 65% as it is in Germany sometimes is considered too low. The most successful countries in the proportion of fathers taking the paid parental leave are those who provide both generous payments (at least 80% of salary) as well as non-transferable quota (Saxonberg 2015).

4.1.2. Binding targets at EU-level for public childcare facilities

Barcelona objectives can serve as an example of lack of incentives for countries to meet targets with no binding character.

4.1.3. Binding legislation promoting flexible work arrangements for both parents

In order for both parents to be able to engage in the equal sharing of family work, both men and women need to be able to not meet discrimination from their employers when claiming the reduction of work time. Legislation targeting employers on part time work for both parents is needed in all countries.

4.1.4. Common legislation for encouraging fathers to use a larger share of paid parental leave

EU to issue strong recommendation for national legislation to promote fathers' usage of the parental leave and to secure that fathers are not discriminated at work if they opt to take it.

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