LEGAL FRAMEWORK

Fundamental Rights and Sanctions Applicable in Case of Discrimination and Harassment

 Government Ordinance No. 137/2000 on the Prevention and Sanctioning of All Forms of Discrimination- https://legislatie.just.ro/public/detaliidocument/24129

Summary:

OG 137/2000 establishes the general framework for preventing and combating discrimination based on race, nationality, ethnicity, language, religion, social category, sex, sexual orientation, age, disability, status, or beliefs. It provides for administrative and civil sanctions for discriminatory acts.

Article 26 provides both administrative sanctions (fines ranging from 1,000 to 100,000 RON, depending on the severity) and the possibility of obtaining moral and material damages through the courts.

 Law No. 167/2020 for the Amendment of Government Ordinance No. 137/2000 on the Prevention and Sanctioning of All Forms of Discrimination, as well as for the Completion of Article 6 of Law No. 202/2002 on Equal Opportunities and Treatment between Women and Men - https://legislatie.just.ro/Public/DetaliiDocument/228723

Summary:

This law introduces provisions regarding moral harassment in the workplace, explicitly defining and prohibiting it. Employers are required to take measures to prevent and sanction moral harassment.

Employers have the obligation to implement internal prevention and sanction measures, which includes disciplinary liability and the possibility of legal action in court.

 Law No. 202/2002 on Equal Opportunities and Treatment between Women and Men https://legislatie.just.ro/public/detaliidocument/35778

Summary:

This law establishes measures to eliminate both direct and indirect sex-based discrimination in all areas of public life, with a particular focus on the labor market. It provides institutional mechanisms for promoting equal opportunities.

Article 37 provides administrative sanctions (fines ranging from 3,000 to 10,000 RON, applied by the Labor Inspectorate and the National Council for Combating Discrimination) for acts such as sex-based discrimination, refusal to hire, or abusive dismissal.

Article 5 of Law No. 53/2003 - Labor Code

https://www.mmuncii.ro/j33/images/Documente/Legislatie/2018/2018-04-13_legea-53din2003-republicata-Codul Muncii.pdf

Summary:

This article establishes the principle of equal treatment at work, prohibiting both direct and indirect discrimination against employees based on criteria such as sex, sexual orientation, genetic characteristics, age, nationality, religion, disability, political orientation, etc.

Violations of this article may result in:

- Administrative sanctions, under OG 137/2000 and Law 202/2002;
- Disciplinary sanctions (through internal regulations);
- Civil damages through court action.

Article 223 of Law No. 286/2009 – Criminal Code

https://legislatie.just.ro/Public/DetaliiDocumentAfis/109854

Summary:

This article regulates the criminal offense of sexual harassment and the applicable criminal sanctions. Any act of coercion with a sexual purpose, carried out through abuse of authority or within the context of work or subordinate relationships, constitutes a criminal offense.

t provides explicit criminal penalties. Sexual harassment is punishable by imprisonment from 3 months to 1 year or a criminal fine.