PROTECȚIA DREPTURILOR LUCRĂTORILOR ÎN DREPTUL INTERNAȚIONAL ŞI EUROPEAN

Prof. univ. dr. ***Nicolae Voiculescu*** *este Director IOSUD la Universitatea Titu Maiorescu Bucureşti. El are o semnificativă experienţă în calitate de diplomat, reprezentant în România al Organizaţiei Internaţionale a Muncii şi consilier parlamentar. El este, de asemenea, Redactor-Şef al Revistei Române de Dreptul Muncii şi Preşedintele Asociaţiei pentru Promovarea Educaţiei Permanente. În ultimii ani a susţinut cursuri de Drept Social European la Universitatea Paris XII, Universitatea din Orleans, Franţa şi la Universitatea din Verona, Italia.*

Dr. ***Vasile Neagu****, este absolvent al Facultăţii de Drept din cadrul Universităţii Gheorghe Cristea Bucureşti şi a obţinut diploma de Doctor în Drept la Universitatea Titu Maiorescu Bucureşti. În prezent, este Director General al companiei Telecredit IFN Bucureşti.*

Prof. univ. dr. NICOLAE VOICULESCU
Dr. VASILE NEAGU

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LISTĂ ABREVIERI

alin.	Alineatul
art.	Articolul
CES	Confederația Europeană a Sindicatelor
CJUE	Curtea de Justiție a Uniunii Europene
dec.	Decizia
GRI	Global Reporting Initiative
JO	Jurnalul Oficial al Uniunii Europene
M.Of.	Monitorul Oficial
OCDE	Organizația pentru Cooperare şi Dezvoltare Economică
O.G.	Ordonanța Guvernului
O.I.M.	Organizația Internațională a Muncii
O.N.U.	Organizația Națiunilor Unite
O.U.G.	Ordonanța de urgență a Guvernului
Op.cit.	Opera citată
par.	Paragraful
pct.	Punctul
Rec.	Culegere jurisprudență a Curții de Justiție a Uniunii Europene
REFIT	Programul Comisiei privind o reglementare adecvată şi funcțională
RSC	Responsabilitate socială corporatistă
RSI	Responsabilitate socială a întreprinderilor
SAI	Social Accountability International
SSM	Securitate şi sănătate în muncă
TFUE	Tratatul privind funcționarea Uniunii Europene
TUE	Tratatul privind Uniunea Europeană

INTRODUCERE

Această lucrare îşi propune să prezinte sistemul normativ, instituțional, precum şi jurisprudența structurate la nivelul celor mai prestigioase instituții internaționale referitoare la o problematică de continuă actualitate, şi anume, protecția drepturilor lucrătorilor.

Condițiile complexe existente la nivel internațional, european şi autohton din punct de vedere economico-financiar înregistrate în ultimii ani, în care termenul de „criză" constituie un leitmotiv consecvent, au condus deseori la precarizarea statutului lucrătorilor, cu deosebire a celor vulnerabili, cum sunt tinerii, femeile sau persoanele cu handicap.

Nu altfel este şi situația pieței muncii din România, puternic afectată de inexistența unor strategii investiționale eficace şi transpuse în practică în vederea asigurării locurilor de muncă necesare, precum şi de migrația masivă în rândul persoanelor aflate la vârsta maximei maturități profesionale.

Cei rămaşi în țară sunt nevoiți să accepte deseori datorită fie temerii pierderii locului de muncă, fie necunoaşterii drepturilor ce le incumbă din legislația internă şi internațională condiții contractuale şi de muncă dezavantajoase.

La nivelul Uniunii Europene, există consens privind necesitatea adaptării standardelor, astfel încât ele să răspundă cât mai bine imperativelor protecției lucrătorilor, dar şi funcționării optime a pieței unice europene. Sunt grăitoare în acest sens preocupările privind ameliorarea directivelor privind timpul de muncă sau detaşarea lucrătorilor, sau via dezbatere privind dreptul la acțiuni colective la nivel european, prezentate, de altfel, în cuprinsul acestei lucrări, ca de altfel şi cele mai recente politici, norme, standarde internaționale şi europene, care se raportează la drepturile lucrătorilor.

În ceea ce priveşte regulamentele şi directivele Uniunii Europene, în lipsa unei abordări similare în literatura juridică românească şi chiar internațională, am analizat deciziile reprezentative ale Curții de Justiție a Uniunii Europene adoptate până la data trimiterii la tipar.

Demersul nostru are ca obiectiv declarat creşterea nivelului de conştientizare a stadiului pe care l-au atins normele internaționale, cu deosebire cele europene, în problematica protecției lucrătorilor, componentă

fundamentală a sistemului drepturilor omului, precum şi analiza gradului de conformare a legislației românești cu acestea. Se regăsesc, de asemenea, în paginile lucrării deciziile semnificative cele mai recente ale instanțelor naționale şi europene ce au clarificat conținutul şi semnificația dispozițiilor normative, în beneficiul participanților la raporturile juridice de muncă.

Sperăm, astfel, să contribuim la diminuarea unei anume stări de atonie înregistrată în societatea noastră, de la nivelul legislativ la cel al partenerilor sociali şi chiar al lucrătorilor înşişi şi de a-i determina pentru a dialoga şi acționa în interesul lor, dar şi al întregii societăți.

De aceea, am optat pentru un stil de prezentare şi un limbaj accesibil care să permită tuturor celor interesați, indiferent dacă au pregătire juridică sau nu, să înțeleagă modul de structurare şi finalitatea standardelor internaționale în materia protecției lucrătorilor şi să utilizeze informația conținută, convingerea noastră fiind aceea că o societate cu adevărat democratică este aceea care se bazează pe oameni ce-şi cunosc în mod adecvat drepturile şi acționează în sensul acestora.

Intenția noastră este că tot acest efort de analiză, sinteză şi evaluare a standardelor internaționale, europene şi autohtone în materia drepturilor lucrătorilor să se constituie într-un instrument util la îndemâna celor interesați în perfecționarea cadrului legislativ, a conduitelor şi mentalităților, astfel încât de pe urma acestora să profite toți cei angrenați în raporturi de muncă, şi, în ultimă instanță, întreaga societate românească, ca parte a spațiului economico-social al Uniunii Europene.

Autorii

SUMMARY

WORKERS RIGHTS PROTECTION IN INTERNATIONAL AND EUROPEAN LEGISLATION

This book aims to describe the normative, institutional system, as well as the jurisprudence, structured at the level of the most prestigious international institutions, regarding an always current issue - the protection of employees' rights.

The complex economic and financial conditions that have been registered at an international, European and state level, in the last few years, when the term „crisis" was a consistent leitmotif, have often led to the degradation of the employees' statute, especially for vulnerable employees, such as young people, women or handicapped persons.

The situation is no different in the Romanian labour market, highly impacted by the lack of effective investment strategies, which might have provided the existence of the necessary jobs, and by the massive migration of the people at the age of their maximum professional maturity.

Those who have stayed in their home country are often forced to accept disadvantageous contractual conditions, either because they are afraid they will lose their job, or because they don't know their rights as established by the Romanian and international law.

In the European Union, there is a consensus regarding the necessity for standards to be adapted, in order for them to respond as well as possible to the imperative need for a protection of employees; at the same time, they must ensure an optimal operation of the European single market. In this sense, there are preoccupations with improvements regarding the work hours or the relocation of employees, and debates about the right to collective actions at a European level, which will be discussed in this doctorate thesis.

We have not restricted ourselves to a simple enumeration of the provisions of the international documents; they have been illustrated with case studies and significant jurisprudential solutions.

The objective of our scientific research is to raise awareness for the stage that international standards, and especially European ones, have

reached, with regard to the issue of employees' protection, a fundamental component of the human rights system.

Thus, we hope to have a contribution to the diminution of a certain apathy present in our society, from the legislative level to that of our social partners and to the level of the employees themselves, and to determine them to carry a dialogue and act in their own interest, but also in the interest of the whole society.

TITLE I, organised into 7 chapters, is dedicated to the **Globally-Adopted Norms on the Protection of Employees' Rights**. With the globalisation of trade and financial relations, we see increasingly consistent preoccupations of international organisations to initiate indicators and standards for the protection of employees. Their purpose is to determine the economic actors to organise their operational activities in such a way as to not affect the recognised international standards regarding work relations and human rights in general.

There are preoccupations especially regarding the way in which multinational companies manage to implement self-control mechanisms, so that their preoccupation with the maximisation of profits should not influence the situation of the employees used in the countries where their subsidiaries carry out their operations.

Global standards are instruments for evaluating the results of implementing the European Union norms, and their importance is expressly mentioned in the documents of the European institutions.

Chapter 1 discusses *the United Nations Global Compact*. Its fundamental idea is that corporations, trade and investments are essential elements of prosperity and peace. But, in many regions, companies often face serious dilemmas, such as practices that generate exploitation, corruption, wage inequality and various other obstacles that discourage innovation and enterprise.

Based on the power of collective action, the Global Compact aims to promote social responsibility, so that the business world might participate in the search for solutions for the globalisation issues. In partnership with other social actors, the private sector can contribute to the materialisation of the challenge of a global economy that is more durable and more favourable to inclusion.

Chapter 2 reviews the 31 *United Nations Guiding Principles on Business and Human Rights*, accompanied by notes about their meaning and incidence, so as to make the UN framework operational. These principles

were unanimously adopted in June 2011 by the United Nations Human Rights Council.

The reference framework mentioned in the title is based on three pillars. Firstly, the state duty to protect when third parties, including corporations, infringe on the human rights, which entails adequate policies, rules and approaches.

Secondly, the responsibility of companies to respect the human rights, in other words, to prove that they employ reasonable diligence in order to ensure that they do not infringe on the rights of others and in order to counteract the negative effects it might have.

Thirdly, the necessity of more effective measures for ensuring access to remedies, both legal and non-legal.

Chapter 3 discusses *the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy*, adopted by the International Labour Organisation, which contains a series of guidelines conceived as universal instruments meant to guide multinational companies, governments, employers and workers in such areas as employment, training, conditions of work and life, and industrial relations. Although it is not a compelling international legal instrument, it does have a universal application, and its provisions are based on a series of international conventions and recommendations, which the social partners are advised to consider and implement.

Chapter 4 discusses *the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises* adopted in 1976, revised several times, most recently in 2011. They are recommendations that governments make for multinational enterprises that operate in Member States or initiate operations in their territories. They contain non-compulsory standards, meant to favour a responsible conduct of the enterprises in a globalised environment, according to the applicable laws and standards accepted internationally.

Chapter 5, titled *International Social Responsibility and Employees' Rights*, is dedicated to discussing the SA 800 Standard, adopted in 2008 by the Social Accountability International (SAI) Organisation and used for audits carried out by third parties; the standard establishes workplace requirements imposed voluntarily, which should be met by the employer, including employees' rights, workplace conditions and management systems.

In the last few years, the concept of enterprises' social responsibility was increasingly under the attention of various international organisations, as its adoption in the conduct of economic agents could constitute an alternative for the difficulties of public administrations, which, for financial and organisational reasons, cannot efficiently address the issues regarding human rights, employees' protection, environment protection and community development. In fact, a special chapter under Title II is dedicated to the social responsibility of enterprises.

Chapter 6 discusses *the Global Reporting Initiative (GRI),* the most well-known reporting standard of Sustainability/Social Responsibility, which is aimed at economic enterprises; it was developed by the NGO with the same name, in collaboration with the United Nations Environment Programme (UNEP). At the moment, GRI is in its third generation - version G3 Guidelines (GRI G3).

Title I ends with *Chapter 7*, dedicated to the discussion of *the International Labour Organisation and the International Labour Law(ILO).* Considering that the „failure of any nation to adopt a truly humane work schedule constitutes an obstacle in the path of other nations' efforts to improve employees' lives in their own countries". The ILO has represented and still represents the most adequate institutional framework which, at an international scale, allows for problems to be approached and solutions to be envisioned for the best possible work conditions and social security in the entire world.

The protection of employees' rights is an essential component of the concept of „social justice", a concept with a large international resonance, launched by the International Labour Organisation. This concept involves the observance of human rights, a decent living, humane working conditions, positive perspective for employment, and economic security.

Five subchapters discuss aspects such as fields of activity, the ILO Declaration regarding the fundamental principles and rights at the workplace, international labour norms, as well as the fundamental human rights.

The importance of the standards adopted by the ILO. is also recognised by other international organisations with preoccupations in this area. Thus, we should mention that all the states that make up the European Union, therefore Romania as well, have ratified the fundamental ILO norms, the ones regarding the freedom of association, the right to collective bargaining, forced labour and child labour, pay equality and the elimination of discrimination.

In our presentation the standards that make up the International Labour Law elaborated by the ILO, we have included the updated debates about the norms regarding especially the freedom of association and the right to strike, forced labour and modern slavery, or the illicit use of child labour.

The backfire from freedom of association and collective bargaining in Romania, contrary to the spirit of the ILO standards, is addressed in this paper, where we are trying to establish its causes in our specific social and legal conditions.

TITLE II is dedicated to the **Employees' Rights in the European Union's Policies and Norms.** Over 5 chapters, we will be reviewing the main dispositions and fundamental European policies in our area of interest.

The European Union, through the provisions mentioned in TFEU, promotes objectives that aim for „promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion" (art.151 TFEU). This main provision has acquired more and more substance in recent years, through the elaboration of policies and the adoption of new standards for limiting the negative effects that have become apparent in work relations and at a social level.

Likewise, the jurisprudence of the Court of Justice of the European Union, which we have analysed in the chapters that make up Titles II and II of this book, has been able to emphasize the content of the employees' rights standards.

Thus, *Chapter 1*, titled *Main Dispositions Regarding employees' Rights and the Work Conditions in the Treaties of the European Union*, mentions that the Treaty on the European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) included essential provisions in this sense, proving the will of the Member States to create not only a single market and an economic and monetary union, but also a common space characterised by social progress and the observance of economic and social rights.

Thus, Article 3 of the TEU is relevant; according to it, the Union operates for „a highly competitive social market economy, aiming at full employment and social progress". Also, the Union „shall combat social

exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child". The Union also „shall promote economic, social and territorial cohesion, and solidarity among Member States."

TFEU, in turn, retains in its Preamble the decision of its Member States to ensure, through their common action, „the economic and social progress of their states" and to establish as the objective of their efforts „the constant improvement of the living and working conditions of their peoples".

On the other hand, TFEU established in Title X, „Social Policy", the explicit objectives of the European Union with regard to labour law and labour conditions.

Special subchapters deal with the European action areas, the finality of the European norms, the implementation of the principles regarding subsidiarity and proportionality, as well as the role of social dialogue in the adoption of European norms.

Chapter 2 discusses *the Charter of Fundamental Rights of the European Union*, whose Title IV, „Solidarity" (Articles 27-38), groups together the social rights considered as fundamental for the European space, although such rights can also be found within the other titles. Among these social rights, there are those which relate to labour law, work conditions and, implicitly, employees' protection.

The next chapter, *Chapter 3*, approaches the issues related to *Equal Opportunity and Non-Discrimination*, detailing the normative and jurisprudential aspects through which the main principles in this area were concretised. Among them, the principle of equal opportunity and treatment between men and women in matters of employment and occupation, equal treatment in the professional social security systems, equal treatment in respect of access to employment, vocational training and promotion, and regarding working conditions.

Recent evolutions in this area impose the adaptation of the law domestically, and, in this paper, we will express our opinion on the aspects that need to be considered in this sense.

Chapter 4 is dedicated to the discussion of the *Flexisecurity* concept, which has obvious connexions with respecting the employees' rights. Flexisecurity is defined, at the level of the European Union, as an integrated

strategy for simultaneously consolidating flexibility and security in the labour market.

The concept, taken from the laws of the Northern European states, is not limited to more freedom for companies to employ or dismiss, and it does not imply that the continuous contracts of employment are no longer viable. It also refers to the progress of employees towards better jobs, „ascending mobility", and to the optimal development of talent. Flexibility refers to the flexible organisation of work, capable of responding quickly and efficiently to the new productivity requirements and competences; it also refers to the enabling of a reconciliation between the professional life with the responsibilities of personal life. On the other hand, security represents more than keeping one's job; it means mediating the competences that permit progress at work and support in finding a new job. It also means adequate unemployment benefits for facilitating transitions. Finally, flexisecurity comprises opportunities for training for all employees, especially for those with low qualifications and for elderly workers.

In the first years after the flexisecurity concept was launched, it was very often invoked by both labour law theoreticians and representatives of speciality institutions. It seems that, in recent years, it has fallen by the wayside. The reason is not its insufficient theoretical basis, but rather the realisation that the success of its implementation implies effective management and consistent financial schemes.

Chapter 5, the last chapter of Title II, discusses the *Corporate Social Responsibility* and Employees' Rights, a concept that appeared and developed mainly across the Atlantic, and was later adapted by the European Union. With a complex content, which comprises economic, ethic, legal and philanthropic aspects, the legal responsibility of companies can respond to multiple challenges related to the observance of the workers' rights, local development or environment protection.

In the European conception, corporate social responsibility, defined as „the responsibility of companies for their impact on society", covers at least the human rights, work conditions and employment practices (for instance, training, diversity, gender equality, health and the well being of employees), aspects related to the environment (for instance, biodiversity, climate change, the efficient use of resources, analysis of the life cycle and the prevention of pollution), as well as the fight against fraud and corruption. Other items on the priorities list of corporate social

responsibility are the involvement and development in the community, the integration of disabled people and the interests of consumers.

Two relatively recent resolutions of the European Parliament invite responsible companies to prove their adoption of an active engagement in favour of the attenuation of the social consequences of the crisis; for this purpose, a series of actions were initiated, which were suggested to the companies, in the following areas: job creation for the youth, workplace health, pension sustainability, promoting a „minimum vital wage", combating the exploitation of workers in the supply chain of companies.

Moreover, corporate social responsibility also includes the observance of the law regarding the actual working conditions, the elaboration of recruitment and dismissal procedures and policies, protection of labourer-related data, as well as their confidential character, and paying wages and other benefits on time; corporate social responsibility requires the observance of all these aspects.

Implementing programs for skill development and lifelong learning for employees, regular individual evaluations of employees and a performance management program, as well as establishing business and development objectives for workers increase their motivation and engagement, and represent an essential component of corporate social responsibility.

On the other hand, the trade union rights and freedoms and the representation of workers in the democratically elected organisms must be at the centre of any corporate social responsibility strategy.

The strategic ideas found in the resolutions of the European Parliament started to materialise into norms. An example of this is Directive 2014/95/EU of the European Parliament and of the Council of 22 October 2014 amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups, discussed in detail in this doctorate thesis.

The most substantial part of this paper, **TITLE III**, discusses **the European Union Norms and Jurisprudence Regarding Employees' Rights**. In 11 chapters, we describe the conceptual and normativ framework, jurisprudential interpretations, as well as the way in which the European workers' rights standards were implemented in the local institutional legislation and practices.

Thus, *Chapter 1* discusses the *Free Access to Employment and Equality of Treatment*. It presents, in special subchapters, the normative

framework for the free circulation of workers, recent norms regarding the equality of treatment, the scope of equality of treatment, the measures for facilitating the exercising of the rights given to workers in the context of their free circulation, as well as normative actions in our country.

Ensuring the effective exercising of the European Union's employees' freedom of movement is still „a major challenge", given that employees are not aware of their right to free movement, and thus have a „potentially more vulnerable" position", as they may still face restrictions or unjustified obstacles in the path of their exercising their right to free movement, as well as unwillingness of the employer to recognise their qualifications, discrimination on the basis of citizenship and exploitation when they travel to another Member State.

Relatively recent norms adopted by the European Union institutions have systematised prior jurisprudential solutions of the Court of Justice of the European Union and, at the same time, they have aimed at eliminating the obstacles in the path of workforce mobility in the community space.

Thus, we should mention, firstly, Regulation (EU) No. 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union, discussed at length in the paper. In it, there are dispositions referring to employment, equality of treatment and the employer's family, and the fundamental principles of the European labour market are established. Based on these principles, the national worker of a Member State may not be treated differently, on the territory of the other Member States, than the local workers, on citizenship criteria, with regard to employment and working conditions and especially with regard to wages, dismissals and, if unemployed, professional reintegration and re-employment.

Through its jurisprudence, the Court of Justice of the European Union has consistently established the importance of equal treatment of workers in the Member States. It has stated that the non-discriminating attitude „does not only apply to the action of public authorities, but extends likewise to rules of any other nature aimed at regulating, in a collective manner, gainful employment" (Walrave and Koch case).

In this chapter, we also discuss a very recent directive, Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers, which aims to contribute to ensuring that the workers from the European Union can actually exercise their freedom of movement. This is, as specified in the Preamble of the

document, „a major challenge", as workers are not aware of their right to free movement. Thus, they have a „potentially more vulnerable" position and may still face restrictions or unjustified obstacles in the path of their exercising their right to free movement, as well as the unwillingness of the employer to recognise their qualifications, discrimination on the basis of citizenship and exploitation when they travel to another Member State.

Chapter 2 discusses the very important aspects of *concerning certain aspects of the organisation of working time*, as regulated in the norms of the European Union and as interpreted in the jurisprudence of the Court of Justice. In this chapter, there is information on the fundamental principles of organising the working time, rest periods, specific provisions regarding night working hours, the legal status of waivers and exceptions, as well as commentaries regarding the Romanian law on working time and rest breaks.

Directive 2003/88/EC, the most important standard in this field, even with the interpretations by the Court of Justice of the European Union, has raised many discussions and controversies. This determined the Commission to propose its revision in 2004; but this attempt failed in 2009, as a consensus was not reached with the European Parliament. The endeavour was continued by the social partners, who, in 2012, also admitted their impossibility to reach a consensus.

The changes that are required relate especially to the consideration of the effects of the technological evolutions, of globalisation, as well as those of the ever increasing workforce diversity. Also, the growth of the work rhythm, the more and more varied individual work hours, and the increasing pressure from competition have determined contradictory approaches. Employers want more flexibility regarding the regulation of the working hours, while trade unions request the improvement of the health and security environment of the workers. The dialogue that remains open between the European institutions and the social partners aims to find solutions in this respect.

The next Chapter, *Chapter 3*, is titled *Atypical and Very Atypical Work*. In Europe, the term „atypical work" is used in reference to the work relations that do not adhere to the standard model: 8 hours per day, regular work, on an indefinite period, for a single employer, with high stability and social protection. In this sense, the term is not used in the Romanian legal literature, but, as the European institutions and foreign legal literature have used it as such, we can also retain it in this paper.

Although the general perception is still that of a deviation from the norm, what can be observed in the Member States, and also globally, is a significant increase in the number of workers that do this kind of atypical work, in an increasingly global economy, and that is influenced by technological advances.

The phenomenon is not harmful per se, but it must be appropriately regulated, in order to ensure the protection of workers and to avoid discriminatory situations.

Therefore, in this chapter, we discuss the normative framework and jurisprudential solutions regarding part-time work, limited service employment, and agency worker on temporary contract, including the method of regulating these institutions in the Romanian legislation.

In this context, we have discussed a series of considerations referring to the so-called „very atypical" work phenomenon (such as the zero-hour contract, where the employer does not guarantee a minimum number of work hours), present in the international literature, which offer much more flexibility than other forms of work, but which may induce a state of extreme precariousness; this is far from the objective proposed by the European Commission, that of ensuring flexisecurity, that is, achieving an optimal balance between the flexibility of the labour market and the security of workers against the risks of the labour market.

Both the non-standard and the „very atypical" workers face special challenges, such as a low security at the workplace, the lack of an established plan for their career, fewer opportunities for training and for furthering their career, and greater difficulties in reconciling their professional life with their family life, due to the characteristics of their atypical work.

Chapter 4, which discusses the *Protection of Employees in the Event of the Insolvency of their Employer*, has generated a rich jurisprudence, given the complexity of the economic and financial aspects of the procedures involved, starting with the definition and the concept of the insolvency notion. These difficulties in conception and interpretation must not, however, affect the rights and interests of employees.

This chapter includes observations about the content of the obligation to protect the employees' outstanding debts, and the cross-border aspects of the obligation to guarantee the employees' outstanding debts.

A series of critical observations are made regarding the failure to update the Romanian law with the dispositions of Directive 2008/94/EC of

the European Parliament and the lack of response to any requests to improve the current text, so that the problems pointed out by the European organisms might be corrected.

Chapter 5 of this doctorate thesis approaches its theme directly, as it refers to the *Safeguarding Employees' Rights in the event of Transfers of Undertakings, Businesses or Parts of Undertakings or Businesses*. We discuss essential aspects related to the obligation of preserving workers' rights in the event of a transfer of undertakings, the protection against illegal dismissals, as well as the obligation to inform and counsel, and to make sure the workers' rights are respected. Through its rich jurisprudence, the Court of Justice of the European Union has provided important clarifications in the interpretation of normative standards (such as the protection against illegal dismissals), and this paper appropriately points out these contributions.

The Romanian legislation regarding the protection of employees' rights in the event of transfers of undertakings, businesses or parts thereof is presented in a critical manner, with its ambiguities and omissions, which determines the surfacing of negative aspects in the implementation of the legal provisions.

The next chapter, *Chapter 6*, tackles the delicat issue of *posting of workers*. Titled Posting of Workers: European Standards and Controversial Aspects, it discusses the normative evolutions of a phenomenon which has been acknowledged to have an essential role in covering the issues with procuring workforce and competences in various sectors and regions. On the other hand, it is necessary to take normative and administrative measures in order to align with the European Union law and to avoid behaviours such as social dumping and, as a result, the negative impact on the rights of the employees in this legal situation.

The normative framework of the European Union has recently been enriched, with the adoption of a control norm, namely Directive 2014/67/EU on the enforcement of Directive 96/71/EC, a directive which regulates employee relocation at a community level.

The declared purpose of this new directive is to avoid, prevent and fight abusive use and evasion of the applicable norms by the companies that profit, in an inappropriate or fraudulent manner, from the freedom to provide services mentioned in TFEU, and/or the application of Directive 96/71/EC; it also aims to improve the application and monitoring of the relocation concept, by introducing, at the Union level, more uniform elements, which may facilitate a common interpretation.