

Equal opportunities and equal treatment between women and men (Law no. 202/2002 - on equal opportunities for women and men, republished, as subsequently amended and supplemented)

Equal opportunities and treatment between women and men is defined, in terms of labour relations, as non-discriminating access to:

- free choice or exercise of a profession or activity;
- employment in all positions or vacancies at all levels of the professional hierarchy;
- equal wages/pay for work of equal value;
- information and professional counselling, initiation, qualification, vocational training, specialization and professional requalification programmes, including apprenticeship ones;
- promotion at any hierarchical and professional level;
- employment and working conditions that comply with the rules of health and safety at work, according to the legislation in force, including dismissals;
- benefits, other than those related to salary, as well as public and private systems of social security;
- employers' organisations, trade unions and professional bodies, as well as the benefits granted by these organisations;
- social benefits and services, granted according to the laws in force.

To prevent and eliminate any behaviour defined as discrimination on grounds of sex, the employer shall be obliged to:

- ensure equal opportunities and treatment between employees, women and men, within labour relations of any kind, including by introducing provisions prohibiting the discrimination on grounds of sex in the rules of organization and functioning and also in the internal res of undertakings
- provide administrative sanctions within the internal regulations of the undertakings, according to the law, for the employees who violate the personal dignity of other employees by creating degrading, intimidating, hostile, humiliating or offensive environments;
- permanently inform the employees, including by posting in visible places, the rights they have in terms of equal opportunities and treatment between women and men in labour relations;
- inform, immediately after having been notified, the competent public authorities entitled to enforce the legislation on equal opportunities and treatment between women and men.

Employers are forbidden to use practices that disadvantage people of a particular sex in relation to employment relationships regarding:

- the announcing, organizing competitions or exams and selection of candidates to fill vacancies in the public or private sector;
- the conclusion, suspension, modification and/or termination of the legal relationship of employment or service;
- the establishment or modification of duties in the job description;
- the determination of remuneration;
- benefits, other than the wage-related ones, and social security;
- information and professional counselling, initiation, qualification, vocational training, specialization and professional requalification programmes;
- the assessment of individual professional performance;
- the professional promotion;
- the application of administrative measures;
- the right to join a trade union and access to its facilities;
- any other conditions of work performance, according to the law.

Maternity cannot be a reason for discrimination.

Any less favourable treatment applied to a woman regarding the pregnancy or maternity shall constitute discrimination within the meaning of this law.

Any less favorable treatment applied to a woman or man on parental leave or paternity leave constitutes discrimination within the meaning of this law.

Dismissal cannot be ordered during:

- pregnancy or maternity leave of the employee;
- parental leave of the employee for raising children aged up to 2 years or 3 years for children with disabilities;
- paternal leave.

At the termination of maternity leave, parental leave for up to 2 years, or 3 years in the case of a disabled child, or paternity leave, the employee has the right to return to the last workplace or an equivalent one, in terms of working conditions, and also to benefit from any improvement in the working conditions to which s/he would have been entitled during the absence.

Upon return to the workplace under the conditions provided for in paragraph (8) the employee is entitled to a professional reintegration programme, the duration of which is

stipulated in the internal regulation of organization and functioning and may not be less than 5 working days.

Any undesirable behaviour, defined as harassment or sexual harassment, constitutes discrimination based on sex, having as its purpose or effect:

- to create an intimidating, hostile or discouraging environment at the workplace for the affected person;
- to negatively affect the situation of the employee in terms of promotion, remuneration or income of any kind or access to training and professional development, for the employee's refusal to accept an unwanted conduct related to sexual life.

It constitutes discrimination and the employer shall be forbidden to unilaterally change the relationship or working conditions, including the dismissal of an employee who filed a complaint or a notification to the undertaking management or to the competent courts, with a view to the application of these regulations and after a final decision of a court, except for well-founded reasons and unrelated to the cause.