

Financing adult learning database

Name of the instrument - Local language	Recuperarea cheltuielilor de formare
Name of the instrument - English translation	Payback clause
Scheme ID	189
Country	 Romania
Reporting year	2020
Type of instrument	Payback clause
Sub-type of instrument	Payback clauses are possible with no explicit limitations
Type of entry	Single instrument

Short description	Employers and employees can agree on a payback clause. The Labour Code gives a broad framework (e.g. stating a minimum length of 60 days for education and training activities to be regulated under a clause). When employees do not comply with the contractual retention period stipulated in an individual addendum to the individual employment contract, benefits received during participation in the training/educational programme subject to the addendum are to be reimbursed, together with all related costs encountered by the employer, according to a formula stipulated in the addendum and respecting limits introduced by collective agreements at company or sector level. The maximum amount for training costs under this regulation is RON 1 000 (approx. EUR 209).
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Level of operation	National
Name of a part of the country	Not applicable
Name of the region (for regional instruments)	Not applicable
Name of the sector (for sectoral instruments)	Not applicable
Relevance	Further instrument

Legal basis	Government Ordinance 129/2000, art. 38; Law 53/2003 Labour Code, art. 198
Objective(s) and target(s)	Main objectives: a) adapting the employee to the requirements of the job or the workplace; b) obtaining a professional qualification; c) updating the knowledge and skills specific to the job and the job and improving the professional training for the basic occupation; d) professional reconversion determined by socio-economic restructuring; e) the acquisition of advanced knowledge, of some modern methods and procedures, necessary for the accomplishment of the professional activities; f) prevention of unemployment risk; g) promotion in work and professional career development.
Year of implementation	2000
Operation/management	Payback clause applies to employees receiving benefits from the employer when participating in a training/educational programme, according to individual negotiations finalised in signing an addendum to the individual employment contract. The obligations in the addendum are also applied in case the employee is dismissed within the agreed period, due to disciplinary reasons, or due to preventive custody for more than 60 days, after the final judicial conviction for a criminal offence related to their work, or when the exercise of the profession is temporarily or permanently prohibited by decision of the a criminal court. Collective agreements at company or sectoral level may put limits to the negotiation. Trade unions or employees' representatives are to be consulted in the process.
Eligible group(s)	All employers
Group(s) with preferential treatment	No preferential treatment
Education and training eligible	Any types
Source of financing and collection mechanism	Employer funds training, employee provides (partial) repayment eligible training costs in case of premature departure from the company
Financing formula and allocation mechanisms	When employees do not comply with the contractual retention period stipulated in an individual addendum to the individual employment contract, benefits received during participation in the training/educational programme subject to the addendum are to be reimbursed, together with all related costs encountered by the employer, according to a formula stipulated in the addendum and respecting limits introduced by collective agreements at company or sector level. The maximum amount for training costs under this regulation is RON 1 000 (approx. EUR 209).
Eligible costs	Tuition fees/fees for participation (external providers), costs for training materials (e.g. books), travel costs, accommodation costs, meal costs or daily allowance for subsistence, opportunity costs (i.e. lost productivity / foregone income/wages)

Volumes of funding	The most recent available study was produced in 2015, by the National Institute for Statistics. In 2015, the share of companies who provided continuing vocational training (CVT) to employees was 26.7%, registering an increase compared to 2010, when 24.1% of enterprises had implemented such programs for their employees.
Beneficiaries/take up	Not applicable
Organisation responsible for monitoring/evaluation	Not applicable
Monitoring/evaluation reports available	Not available
Most relevant webpage - in English	Not available
Most relevant webpage - local language	Not available
Recent changes	No recent amendment Recent changes in response to COVID-19 No changes
Sources	National Qualificaton Authority: Ordonanta Guvernului nr. 129/2000 privind formarea profesionala a adultilor, republicat? in 2002 (Government Ordinance no. 129/2000 on adult vocational training, republished in 2002) - http://www.cnfpa.ro/Files/Legislatie/OG129%20republicata.pdf Inspectia muncii: Legea nr. 53/2003 - Codul Muncii (Law no. 53/2003 Labour Code) http://www.inspectiamuncii.ro/ghid/legislatie/2003.l.53.pdf Ministry of Labour: Legea nr. 53/2003 - Codul Muncii, republicat in 2020 (Law no. 53/2003 Labour Code, republished in 2020) - https://www.codulmuncii.ro/titul_6_1.html Labour Inspection: Raport de activitate 2019 (Activity report 2013) - https://www.inspectiamuncii.ro/raport-anual-al-activitatii-inspectiei-m...