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FLASH REPORT

Country:	Romania
Title:	Legal amendments of the Gender Equality Law: new and revised structures
Date:	12 February 2019
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<u>Context</u>	
Issue at stake:	New amendment to the Gender Equality Law introduces the professions of equal opportunities expert and equal opportunities specialist and revises the structure of local institutions dealing with gender equality.
Ground of discrimination:	Sex
Source:	Legislation
Field:	Gender equality in employment
Applicable law:	Legea nr.178 din 17 iulie 2018 pentru modificarea și completarea Legii nr. 202/2002 privind egalitatea de șanse și de tratament între femei și bărbați (Law No.178 of 17 July 2018 on the amendment of Law No. 202/2002 regarding equal opportunities between women and men)

Content

Law development: On 19 July 2018, a new amendment of the Gender Equality Law entered into force after being adopted by the Parliament on 18 June 2018 and promulgated by the President on 16 July 2018.

The amendment regulates the status of professions of equal opportunities experts and equal opportunities specialists. It establishes the main competences that fall under these professions (Art.2.(5) of the Law 202/2002), amongst which assessing gender inequality with the employer and proposing solutions, including drafting action plans and implementing projects and programs aimed at addressing gender inequality.

The new provisions only create the possibility, not the obligation, of public and private employers having more than 50 employees to assign the competences mentioned above to an employee that is already working for them, or to hire a gender equality expert/specialist, depending on available budget.

The amendment also establishes the governing structure of COJES, the county level commission in the field of equal opportunities between women and men, by explicitly mentioning which institutions from the local level appoint the President, Vice-president, and Executive Secretary of COJES. It also assigns on the National Institute for Scientific Research in the Field of Labour and Social Protection (Institutul Național de Cercetare Științifică în Domeniul Muncii și Protecției Sociale - I.N.C.S.M.P.S.) the legal obligation to provide data and information necessary for drafting strategies and policies in the field of equal opportunities and treatment between women and men.

Key points of analysis: The Government, in particular the National Agency for Equal Opportunities between Women and Men (Agenția Națională pentru Egalitate de Șanse între Femei și Bărbați (ANES)), promoted this bill. The aim of the bill is to ensure a working structure at the local level that ANES can access to implement policies and projects on gender equality throughout the country.

From the Explanatory Statement accompanying the bill results that the regulation of the professions of gender equality expert and gender equality specialist was necessary because ANES trained experts and specialists in a project implemented in 2015 using European structural funds. Moreover, Romania's adherence to UN Women's "HeForShe" Campaign implied taking the obligation that 70 % of the 1 680 national and local public institutions have gender equality experts/specialists in their organisational chart.

Moreover, the change in the government structure of COJES aims to ensure the functioning of these local commissions and the representation of the local institutions that have a mandate and could contribute to fighting violence against women and ensuring equal opportunities and equal treatment between women and men, for example General Department for Social Assistance and Child Protection (Direcția generală de asistență social și protecția copilului (DGASPC)).

Internet link source:

- The legislative process available at: <http://www.cdep.ro/proiecte/2018/100/70/1/em226.pdf>.
- The law is available at: http://www.cdep.ro/pls/proiecte/docs/2018/pr171_18.pdf.
- The Explanatory Statement is available at: <http://www.cdep.ro/proiecte/2018/100/70/1/em226.pdf>.