

PHARE 2003
STANDARD SUMMARY PROJECT FICHE

1. Basic Information:

- 1.1. CRIS Number:** PHARE 2003/005-551.04.05
- 1.2. Title:** Programme for Supporting Institution Building of the Ministry of Labour and Social Solidarity
- 1.3. Sector:** Social
- 1.4 Twinning components:** RO03/IB/SO/01
 - Title: The establishment of a unitary legally system harmonized with the communitarian provisions concerning the Labour Code
 - Duration: 18 months
 - Budget: 0.80 M €
- 1.5. Location:** Romania, Ministry of Labour and Social Solidarity

2. Objectives:**2.1. Overall Objective(s):**

Strengthening the capacity of the MoLSS for reinforcing the capacity of the staff for a unitary implementation of the Labour Code so as to support Romania in preparing the process of accession to EU.

2.2. Project Purpose:

The establishment of a unitary legally system harmonized with the community provisions concerning the Labour Code:

1. Technical assistance for a training program addressed to the labor inspectors and MoLSS experts delivered by EU experts;
2. Raising awareness of the social partners represented on the branch level.

2.3. Accession Partnership and NPAA priority:

Accession Partnership – Ability to assure the obligations of membership – Social policy and employment – *“continue alignment and ensure proper implementation of EC legislation in the field of labor law, notably through the implementation of the new labor Code. Strengthen the related administrative and enforcement structures, including the labor inspectorates.”*

National Program for Accession of Romania to the EU 2002

2.4. Contribution to National Development Plan

n/a

2.5. Cross Border Impact:

n/a

3. Description**1.1. Background and justification:**

Ministry of Labour and Social Solidarity has as priority the establishment of a unitary legally system harmonized with the communitarian provisions concerning the Labour Code.

The draft of the new Labour Code was elaborated in order to realise the priority objective assigned in Chapter 3.11.1 of the National Plan for Accession of Romania – 2001st edition, taking into account of the actual social and economical environment, as well as the necessity of the harmonisation of the national

legislation with the communitarian provisions. Following a series of meetings with the social partners, the draft was approved by the Government in May 30, 2002 and adopted in December 2002. The date of coming into force is March the 1st 2003.

In this context, our institution requests technical assistance in order to accomplish the objectives described, since this task involves considerable human and financial resources for training the staff assigned to apply these new regulations.

Moreover, the social partners stressed their need to be informed about the new rights and obligations comprised in the Labour Code; therefore, Info sessions addressed to specific target groups must be organised in order to insure that both trade unions and employers organisations representatives at branch level will be able to properly negotiate and conclude collective agreements at this level. It is also very important to provide information to the judges competent to rule on labour conflicts.

3.2. Linked activities:

3.3 Results:

B. The establishment of a unitary legally system harmonized with the communitarian provisions concerning the Labour Code

Twinning RO 03/SO 01

3.3.1. General results

1. Implementing the new Labor Code by training of trainers within the Ministry of Labor and Social Solidarity, Labor Inspection and territorial labor inspectorates;
2. Elaboration of new methods of inspection regarding the labor relations;
3. Drafting of a training program for the labor inspectors and for the experts within the territorial directorates of the MoLSS;
4. Raising awareness of the social partners represented on the branch level by organizing Info sessions and by providing them with the information brochures regarding the employees' rights and obligations.

Specific twinning results

- A. Elaboration of training curricula on the provisions of the Labor Code and on the secondary legislation addressed to all the trainers ; the documents will be printed and distributed to all the trainers (150 exemplars)
- B. Elaboration of training curricula as a handbook on methods of inspection in the field of labor relations addressed to the trainers from the territorial labor inspectorates; this handbook will be printed and distributed to all the the labor inspectors (1000 exemplars)
- C. Training of 40 trainers: 30 labor inspectors and 10 experts from the MoLSS;
- D. Elaboration of a training program approved annually by the minister of labor and social solidarity; this program will enable all the labor inspectors and the experts from the territorial directorates within the MoLSS to be trained continuously by the trainers on the Labor Code and all the legislation to be adopted in close relation to the Code;
- E. Drafting information materials tailored to the target groups mentioned below, including the broader public (guidelines and leaflets); printing, multiplication and distribution of the information materials (guidelines- 5000 exemplars; leaflets 20.000 exemplars);
- F. Development of CD-ROMS containing information for the same target groups and also for the NGO-s and other public institutions such as Government authorities at central and local level (2000 exemplars);
- G. Organizing Info sessions for the following target groups: employers' representatives and trade unions' representatives at branch level, judges competent to rule labor conflicts; This sessions will take place in 7 locations of the state: Bucuresti, Brasov, Iasi, Cluj, Timisoara, Craiova and Constanta (50 participants/3 days each session)

3.4. Activities:

Twinning RO 03/SO 01

The project includes 3 components implemented under a single contract:

Component 1: Training curricula on Labour Code provisions, the handbook on inspection methods and the information materials

- assessment of the present romanian institutional framework regarding the labor relations;
- establishing of a joint expert working group with representatives from Romania and European Union in order to elaborate the training curricula on Labor Code provisions, the handbook on inspection methods and the information materials (guidelines, leaflets and CD-ROMS);
- the training curricula will provide information on the following issues:
 - (a) Collective redundancies;
 - (b) Illegal work;
 - (c) Special forms of individual labor contracts;
 - (d) Work time and rest time;
 - (e) The guarantee fund the payment of the salary;
 - (f) The temporary work agent
 - (g) The employer's obligation to inform the employees of the conditions applicable to the contract or employment relationship;
 - (h) The posting of the workers in the framework of the provision of services.
 - study tour of the experts group in the EU Member State in order to get information about the best practices in the field of inspection methods and raising of awareness;
 - elaboration and printing of training curricula, handbooks and information materials (guidelines, leaflets and CD-ROMS);
 - written report concerning the results of the component 1

Component 2: Training of trainers

- selection of the inspectors and experts from the MoLSS which follow to be trained as trainers;
- distribution of training curricula on Labor Code provisions and the handbook on inspection methods in the field of labor relations;
- training of 40 trainers divided in 2 groups; each group will be trained during 2 weeks;
- elaboration of a training program that will enable all the labor inspectors and the experts from the territorial directorates within the MoLSS to be trained continuously by the trainers on the Labor Code and all the legislation to be adopted in close relation to the Code. The program will be approved annually by the minister of labor and social solidarity;
- written report concerning the results of the component 1

Component 3: Organization of the Info sessions for the target groups

- establishing of a joint expert working group with representatives from Romania and European Union in order to organize Info sessions and a public campaign;
- drafting the methodology for the campaign and the Info sessions;
- establishing the target groups as mentioned at 3.3.2. D;
- organizing the Info sessions in 7 locations of the state: Bucuresti, Brasov, Iasi, Cluj, Timisoara, Craiova and Constanta (50 participants/3 days each);
- distribution of the information materials (guidelines, leaflets and CD-ROMS) in the framework of the Info sessions;
- written report concerning the results of the component 3.

The types of experts needed for implementation of the activities are the following:

- 1 long-term adviser (PAA) on labour law;
- a pool of short-term advisers with experience in training curricula on Labour Code and info sessions and public broadcast campaign.

Selection criteria for the Member states partner institution:

PAA profile (Pre-Accession Advisor):

The PAA should have experience implementing programs in labor law area and, also, should have expertise in elaborating curricula.

The PAA should have a legal background preferably in the area of labor law; the PAA should also be an expert in the labor relations field, should have expertise in elaboration/implementation and co-ordination of strategic plans, laws and institutions.

Good working knowledge of English is required. PAA will stay in Bucharest, Romania, for a period of 18 months.

3.5. Lessons learned:

4. Institutional framework

The establishment of a unitary legally system harmonized with the communitarian provisions concerning the Labour Code

The main beneficiary of the project is the Ministry of Labor and Social Solidarity.

In conjunction with the twinning partner an implementation unit will be developed within the MoLSS and Labor Inspection.

This unit will comprise the Pre Accession Advisor(s), the Romanian Project Leader + Labor Inspection representatives.

MoLSS will be responsible for the overall co-ordination and management of the project.

5. Detailed Budget

EURO						
	Phare support		Total Phare (=I+IB)	National Co- financing*	IFI*	TOTAL
	Investment support	Institution building				
		800.000	800.000	200.000		1.000.000

6. Implementation Arrangements

6.1. Implementing Agency:

The programme will be implemented according to the Phare DIS procedures and rules. The implementing Agency, responsible for contracting and financial management for the project will be the CFCU.

Contact details:

CFCU

6-8, Magheru Blvd., 5th floor, sector 1, Bucharest; tel.: + 40 21 301 93 01, fax: + 40 21 210 64 50.

The implementing authority, responsible for the technical aspects of the programme is MoLSS.

The implementing authority, in charge with the general coordination of the project implementation, is the Ministry of Labor and Social Solidarity. The implementing authority will be responsible for the operational management of the project. Tender documents, evaluation of offers, approval of the contracts, tendering, contracting and payments will be under the authority of the Central Financing and Contracts Unit (CFCU).

6.2. Twinning:

The twinning covenant will follow the general rules of the twinning project.

Contact details:

Twinning RO 03/SO 01: The establishment of a unitary legally system harmonized with the communitarian provisions concerning the Labour Code

Contact person: Ileana Armeanu, Deputy Director, Legal Department, Ministry of Labour and Social Solidarity;

Address: 2-4, Dem I. Dobrescu, Sector 1, Bucharest

Phones: + 40 21 313 42 86; e-mail: iarmeanu@mmss.ro

6.3. Non-standard aspects: n/a .

The "Practical Guide Phare, Ispa and Sapard contract procedures" will strictly be followed.

6.4. Contracts:

Twinning RO 03/SO 01: The establishment of a unitary legally system harmonized with the communitarian provisions concerning the Labour Code

The project will be implemented by a twinning covenant. The amount of the covenant will be 800.000 Euro from Phare budget and 200.000 Euro co-financing for a period of 18 months.

7. Implementation Schedule

7.1. Start of tendering/call for proposals: 6th month from the approval of the FM.

7.2. Start of projects activity: 10th month from the approval of the FM.

7.3. Projects completion: 31 December 2005.

8. Equal opportunity

The Ministry of Labour and Social Solidarity is an equal opportunity employer. Equal opportunities for man and women in operating all the activities of the projects will be ensured.

9. Environment: n/a

10. Rates of return: n/a

11. Investment criteria: n/a

12. Conditionality and sequencing

The operating costs and the maintenance costs for the equipments will be ensured by the respective owners, respectively the Labor Inspection.

Annex 1 : Logframe Matrix for project “Institutional building for strengthening the administrative capacity of the MoLSS”

LOGFRAME PLANNING MATRIX FOR Project	Programme name and number	
Programme for „Institutional building for strengthening the administrative capacity of the MoLSS”,	Contracting period expires 30 November 2005	Disbursement period expires 30 November 2005
	Total budget: 1.000.000	Phare budget : 800.000

Overall objectives	Objectively verifiable indicators	Sources of Verification	
Strengthening the capacity of the MoLSS for developing, designing and implementing National Plan for Social Assistance and for reinforcing the capacity of the staff for a unitary implementation of the Labour Code so as to support Romania in preparing the process of accession to EU.	Coherent implementation of the labour code provisions	<ul style="list-style-type: none"> - European Commission reports; - Project progress reports; - Governmental documents; - Governmental official journal. - MoLSS reports - Labor Inspection annual report. 	
RO03/SO 02			
Performing, with technical assistance delivered by EU experts, a training program addressed to the labor inspectors and MoLSS experts delivered by EU experts and Info sessions in order to raise awareness of the social partners represented on the branch level, NGO-s, and other authorities;		<ul style="list-style-type: none"> - MoLSS reports -Labor Inspection annual report. - Monitoring Reports 	
Results	Objectively verifiable indicators	Sources of Verification	Assumptions and Risks
RO03/SO 02			
<ul style="list-style-type: none"> - Elaboration of training curricula on the provisions of the Labor Code and on the secondary legislation addressed to all the trainers; the documents will be printed and distributed to all the trainers; - Elaboration of training curricula as a handbook on methods of inspection in the field of labor relations addressed to the trainers from the territorial labor inspectorates; this handbook will be printed and distributed to all the labor inspectors (1000 exemplars); - Training of 120 trainers: 94 labor inspectors (2 	<ul style="list-style-type: none"> -training curricula on the provisions of the Labor Code and on the secondary legislation printed and distributed in 150 pages -handbook on methods of inspection in the field of labor relations printed and distributed in 1000 exemplars 	<ul style="list-style-type: none"> - MoLSS reports - Labor Inspection annual report Monitoring Reports 	

Annex 1 : Logframe Matrix for project “Institutional building for strengthening the administrative capacity of the MoLSS”

<p>inspectors from each 42 territorial labor inspectorates and 10 inspectors from the central level) and 16 experts from the MoLSS;</p> <ul style="list-style-type: none"> - Elaboration of the National Training Program approved annually by the minister of labor and social solidarity; this program will enable all the labor inspectors and the experts from the territorial directorates within the MoLSS to be trained continuously by the trainers on the Labor Code and all the legislation to be adopted in close relation to the Code; - Drafting information materials tailored to the target groups mentioned below, including the broader public (guidelines, leaflets); printing, multiplication and distribution of the information materials (guidelines- 5000 exemplars; leaflets 20.000 exemplars); - Development of CD-ROMS containing information for the same target groups and also for the NGO-s and other public institutions such as Government authorities at central and local level; - Organizing Info sessions for the following target groups: employers' representatives and trade unions' representatives at branch level, judges competent to rule labor conflicts; This sessions will take place in 7 locations : Bucuresti, Brasov, Iasi, Cluj, Timisoara, Craiova and Constanta 	<ul style="list-style-type: none"> - 120 trainers, 2 trained inspectors from each territorial Labor Inspectorate - National Training Program approved -information materials regarding the employees' rights; printed and distributed - 7 Info sessions for employers' representatives and trade unions' representatives at branch level organized in 7 locations of the country (50 participants); 		
Activities	Means		Assumptions and Risk
RO03/SO 02			
<p>Component 1: Elaboration of the training curricula on Labor Code provisions, the handbook on inspection methods and the information materials (guidelines, leaflets and CD-ROMS)</p>	<ul style="list-style-type: none"> - assessment of the present Romanian institutional framework regarding the labor relations; - establishing of a joint expert working group with representatives from Romania and European Union in order to elaborate the training curricula on Labor Code provisions, the handbook on inspection methods and the 		

Annex 1 : Logframe Matrix for project “Institutional building for strengthening the administrative capacity of the MoLSS”

<p>information materials (guidelines, leaflets and CD-ROMS);</p> <ul style="list-style-type: none"> - the training curricula will provide information on the following issues: <ul style="list-style-type: none"> • Collective redundancies • Illegal work; • Special forms of individual labor contracts; • Work time and rest time; • The guarantee fund the payment of the salary; • The temporary work agent • The employer's obligation to inform the employees of the conditions applicable to the contract or employment relationship; • The posting of the workers in the framework of the provision of services. - study tour of the experts group in the EU Member State in order to get information about the best practices in the field of inspection methods and raising of awareness; - elaboration and printing of training curricula, handbooks and information materials (guidelines, leaflets and CD-ROMS); - written report concerning the results of the component 1; - selection of the inspectors and experts from the MoLSS which follow to be trained as trainers; - distribution of training curricula on Labor Code provisions and the handbook on inspection methods in the field of labor relations; - training of 40 trainers divided in 2 groups; each group will be trained during 2 weeks; 	
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Annex 1 : Logframe Matrix for project “Institutional building for strengthening the administrative capacity of the MoLSS”

<p>Component 2: Training of trainers</p>	<ul style="list-style-type: none"> - elaboration of a training program that will enable all the labor inspectors and the experts from the territorial directorates within the MoLSS to be trained continuously by the trainers on the Labor Code and all the legislation to be adopted in close relation to the Code. The program will be approved annually by the minister of labor and social solidarity; - written report concerning the results of the component 1; - establishing of a joint expert working group with representatives from Romania and European Union in order to organize Info sessions and a public campaign; - drafting the methodology for the campaign and the Info sessions; establishing the target groups as mentioned at 3.3.2. D; - organizing the Info sessions in 7 locations of the state: Bucuresti, Brasov, Iasi, Cluj, Timisoara, Craiova and Constanta (50 participants/3 days each); - distribution of the information materials (guidelines, leaflets and CD-ROMS) in the framework of the Info sessions; - written report concerning the results of the component 3. 		
<p>Component 3: Organization of the Info sessions for target groups</p>			<p>Preconditions:</p>
			<p>Financing Memorandum approved. budget approved and available.</p>

DETAILED IMPLEMENTATION CHART

	2003				2004												2005												2006												2007											
calendar months	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	
activities																																																				
	D	D	D	C	C	C	C	C	C	C	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I																									
	<div>D = Design</div> <div>C = Tendering and Contracting</div> <div>I = Implementation</div>																																																			

Annex 3 : Cumulative contracting and disbursement schedule for project “Institutional building for strengthening the administrative capacity of the MoLSS”

Twinning Phare 2003							
(Meuro 0.80)							
	31/03/04	30/06/04	30/09/04	31/12/04	31/03/05	30/06/05	30/09/05
CONTRACTED	0.8	0.8	0.8	0.8	0.8	0.8	
DISBURSED		0.1	0.2	0.4	0.6	0.7	0.8