

5 AUGUST 1961

RFE RESEARCH AND EVALUATION DEPARTMENT

Background Report  
(Rumanian Unit)

THE JURISDICTION OF RUMANIAN TRADE UNIONS IN  
LABOR DISPUTES

The July 21 edition of the Rumanian trade union daily "Munca" carried an article dealing with the trade unions' role in labor legislation. After criticizing trade union committees for not paying enough attention to problems of labor legislation, the article recalled a decree which was published exactly one year ago and which gave the trade union committees the right to hear appeals against the decisions of the labor dispute boards in cases of labor disputes. Thus in effect the trade union committees became juridical organs.

This decree was No. 266 of 1960 and the change involved an amendment of the Labor Code. It was published in the Official Bulletin No. 12 of 21 July 1960. The "Munca" article of 21 July 1961, obviously written to mark the anniversary of the publication of the Decree, states that now the trade union committees do not limit themselves to the act of verifying whether labor laws have been respected but, as juridical organs, they actually have to implement the law in disputes in which the decisions of the labor disputes boards have been contested. Their responsibility is all the greater, said "Munca", since their decision was final.

Decree No. 266

Decree No. 266 was published in the Official Bulletin No. 12 of July 21 1960 (Collection of Laws, Decrees and Directives for the July-August 1960 period).

Of particular importance are the amendments of articles 114 and 115 of the Labor Code contained in Decree No. 266.

Whereas the old article 114 listed only the boards for labor disputes, the judicial organs and high administrative organs as competent for the solving of labor disputes, the amendment introduces a new (fourth) organ, the trade union committees of enterprises and institutions. Article 115<sup>1</sup> to follow article 115 says that these trade union committees are competent for complaints against decisions taken by the labor disputes boards. (The boards judge labor disputes with the exception of those specified by Law, which are of the competence of judicial or administrative organs.)

The new article 124 provides that complaints against the decisions of the labor disputes boards can be lodged within three days with the TU committees. The latter have to solve the case within five days. (Art. 124<sup>1</sup> which also specifies that, according to circumstances, the committee has the right to suspend the implementation

of the decision of the labor disputes board until final decision.)

The same article 124<sup>1</sup> says that the decisions of the TU committee are mandatory. These decisions are final if they pertain to disputes which cannot be evaluated in cash -- with the exception of disputes which involve re-integration in the job (serious limitation of the attribution of the TU committee!) -- or those the object of which does not exceed the value of 500 lei.

Contrary to the affirmation of the "Munca" article of 21 July 1961, which said that no other organ can contest the committee's final decision, the new article 124<sup>2</sup> of the Labor Code provides that if the contestants are not satisfied with the decision of the TU committee, they can address themselves to the People's Court within a period of five days but only for those disputes which are specified in para. b of Art. 116, namely cases of re-integration in the place of labor (job) and disputes the value of which exceeds 500 lei.

The decisions of the Court are mandatory and final.

The Decree No. 266 represents only a further extension of attributions granted in recent years to the trade unions in the field of labor jurisdiction. Thus by Decree No. 399 of 1956 the attributions of supervision and control of the decisions of the labor disputes boards, which previously had been of the competence of the Courts, were given to immediately hierarchically superior trade union organs. ("Munca" of 22 May 1958.)

All these measures can also be seen in part as a simplification of the solving of minor labor disputes, unburdening the courts, a phenomenon which finds its parallel in the introduction of comradely courts.

#### Further Responsibilities

It should also be noted that in the communiqué of 27 July 1961 which announced the wage and price commissions it was stated that the application of the staggered wage increases (over the period from August 1961 to 1 November 1962) and the reclassification of workers according to their qualifications would be carried out with the assistance of the trade unions.

The same also had applied to the wage increase for technicians foremen and engineers announced on 22 July 1960. This was just three months before the fourth congress of trade unions last October. Decree No. 266 was also published at just about the same time. Both moves implied greater responsibilities for the unions and this tendency was embodied in the new trade union statutes approved at the congress.

End