„TREAT OTHERS THE WAY YOU WANT TO BE TREATED"

Harassment of migrant and refugee workers in Romania

Study and public policy recommendations 2023

asociația pentru libertate
și egalitate de gen

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EXECUTIVE SUMMARY

Over the past two years, due to a labour shortage, the number of migrant workers in Romania has doubled. In both 2022 and 2023, the government approved a record number of 100,000 foreign nationals to enter the labour market each year. Increasingly, non-EU male and female workers from countries such as Bangladesh, Nepal, and Pakistan, as well as Ukraine due to the war, are coming to Romania in search of jobs. Despite their hopes for safe and healthy work environments allowing them to earn a decent living, they often face harassment and abuse, including insults, lack of rest time, inadequate information about their rights, unpaid overtime, withheld wages or personal documents, and substandard employer-provided accommodation. These practices echo those vehemently condemned by Romanian society when Romanian workers were the ones being abused abroad.

Workplace harassment can affect all workers, but foreign workers are at higher risk of abusive practices and poor working conditions due to complex levels of individual, social, legal, and structural vulnerabilities and discrimination. Romanian laws, public policies, and practices on migration and occupational health and safety primarily focus on preventing undeclared work, often ignoring these vulnerabilities.

Legislative changes implemented in 2022 prevent migrant workers from changing their workplace during the first year without the employer's written agreement, even if they face harassment. Additionally, although mechanisms to report harassment exist, workers are often uninformed about them or the reporting process, or these mechanisms prove inefficient. The risk of harassment is heightened by Romania's lack of a robust legal framework and effective measures addressing the specific needs of foreign workers, including a gender perspective, given that many end up working in gendered sectors.

To address this issue effectively, all relevant public policies, such as those related to occupational health and safety, discrimination prevention, equal opportunities, and migration, should tackle harassment and violence in the world of work. Furthermore, it is crucial to identify and monitor the sectors where foreign workers are most active and at higher risk of harassment and violence, prioritising resources accordingly.

The Romanian government has several options to combat and prevent harassment and violence against all workers, including foreign nationals, more effectively. The International Labour Organization's (ILO) Convention No. 190 concerning the Elimination of Violence and Harassment in the World of Work and the related ILO Recommendation No. 206 outline specific measures, such as enhancing protection against harassment and violence for vulnerable workers, including migrants. In 2019, the Romanian government supported the adoption of the ILO Convention but has not yet ratified it. Romania must ratify ILO Convention No. 190 to make its provisions mandatory, ensuring their implementation and monitoring. This study provides an overview of the current situation and offers concrete recommendations for the Parliament, the Government, the Labour Inspectorate, the General Immigration Inspectorate, and the National Employment Agency to effectively combat harassment and violence against foreign workers.

I. Introduction

For years, Romanian society has condemned the harassment and violence faced by Romanians who moved abroad to work in agriculture,[1] construction,[2] the care industry,[3] and other sectors.[4] Historically, Romania has been a country of origin for high numbers of migrant workers, mainly heading to Western and Southern Europe. However, in recent years, Romania has become a destination for migrant workers from countries outside the European Economic Area, such as Bangladesh, Nepal, and Pakistan, where the workforce is cheaper.

Despite condemning the precarious work conditions faced by Romanians abroad, Romanian society is now treating incoming migrant workers in a similarly demeaning and abusive manner. In 2018, 22% of Romanians stated that a family member was working abroad, while 17% had lived abroad themselves for over three months.[5] Nevertheless, Romanians show little empathy towards migrants coming to their country, as revealed by multiple cases of discrimination across various regions of the country.[6]

Many Romanian workers, especially women, already face workplace harassment in their own country.[7] However, foreign nationals working in Romania are in a worse situation, dealing with discriminatory attitudes and behaviors due to their nationality, race, ethnicity, or religion.[8] **Journalistic investigations are among the few ways this phenomenon has been examined in Romania,** revealing that migrant workers often face

[1] Elena Stancu, 2020, Libertatea newspaper, *"Abuzurile din câmpurile de căpșuni spaniole și imagini cum nu ați văzut niciodată: «Stând acolo aplecată, vine și mă apucă așa de fund cu amândouă mâinile»" ("Abuse on Spain's Strawberry Fields and Pictures Unlike Anything You've Seen Before: 'As I Stoop Down, He Grabs My Butt with Both Hands')*, https://www.libertatea.ro/stiri/abuzurile-din-campurile-de- capsuni-spaniole-intr-o-zi-stand-acolo-aplecata-la-capsuni-vine-si-ma-apuca-cu-amandoua-mainile-asa-de-fund-3027775; Letizia Palumbo, Alessandra Sciurba, 2015, Anti-trafficking review, "Vulnerability to Forced Labour and Trafficking: The case of Romanian women in the agricultural sector in Sicily", https://www.antitraffickingreview.org/index.php/atrjournal/article/view/136/140.

[2] Alexandra Voivozeanu, 2019, Central and Eastern European Migration Review, "Precarious Posted Migration: The Case of Romanian Construction and Meat-Industry Workers in Germany", http://www.ceemr.uw.edu.pl/vol-8-no-2-2019/special-section/precarious-posted-migration-case-romanian-construction-and-meat.

[3] Elena Stancu, 2022, Teleleu, *"Badantele care îngrijesc bătrâni în Italia pentru ca familiile lor să trăiască fără griji în România"* ("Caregivers Looking after the Italian Elderly so Their Families Live a Carefree Life in Romania"), https://teleleu.eu/badantele-care-ingrijesc-batrani-in-italia-pentru-ca-familiile-lor-sa-traiasca-fara-griji-in-romania/; Daniela Stoica, 2020, Diary of an Emigrant, *"Îngrijitoarele românce din Austria s-au reunit într-o asociație și luptă pentru drepturile lor"* ("Romanian Caregivers in Austria Have Set Up an Association to Fight for Their Rights"), https://www.jurnalemigrant.com/ingrijitoarele-romance-din-austria-s-au-reunit-intr-o-asociatie-si-lupta-pentru-drepturile-lor/.

[4] George-Andrei Cristescu, 2023, Adevărul, *"Calvarul unui român în Spania: chemat de un localnic să muncească, a fost violat și apoi pus să cerșească"* ("A Romanian Going Through Hell in Spain: Asked by a Local to Come Work for Him, He Was Raped and Forced to Beg"), https://adevarul.ro/stiri-interne/evenimente/calvarul-unui-roman-in-spania-chemat-de-un-2234295.html; Robert Schwartz, Cristian Stefanescu & Adrian Mogos, 2020, DW, "Romanian workers reveal dire conditions at slaughterhouses", https://www.dw.com/en/germany-meat-industry-conditions/a-54033187; Adina Florea, 2020, Libertatea, *"Femeia care i-a găsit pe muncitorii români bătuți și abandonați într-o gară din Germania: «Polițistul mă tot întreba dacă cei doi rămân sau pleacă acasă»"* ("The Woman Who Found Romanian Workers Beaten and Abandoned in a German Train Station: 'The Policeman Kept Asking Whether the Two Were Staying or Going Home'"), https://www.libertatea.ro/stiri/femeia-care-i-a-gasit-pe-muncitorii-romani-batuti-si-abandonati-intr-o-gara-din-germania-reactia- politiei-33468; Adina Florea, 2020, Libertatea, *"Muncitor român, bătut crunt de fiul patronului unei agenții de muncă din Olanda:* ("Romanian Worker Badly Beaten by the Son of a Dutch Recruitment Agency Owner: 'He Broke My Ear'") https://www.libertatea.ro/stiri/un-muncitor-roman-batut-crunt-de-fiul-patronului-unei-agentii-de-munca-din-olanda-am-avut- urechea-rupta-3227589.

[5] Filia, 2018, "Gender Barometer. Romania 2018", https://centrulfilia.ro/new/wp-content/uploads/2021/01/Barometru-de-gen-2018.-Centrul-FILIA.pdf.

[6] See Annex 2 for recently reported cases of migrant workers harassed and abused by their employees.

[7] See the 2021 A.L.E.G study: "Employers for Respect. No Violence and Harassment in the Worl of Work. Recommendations for Public Policies 2021", https://tinyurl.com/yc6s55s5.

[8] According to Coșciug, A. et al.'s 2019 study *"Indexul integrării imigranților în România",* Centrul Român de Cercetare a Migrației ("Index of Migrant Integration in Romania", European Centre for Migration Research), page 28, 43,8% of immigrants believe that discrimination happens because of ethnic (32,6%), linguistic (28,1%) and religious (26,1%) differences, 28, http://migrationcenter.ro/wp/wp-content/uploads/2020/01/IIIR-2019.pdf?fbclid=IwAR09WNimgTxHGYeslBc0oGNqjCIBEa_5tZgUehMN_e0HHu4LfFgf-lwovhg.

verbal, psychological, economic, and sexual harassment, as well as specific abuses such as deprivation of freedom of movement through confiscation of identity papers and precarious employer-provided accommodation.[9]

Harassment and violence in the world of work will not be eliminated unless the most vulnerable categories of workers, such as migrants and refugees (hereinafter referred to as "foreign workers"), are properly protected. Efforts to improve legislation and public policies to combat harassment and violence in the world of work must focus on protecting these high-risk groups.

Factors contributing to the increase in foreign workers in Romania from outside the European Economic Area include an ageing population, massive migration of Romanians over the last 20 years, inadequate integration of young people into the labour market, lack of economic growth and diversification, associated to a labour shortage,[10,11] as well as the recent situation generated by the war in Ukraine.[12] The Romanian state has an obligation to ensure safe, healthy, harassment-free working conditions for all workers, including migrants and refugees.[13] However, due to inefficient policies for implementing and monitoring the law, many migrant and refugee workers' rights to safe, healthy, dignified work conditions are at the employer's discretion.

The Romanian government can adopt mechanisms to more effectively combat and prevent harassment and violence against all workers, including foreign workers. For instance, Romania is not yet a party to the **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**,[14] the **International Labour Organization (ILO) Migrant Workers Convention no. 143**,[15] or the **ILO Domestic Workers Convention no. 189.**[16]

In 2019, Romania voted for the adoption of the **ILO Convention No. 190 concerning the Elimination of Violence and Harassment in the World of Work** ("ILO Convention no. 190") and the associated ILO Recommendation No. 206. These documents stipulate recommendations for anti-harassment public policies,

[9] See Annex 2 for recently reported cases of migrant workers harassed and abused by their employees.

[10] Coșciug, A., Baciu, E. L., & Botezat, A., 2021, *"Migrație și integrare într-o țară de emigrație"* ("Migration and Integration in a Country of Emigration"), Presa Universitară Clujeană, page 12- 15, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3966282.

[11] Chivu. L., Georgescu, G., Bratiloveanu, A. & Băncescu, I., 2020, Romania Academy National Institute of Economic Research, "Under pressure: Romania's Labour Market Review. Landmarks of Labour Shortages", https://www.econstor.eu/bitstream/10419/233967/1/wpince200325.pdf.

[12] UNHCR. (2023). "Ukraine refugee situation update: Romania Weekly update #29", https://reliefweb.int/report/romania/unhcr-romania-ukraine-refugee-situation-update-update-29-13-january-2023.

[13] Art. 7(b) of the International Covenant on Economic, Social and Cultural Rights, ratified by Romania in 1974. See paragraph 5 of General Comment no. 23 (2016) on the right to just and favourable working conditions (article 7 of the International Covenant on Economic, Social and Cultural Rights), https://www.refworld.org/docid/5550a0b14.html: "The right to just and favourable conditions of work is a right of everyone, without distinction of any kind. The reference to "everyone" highlights the fact that the right applies to all workers in all settings, regardless of gender, as well as young and older workers, workers with disabilities, workers in the informal sector, migrant workers, workers from ethnic and other minorities, domestic workers, self-employed workers, agricultural workers, refugee workers and unpaid workers. The reference to "everyone" reinforces the general prohibition on discrimination in article 2 (2) and the equality provision in article 3 of the Covenant, and is supplemented by the various references to equality and freedom from distinctions of any kind in sub-articles 7 (a) (i) and (c). Moreover, the Labour Code provisions, such as the prohibition to discriminate and harass (art.5(2)), apply to all Romanian or stateless citizens under an employment contract, who work for a Romanian employer on the territory of Romania, and to the people who hold refugee status and engage in work based on an employment contract on the territory of Romania, according to the law; Labour Code, art. 2(c) and (d): https://legislatie.just.ro/Public/DetaliiDocument/128647.

[14] Convention adopted by the General Assembly of the United Nations in 1990, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers. The European Parliament resolution of 25 October 2016 on human rights and migration in third countries (2015/2316(INI)) requests that all EU states ratify this Convention, par. 56: https://www.europarl.europa.eu/doceo/document/TA-8-2016-0404_EN.pdf.

[15] Migrant Workers ILO Convention no. 143 (additional provisions), adopted by the General Conference of the International Labour Organization in 1975, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::p12100_instrument_id:312288.

[16] Domestic Workers ILO Convention no. 189, adopted by the General Conference of the International Labour Organization in 2011, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189.

highlighting the need for enhanced protection for vulnerable worker groups, especially migrant workers, regardless of their status in countries of origin, transit, or destination.[17]

In 2021, A.L.E.G. published a study detailing the importance of ILO Convention no. 190 and its implementation in Romania, providing specific recommendations to harmonise legislation and public policies with the Convention standards.[18] Since then, A.L.E.G. and dozens of other Romanian NGOs and labour unions have requested that the government ratifies ILO Convention no. 190 and made recommendations to improve public policies to tackle harassment and violence in the world of work efficiently.[19]

It is not only the Romanian civil society that has called for the ratification of ILO Convention no. 190. In 2021, the United Nations' (UN) Working Group on discrimination against women and girls recommended that Romania ratifies the ILO Convention no. 190,[20] a recommendation reiterated in the universal periodic review (UPR) of Romania in 2023.[21] Furthermore, following civil society requests, especially by A.L.E.G., the National Council for Combating Discrimination (CNCD) and the National Agency for Equal Opportunities between Women and Men (ANES) and the Economic and Social Council (CES), have also supported the ratification of the ILO Convention no. 190.

At A.L.E.G.'s request, the Romanian Ombudsman published a special report on harassment and violence in the world of work at the beginning of 2023. This report provides a detailed assessment of the gaps in the legal framework, the shortcomings of public anti-harassment policies, and their implementation in comparison to the standards set by ILO Convention no. 190. The Ombudsman also made several concrete recommendations to align Romania's legal framework with the Convention's standards.[22]

Romania's external affairs context is also favourable for the ratification of ILO Convention no. 190. In 2022, Romania began its accession to the Organisation for Economic Co-operation and Development (OECD). During this process, the OECD Committee for Employment, Labour and Social Affairs will evaluate Romania's national public policies for the protection of workers' rights.[23] Additionally, 2023 marked the beginning of Romania's mandate in the UN Human Rights Council, with priorities including the promotion of women's rights and the fight against discrimination—both directly related to the elimination of harassment.[24] The Romanian State's commitment to the rights and protection of workers, including foreign workers, should be

[17] ILO Convention no. 190, art. 6, art. 8(b), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190; ILO Recommendation no 206. Art. 10, art. 23(d) https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R206.

[18] A.L.E.G in 2021: "Employers for Respect. No Violence and Harassment in the World of Work. Recommendations for Public Policies 2021", https://tinyurl.com/yc6s55s5.

[19] See the series of articles *"Angajatori Pentru Respect"* ("Employers for Respect"), https://aleg-romania.eu/category/advocacy/angajatori-pentru- respect/.

[20] UN, 2021, "Report of the Working Group on discrimination against women and girls, 2021, Visit to Romania", par. 93(g), https://tinyurl.com/3x8b5zys.

[21] The fourth universal periodic review cycle, Romania, 2023, https://www.ohchr.org/en/hr-bodies/upr/ro-index.

[22] Ombudsman, 2023, *"Raport special privind hărțuirea și violența la locul de muncă"* ("Special Report on Harassment and Violence at Work"), https://avp.ro/wp- content/uploads/2023/04/Raport-hartuire-si-violenta-la-locul-de-munca.pdf?fbclid=IwAR3_irMy7ychWIjSLklYmyaW6qB_ZSLdDZ9cSGDrIlbEk6-jTvpDDV8ZpRk.

[23] OECD Committee for employment, labour and social affairs assesses public policies on the labour market, professional development, social protection and migration. See "Roadmap for the OECD accession process of Romania", page 21, https://www.oecd.org/mcm/Roadmap-OECD-Accession-Process-Romania-EN.pdf.

[24] See "Romania for the United Nations Human Rights Council (2023-2025)", https://www.mae.ro/sites/default/files/file/anul_2022/2022_pdf/anexa_2_brosura_r_un_hrc_print.pdf.

reflected in the ratification of ILO Convention no. 190 and the harmonisation of its legal framework and relevant public policies with the standards of the ILO Convention and its related Recommendation.

I. The status of foreign workers on the Romanian labour market

Drivers of the labour shortage in Romania include demographic changes due to an ageing population, migration, a natural population decrease, and economic growth and diversification. Consequently, the number of non-EU migrant workers arriving in Romania is increasing. In both 2022 and 2023, the Government approved a record number of 100,000 foreign nationals to join the labour market each year[25] to cover for the labour shortage, double the number compared to 2021.[26]

In 2022, several sectors were severely affected by the labour shortage, prompting the Romanian Government to issue a total of 108,930 work permits[27] to foreign workers from outside the European Economic Area. Most migrant workers arriving in Romania come from Bangladesh, Nepal, Pakistan, Sri Lanka, India, and Turkey.[28] Of the total migrant workers, 92.5% were men, with about 1 in 5 working as unskilled construction workers. The other 8,155 workers were women, approximately 1 in 6 were employed as cleaning staff.[29] The main destination counties for these workers were Bucharest, Constanța, Ilfov, Ialomița, Alba, Arad, Cluj, and Sibiu.[30]

By the end of June 2023, 60,378 work permits had been issued, with migrants' countries of origin and fields of activity remaining largely the same as in 2022.[31] However, the main destination counties shifted to Buzău, Vrancea, Constanța, Suceava, and Alba. The last two years represent a sharp increase compared to 2021 and 2020, when the Government issued almost 50,000 and 27,000 work permits, respectively.[32]

Migrant Worker

The term "migrant worker" refers to a person who is going to be, is or was gainfully employed in a state whose citizen he/she is not.

Source: International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, art.2(1)[33]

[25] Government Decision no. 132 of 27 January 2022 on the number of newly-admitted foreign workers on the labour market in 2022, https://legislatie.just.ro/Public/DetaliiDocument/251226; Government Decision no. 1448 of 8 December 2022 on the number of newly-admitted foreign workers on the labour market in 2023, https://legislatie.just.ro/Public/DetaliiDocument/262355.

[26] Government Decision no. 1133 of 30 December 2020 on the number of newly admitted foreign workers on the labour market in 2021, https://legislatie.just.ro/Public/DetaliiDocument/235847.

[27] Of these, the 8,930 work permits were issued for foreign workers already on the Romanian labour market, while the 100,000 work permits are part of the 2022 quota, according to the data collected by A.L.E.G. from the General Immigration Inspectorate (IGI) (see Methodology). Moreover, it is worth mentioning that the number of foreign citizens working in Romania is likely much higher than the figures presented here, as people may arrive to Romania for different reasons, such as education or family reunification, and work legally at the same time.

[28] On 31 December 2022, a number of 29,525 Bangladeshi, 18,653 Nepalese, 13,273 Pakistani, 12,092 Sri Lankan, 8,552 Indian, 7,860 Turkish workers, as well as 118 workers from other countries had work permits. As per the data collected by A.L.E.G. from the General Immigration Inspectorate (IGI) (see Methodology).

[29] As per the data collected by A.L.E.G. from the General Immigration Inspectorate (IGI) (see Methodology).

[30] Ibid.

[31] Ibid.

[32] It is worth mentioning that in 2020 the number of migrants (27,450) declined a little compared to 2019 (31,129), most likely because of the Covid-19 pandemic. However, in the other years, their number grew exponentially. For a picture of how the number of migrant workers progressed, see: Claudia Spridon, 2022, Panorama, "De ce va ajunge numărul de muncitori străini în România la un record în 2022" ("Why We Will See aa Record Number of Foreign Workers in Romania in 2022"), https://panorama.ro/record-de-muncitori-straini-in-2022/.

[33] According to the International Organization for Migration, "migrant" is an umbrella term that is not defined in international law and which, in simple words, refers to "a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-

This situation is further impacted by the instability caused by the war in Ukraine, leading to an accelerated migrantion trend due to the high influx of refugees reaching Romania and recent legislative changes regarding the support granted to Ukrainian refugees. In March 2022, the Romanian Government issued two emergency orders[34] on the measures for the "50/20" program, which primarily offered subsidies to cover the accommodation and food of Ukrainian refugees arriving in Romania. However, starting in May 2023, this financial support was reduced, with the government deciding to subsidise only accommodation until the end of 2023.[35] This reduction will likely push many of these refugees to enter the labour market.[36] Given these significant changes, authorities must outline and implement measures to address the harassment and violence risks faced by these vulnerable workers.

Romania hosts refugees from several countries, including Syria, Afghanistan, Somalia, Jordan, Iran, Iraq, Cameroon, Sudan, and Libya, in addition to those fleeing the Russian war against Ukraine, who benefit from a special European temporary protection facility.[37] At the beginning of 2023, there were 106,987 Ukrainians in Romania,[38] of whom 5,194 were actively employed by the end of 2022.[39] Over 25% of them worked in the process manufacturing industry, and 1 out of 6 in the construction industry. Their main destination counties were Bucharest, Bistrița-Năsăud, Timiș, Maramureș, Arad, Argeș, Cluj, and Brașov.[40]

Refugee

A refugee is somebody who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Source: 1951 Convention relating to the Status of Refugees, art.1A(2)[41]

defined legal categories of people, such as migrant workers". IOM, 2019, "Glossary on Migration", page 132, https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf. An irregular migrant is a "person who moves or has moved across an international border and is not authorized to enter or to stay in a State pursuant to the law of that State and to international agreements to which that State is a party", IOM, 2019, "Glossary on Migration", page 224, https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf; art.5 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers.

[34] Emergency Order no. 20 of 7 March 2022, https://legislatie.just.ro/Public/DetaliiDocument/252480; Emergency Order no. 28 of 23 March 2022, https://legislatie.just.ro/Public/DetaliiDocument/253117.

[35] Dopomoha, 2023, "Noul program 50/20" ("The New 50/20 Programme"), https://dopomoha.ro/ro/programul-5020.

[36] Andreea Archip, 2023, Libertatea, "Guvernul vrea să schimbe programul de sprijin pentru ucraineni: taie din sumele de chirie și refugiații trebuie să-și caute de muncă" ("The Government Wants to Modify the Ukrainian Support Programme, Cutting Accommodation Money and Refugees Must Find Work"), https://www.libertatea.ro/stiri/guvernul-vrea-sa-schimbe-programul-de-sprijin-pentru- ucraineni-taie-din-sumele-de-chirie-si-refugiatii-trebuie-sa-si-caute-de-munca-4493909.

[37] "Temporary protection is an exceptional measure of the European Union aimed at ensuring immediate and temporary protection for people fleeing the conflict in Ukraine. This gives you certain rights, including a residence permit, access to the labour market, healthcare and access to education for children. Registration of temporary protection is a simple and short procedure. See: IGI, 2022, "Information for people displaced from Ukraine", https://igi.mai.gov.ro/ucraina/.

[38] UNHCR, 2023, "Ukraine refugee situation update: Romania Weekly update #29", https://reliefweb.int/report/romania/unhcr-romania-ukraine-refugee-situation-update-update-29-13-january-2023.

[39] As per the data collected by A.L.E.G. from the Ministry of Labour (see Methodology).

[40] As per the data collected by A.L.E.G. from the Ministry of Labour (see Methodology). Notice that the Ministry of Labour does not break up this data according to sex.

[41] 1951 Convention relating to the Status of Refugees, https://treaties.un.org/doc/Treaties/1954/04/19540422%2000-23%20AM/Ch_V_2p.pdf, which Romania ratified in 1991, https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-2&chapter=5&Temp=mtdsg2&clang=_en.

II. Harassment of migrants and refugees in the world of work

All workers can be affected by harassment in the world of work, but foreign workers face specific forms of harassment and violence due to their dependence on their employers. Many non-European Economic Area (EEA) foreign workers live in employer-provided accommodations, do not speak Romanian, and rely on their employers to manage their work documents. They often need their employer's approval to change workplaces or even for their freedom of movement. As a result, foreign workers are often afraid to report abusive behavior or are unaware of the reporting mechanisms and processes available.

Another factor that compels migrant workers to stay in abusive work environments is the loans they take to cover the excessive fees for brokering their work contracts in Romania.[42] Currently, because the Romanian State does not have close bilateral cooperation with the main countries of origin for migrant workers, most recruitment procedures are handled by networks consisting of a local intermediary, a Romanian intermediary, and the employer.[43] This setup forces workers to pay significant amounts of money for a job in Romania, making them even more dependent on their employer and more vulnerable to harassment.

Harassment and violence in the world of work

The ILO Convention no. 190 defines violence and harassment as "a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm".

The Convention also explicitly defines gender violence and harassment as "violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment".

Source: ILO Convention no. 190, art. 1(a),(b)

Vulnerabilities leading to a higher risk of harassment for foreign workers

The risk of facing abusive work practices and conditions is higher for foreign workers due to overlapping individual, social, legal, and structural vulnerabilities. Abusive work practices and conditions documented in Romania include: failure to observe rest times, isolation, deprivation of information about workers' rights, unpaid or excessive overtime, abusive firing, low wages for the same work provided by local workers, withholding salaries or personal documents, working without a contract of employment or under a false contract, failure to pay health and/or retirement contributions, and deprivation of access to these services, and working with improper equipment and under precarious work conditions.[44]

[42] Diana Meseșan and Daniel Ionașcu, 2023, Libertatea Newspaper, "Livratorii din Asia care îți aduc mâncarea muncesc peste 10 ore pe zi, pentru 2.000 de lei pe lună, deși firmele le promit altceva. «E un viitor negru pe bicicletă»" ("Asian Workers Delivering Your Food Work Over 10 Hours a Day for RON 2,000/Month, although Companies Promise Something Else. 'It's a Bleak Future on Wheels'"), https://www.libertatea.ro/stiri/livratorii-din- asia-care-iti-aduc-mancarea-muncesc-peste-10-ore-pe-zi-pentru-2-000-de-lei-pe-luna-desi-firmele-le-promit-altceva-e-un-viitor- negru-pe-bicicleta-4593461.

[43] Several cases reported in the media have revealed the flawed ways of companies and the failure to regulate companies that recruit migrant workers. See: Andrada Lăutaru, Diana Meseșan, Muna Kunwar & Radu Stochița, 2023, "Drumul muncitorilor nepalezi în România: prinși într-o spirală de abuzuri, „închiriați" și apoi ignorați. «Plz sir, help us»" ("Nepalese Workers in Romania Caught in a Spiral of Abuse, "Rented", then Ignored. 'Plz sir, help us.'"), https://www.libertatea.ro/stiri/investigatie- drumul-muncitorilor-nepalezi-in-romania-prinsi-intr-o-spirala-de-abuzuri-inchiriati-ca-orice-utilaj-si-apoi-ignorati-plz-sir-help-us- 4620720; Afrodita Cicovschi, 2023, Adevărul, "Firme de recrutare sau traficanți de persoane? Sute de muncitori asiatici sunt abandonați pe aeroport" ("Recruitment Companies or Human Traffickers? Hundreds of Asian Workers Abandoned in the Airport"), https://adevarul.ro/economie/firme-de-recrutare-sau-traficanti-de-persoane-2268109.html.

[44] See Annex 2 for recently reported cases of migrant workers harassed and abused by their employees.

Individual vulnerabilities

The risk of harassment and violence for workers is linked to societal attitudes towards individuals based on their legal residency status, citizenship, age, class, culture, ethnicity, religion, sexual orientation, gender identity, disability, and other factors. Additionally, migrants and refugees face difficulties accessing information about foreign workers' rights due to language barriers, further reducing their ability to protect themselves from abuse.[45] Their limited access to support from friends and family also contributes to their vulnerability.[46]

Social vulnerabilities

Foreign workers often face isolation from their work colleagues due to linguistic barriers[47] and may experience discrimination based on socio-cultural differences. Employers sometimes engage in abusive practices such as confiscating workers' identity documents, illegally restricting their freedom of movement and making it difficult for them to leave abusive workplaces (see Case study 1).[48] Migrant workers are not represented in, nor do they benefit from, support programs from Romanian trade unions, leaving them without collective mechanisms to defend their rights. Additionally, there are very few non-governmental organisations that defend the rights of foreign workers and offer specialised services and direct counseling tailored to their needs.[49]

Case study 1. Vulnerabilities of migrant workers in Romania as reported in the media

In April 2021-June 2023, the Romanian mass-media reported several cases[50] of Asian migrant workers, especially males, facing harassment and violence from their employers. Most of them worked in sectors with a high risk of harassment and violence, such as the food, the construction, and the hospitality industries. In one of these cases, a Bengali worker spoke about the abusive working conditions in a Romanian slaughterhouse:

'When we got here, the company took our passports away. We were only allowed to go inside the factory and in the factory yard. We slept in containers inside this area, although the conditions of the accommodation were ok, we're not complaining about that.

[45] International Organisation of Migration, 2013, "Taking Action against Violence and Discrimination Affecting Migrant Women and Girls", page 2. https://publications.iom.int/system/files/pdf/violence_against_women_infosheet2013.pdf.

[46] Diana Meseșan, 2022, Libertatea Newspaper, "Moartea unui muncitor nepalez de 27 de ani. A devenit dependent de jocuri de noroc în
România, țara cu sute de mii de dependenți români și zero programe de protecție pentru ei" ("A 27-year-old Nepalese Worker Is Dead. He Got Addicted to Gambling in Romania, a Country with Hundreds of Thousands of Romanian Addicts and Zero Programmes to Protect Them"),
https://www.libertatea.ro/stiri/muncitor-nepalez-deces-dependent-jocuri-noroc-romania-4353676.

[47] Pro TV, 2019, "Fermierii maramureșeni preferă zilieri din Somalia sau Irak. «Ne înțelegem prin semne»" ("Farmers in Maramureș Prefer Somalian or Iraqi Daily Labourers. 'We Communicate Through Signs'"), https://stirileprotv.ro/stiri/actualitate/criza-de-lucratori-ii-determina-pe-fermieri-sa-angajeze-migranti-zlucreaza-foarte-bine.html.

[48] Marine Leduc, Andrei Petre, 2022, Libertatea Newspaper, "Mirajul și dezamăgirea asiaticilor veniți să muncească în România: «Copiii mei plâng de fiecare dată când îi sun. Mă roagă să mă întorc acasă»" ("The Mirage and Disappointment of Asians Coming to Romania to Work. 'My Children Cry and Beg Me to Go Home whenever I call.'"), https://www.libertatea.ro/stiri/mirajul-si-dezamagirea-asiaticilor- veniti-sa-munceasca-in-romania-copiii-mei-plang-de-fiecare-data-cand-ii-sun-ma-roaga-sa-ma-intorc-acasa-4094650 and the case of the
of Asian Workers in the Hospitality Industry. Florin Barbuta, 2022, HotNews, "Angajații asiatici din România și o practică specifică industriei Horeca: minciuna că li se vor prelungi permisele de ședere" ("Asian Employees in Romania and a Practice Typical of the Hospitality Industry: the Lie that Their Residency Permits Will Be Extended"), https://economie.hotnews.ro/stiri-finante_banci-25749229- angajatii-asiatici-romania-practica-specifica-industriei-horeca-minciuna-prelungi-permisele-sedere.htm.

[49] This is also a direct consequence of Romania's approach to funding: All state support is aimed at asylum applicants and international protection beneficiaries, thus directing the attention of organizations in the field on these groups and ignoring the needs of non-European Economic Area migrant workers.

[50] See Annex 2 for recently reported cases of migrant workers harassed and abused by their employees.

But it's all work and sleep. That's what our lives have been like for two months. [...] When the Immigration Office came to inspect the factory, our team leader was asked to go into the office and they gave him all our passports, which had been locked away. So, the immigration officers saw that a Bangladeshi colleague had our passports. The moment they left, the company took our passports once again. They gave them back that evening, but only after we threatened to call the Police."

Source: Libertatea Newspaper (2021). „Fuga unui muncitor străin dintr-un abator românesc până într-o tabără de refugiați din vestul Europei" ("A Foreign Worker Ran from a Romanian Slaughterhouse to a Refugee Camp in Western Europe")

Legal vulnerabilities

Certain legal provisions expose foreign workers to a high risk of workplace harassment.[51] Current Romanian laws prevent migrant workers from changing their workplace during their first year in the country unless they obtain written approval from their employer, as their work permit is tied to a single employer.[52] This situation benefits employers and disadvantages workers, leaving the latter vulnerable to abusive working conditions. To escape harassment and violence, workers risk becoming undocumented, further complicating their situation. Migrants who work illegally[53] become part of the informal economy. When facing harassment or abusive work practices, they are often reluctant to seek public or legal assistance due to the fear of being detained, arrested, or deported.[54]

Structural vulnerabilities

Law enforcement authorities, such as labour inspectors, lack the specialised professional training, resources, and capacity to effectively manage harassment and violence in the world of work. This deficiency maintains a work environment with a high risk of abuse for migrant workers.[55] In societies where public policies on immigration and asylum are unfavorable to integration, workers attempting to report abuses may encounter public institutions tolerant of such practices.[56] Additionally, law enforcement institutions and immigration officers may misuse their power and employ excessive force[57] (for instance, the Romanian National Strategy

[51] For instance, art.16(1) of the Labour Code stipulates the employer's obligation to conclude the employment contract in Romanian. At the same time, art. 17(1) specifies that "Before concluding or modifying the employment contract, the employers shall inform the person selected to be employed or the employee, as the case may be, about the main provisions or the new or the modified contract." In practice, this obligation if very hard to meet unless a document is also drafted in a language spoken by the worker. https://legislatie.just.ro/Public/DetaliiDocument/128647.

[52] Emergency Order no. 143 of 28 October 2022 modifying art. 17 of Government Order no. 25/2014 on employing and posting foreigners on the territory of Romania and modifying and completing certain regulations on the status of foreigners in Romania, https://legislatie.just.ro/Public/DetaliiDocumentAfis/260845. See: Diana Meseșan, 2022, Libertatea Newspaper, "ORDONANȚĂ SECRETĂ. Cum au reușit politicienii și patronatele să îi lege pe muncitorii străini de angajatorii lor din România. Sclavagism modern" ("SECRET ORDER. How Politicians and Employer's Associations Tied Foreign Workers to Their Romanian Employers. Modern Slavery", https://www.libertatea.ro/stiri/sclavagism-modern-legea-prin-care-muncitorii-straini-sunt-legati- de-angajatorii-lor-din-romania-4369690.

[53] According to the data collected by A.L.E.G. from the General Immigration Inspectorate (see Methodology), in 2022, 5,214 migrants (4,405 men and 809 women) were found to work illegally.

[54] Suzanne Hoff, 2019, La Strada International, "Tackling labour exploitation in Poland, Bulgaria and Romania", page 106, https://documentation.lastradainternational.org/lsidocs/3301-RaW%20Tackling%20labour%20exploitation%20-%20final.pdf.

[55] International Organization for Migration, 2019, "Handbook on Protection and Assistance to Migrants Vulnerable to Violence, Exploitation and Abuse", Part 5, page 235-236, https://www.iom.int/sites/g/files/tmzbdl486/files/our_work/DMM/MPA/30-structuraltoolkit.pdf.

[56] Adina Florea, Vlad Marko Tollea, 2021, "10 indieni, deportați, după ce au lucrat ilegal la drumul din Bonțida. Patronul «n-a fost atent să le facă formele»" ("10 Indians Deported after Illegally Working on the Bonțida Road Construction. Their Employer 'Forgot to Draft Their Contracts'"), https://www.libertatea.ro/stiri/10-indieni-deportati-dupa-ce-au-lucrat-ilegal-la-drumul-din- bontida-cluj-3776828.

[57] According to an interview organized by A.L.E.G. with an activist specialized in migrant worker issues in Romania (see Methodology).

on Immigration[58] focuses on preventing and combating illegal migration while marginalising the protection of individuals' rights concerning harassment and violence in the world of work).

Moreover, competent authorities, such as the General Immigration Inspectorate and the Territorial Labour Inspectorates, fail to provide migrants with accessible communication methods and foreign language information materials about their rights and the mechanisms available to report and resolve abusive situations.[59]

Gender perspective

To develop an effective strategy for preventing and combating abusive work practices, it is essential to identify sectors with a high risk of harassment and violence in the world of work.[60]

Feminized work sectors

In Romania, many migrant female workers are employed in the hospitality industry, the textile industry, or domestic services,[61] which are often considered "feminized" work sectors. These fields frequently offer precarious working conditions and are sometimes poorly regulated by labour laws, exposing workers to a high risk of economic, psychological, and sexual harassment and violence.[62] Limited data on Ukrainian women refugees in Romania indicates that many of them work in the hospitality industry.[63]

For example, female workers in the hospitality industry are highly vulnerable to client harassment and violence. The current Romanian anti-harassment legal framework does not protect workers against third-party harassment. Female workers providing domestic services (such as cleaning and caring for children or the elderly) face even greater difficulties in leaving an abusive workplace because they depend heavily on their employer and fear losing their income and shelter, as many live in their employer's home.[64] Women working in the textile industry often encounter various types of harassment, including insults, shouting, and threats of being fired from predominantly male managers or are often isolated from other colleagues. All of these measures are allegedly to prevent distractions from meeting excessive production quotas. Additionally,

[58] See the "2021-2024 National Strategy on Immigration", https://sgg.gov.ro/1/wp-content/uploads/2021/08/ANEXA-1-7.pdf.
[59] This issue was mentioned in several interviews conducted by A.L.E.G. (see Methodology). One expert we interviewed stated that many workers cannot tell the kind to which they were subjected.
[60] ILO Convention no. 190, art. 9(c).
[61] As per the data from the General Immigration Inspectorate:
- in *January-December 2022*, out of 8,155 female workers who held a Romanian work permit, a great part worked as cleaners in various industries (1,303), sous chefs, kitchen workers or house keepers in the hospitality industry (1,198), unskilled workers or operator in the textile industry (550), or housemaids, carers for children and the elderly or babysitters in domestic services (510);
- while in *January-June 2023*, out of 5,701 female workers who held a Romanian work permit, many worked cleaners in various industries (789), sous chefs, kitchen workers or house keepers in the hospitality industry (825), unskilled workers or operator in the textile industry (282), or housemaids, carers for children and the elderly or babysitters in domestic services (267).
The data only show the fields where the majority of such workers are active in accordance with the Romanian classification of occupations, despite A.L.E.G.'s request for data broken down based on general economic sectors, not the Romanian classification of occupations.
[62] Digi24, 2017, "Din interior. Visul românesc trăit de bonele din Filipine" ("An Inside View of the Romanian Dream as Experienced by Filipino Babysitter"), https://www.digi24.ro/stiri/actualitate/social/dininterior-bonele-filipineze-714615.
[63] In *February-December 2022*, out of 961 Ukrainian female refugees registered in the database of the National Agency for Employment, 402 were active on the labour market; most of them worked in the hospitality industry (76), while the others represented small percentages working in various industries. In January-June 2023, out of 11,257 Ukrainian female refugees registered in the database of the National Agency for Employment, only 253 were active on the labour market; most of them worked in the hospitality industry (85), while the others represented small percentages working in various industries. The data from the Ministry of Labour show that, in *February-December 2022* and *January-June 2023*, there were 5,194 and respectively 6,764 active employment contracts for Ukrainian refugees. However, A.L.E.G. could not analyse this data from a gender perspective as the Ministry of Labour does not have data disaggregated by worker sex.
[64] Laura Ștefănuț, 2011, România Liberă, "Coşmar românesc pentru bonele filipineze" ("Nightmare for Filipino Babysitters"), https://romanialibera.ro/lifestyle/food/video-cosmar-romanesc-pentru-bonele-filipineze-246081/.

they are sometimes deprived of lunch breaks and must find colleagues to cover for them when they need to use the restroom.[65]

Masculinized work sectors

Migrant men and refugees who come to Romania for work are often employed in "masculinized" industries, such as construction,[66] where wages are sometimes below the minimum wage[67] and working conditions are extremely difficult due to frequent neglect of health and safety regulations.[68] These environments are often governed by stereotypical male attitudes that tolerate no vulnerability or diversity, leading to abusive power dynamics among men, particularly affecting marginalized groups (migrants, Roma, LGBT, etc.).

These workers frequently face harassment and psychological and economic violence, especially if they live in employer-provided accommodation. Harassment can include illegal confiscation of identity papers, supervision, and restriction of social contacts to prevent reporting of abuse, and unjustified salary cuts.[69] Since many foreign workers speak little or no Romanian or English and have difficulty defending their rights, employers can easily conceal such abuse.

Legal framework limitations to the protection of migrant and refugee workers

An integrated approach to protecting foreign workers from harassment and violence in the world of work requires that all relevant public policies—such as those regarding occupational health and safety, prevention of discrimination, equal opportunities, and migration—address these issues comprehensively.[70] Despite improvements in Romania's legislation on combating workplace harassment, the legal framework and its enforcement still do not meet the standards set by the International Labour Organization (ILO), especially those set out in ILO Convention no. 190.[71] Notably, Romania has not yet ratified the Convention, despite voting for its adoption in 2019.

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[65] Fair Wear, 2021, "Romania country study 2021", page 28, https://api.fairwear.org/wp-content/uploads/2021/06/2021-CS-Romania.pdf; Soros Foundation Romania, 2008, "Imigrant în România - perspective și riscuri" ("Immigrant in Romania. Perspectives and Risks"), page 42-48. https://ec.europa.eu/migrant-integration/sites/default/files/2011-02/docl_18857_14356252.pdf.

[66] As per the data from the General Immigration Inspectorate:
- in *January-December 2022*, out of 100,775 migrant workers who held a Romanian work permit, many worked as unskilled workers in demolitions, site preparation, carpentry, plastering in the construction industry (26,109), followed by unskilled worker in part assembly, goods handling, manual packaging in various industries (such as the extractive industry, constructions, processing, transports) (16,2013) and sous chef, kitchen worker or house keeper in the hospitality industry (7,119);
- while in *January-June 2023*, out of 54,677 migrant workers who held a Romanian work permit, most worked as unskilled workers in demolitions, site preparation, carpentry, plastering in the construction industry (10,983), followed by unskilled worker in part assembling, goods handling, manual packaging in various industries (such as the extractive industry, constructions, processing, transports) (7,600) and sous chef, kitchen worker or house keeper in the hospitality industry (4,514).
The data only show the fields where the majority of such workers are active in accordance with the Romanian classification of occupations, despite A.L.E.G.'s request for data broken down based on general economic sectors, not the Romanian classification of occupations.

[67] See the case of the 28 construction workers from Ghana who received RON 100 instead of RON 2,360 net salary as per the contract. Adina Florea, 2022, Libertatea Newspaper, „«Nici în Ghana nu am fi pățit așa ceva.» Povestea africanilor care spun că au fost plătiți mai prost ca acasă după mai bine de o lună de muncă pe șantierul din București al unui celebru luptător de K1" ("'Not even in Ghana Had Something Like This Happened.' The Story of the Africans Who Claim They Were Paid Worse than at Home After Working for Over a Month on the Bucharest Construction Site of a K1 Fighter"), https://www.libertatea.ro/stiri/nici-in-ghana-nu-am-fi-patit-asa-ceva-povestea-africanilor-care-spun-ca-au-fost-platiti-mai-prost- ca-acasa-dupa-mai-bine-de-o-luna-de-munca-pe-santierul-din-bucuresti-al-unui-celebru-4088895.

[68] In some cases, migrant workers are forced to work 12-13 hours/day. Marine Leduc& Andrei Petre, 2022, Libertatea Newspaper, "Mirajul și dezamăgirea asiaticilor veniți să muncească în România: «Copiii mei plâng de fiecare dată când îi sun. Mă roagă să mă întorc acasă»" ("The Mirage and Disappointment of Asians Coming to Romania to Work. 'My Children Cry and Beg Me to Go Home whenever I Call.'"), https://www.libertatea.ro/stiri/mirajul-si-dezamagirea-asiaticilor- veniti-sa-munceasca-in-romania-copiii-mei-plang-de-fiecare-data-cand-ii-sun-ma-roaga-sa-ma-intorc-acasa-4094650.

[69] See Annex 2 for recent mass-media reports of construction migrant workers harassed and abused by their employers.

[70] ILO Convention no. 190, Art. 11(a).

[71] For a detailed analysis on the limitations of the legal framework and its enforcement, see A.L.E.G (2021). "Employers for respect: No to Harassment and Violence in the World of Work. 2021 Public Policy Recommendations", page 17-27.

As shown in the Special Report on Harassment and Violence at Work published by the National Ombudsman,[72] the current laws and policies provide limited protection to workers. The 2023 Report by the Romanian Ombudsman offers an in-depth assessment of the practices and laws concerning workplace harassment and violence, highlighting deficiencies in the implementation of legislation when measured against the standards set by ILO Convention No. 190. The report's recommendations are based on a comprehensive analysis of casework handled by the Ombudsman Institution and information from notified authorities, including the Ministry of Labour, the Labour Inspectorate and its territorial branches, the National Council for Combating Discrimination, the National Agency for Equal Opportunities between Women and Men, and the county committees for equal opportunities. Additionally, it includes an analysis of appellate court case law. However, the report and its recommendations overlook the specific vulnerabilities of migrant workers.

The Ombudsman Report reveals that, in general, workers report few instances of harassment or discrimination at work. In 2020-2021, the Labour Inspectorate recorded 576 petitions regarding workplace violence and harassment.[73] Of these, only one was submitted by a non-EU foreign citizen, who reported acts of harassment and discrimination by his employer. The Ombudsman noted that the employer's management used "all possible illegal acts" against the worker, including disloyal practices such as forcing him to leave employer-provided accommodation and move to a container on the company's premises.[74]

The **Labour Code** provisions on harassment based on identity criteria explicitly apply to "employees who work legally for an employer based in Romania,"[75] including "foreign citizens or stateless people" and "people who hold refugee status."[76] Therefore, protection against harassment (and implicitly against abusive work practices) does not extend to migrant workers who work illegally,[77] whether due to their personal or legal circumstances[78] or employer negligence.[79] Despite this, migrants engaged in undocumented work should not be criminalized. Although Romania has adopted the Employers Sanctions Directive, it remains the only EU country that has not criminalized severe types of work exploitation.[80] The risk of harassment is exacerbated by the fact that, in many cases, migrants providing undocumented work are not treated the same as local workers and may be excluded from the scope of workers' rights.

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[72] Romanian Ombudsman, 2023, "Raport special privind hărțuirea și violența la locul de muncă" ("Special Report on Harassment and Violence at Work"), https://avp.ro/wp- content/uploads/2023/04/Raport-hartuire-si-violenta-la-locul-de-munca.pdf?fbclid=IwAR3_irMy7ychWIjSLklYmyaW6qB_ZSLdDZ9cSGDrIlbEk6-jTvpDDV8ZpRk.

[73] Romanian Ombudsman, 2023, Special Report, page 25 and page 32-40.

[74] Romanian Ombudsman, 2023, Special Report, page 34.

[75] Labour Code, art. 2(h.), https://legislatie.just.ro/Public/DetaliiDocument/128647. This amendment was introduced in 2022 through Law no. 283 of 17 October 2022 amending and completing Law no. 53/2003 - Labour Code, and through Government Emergency Order no. 57/2019 on the Administrative Code, published in the Official Journal of Romania no. 1013 of 19 October 2022, https://legislatie.just.ro/Public/DetaliiDocumentAfis/260561.

[76] Labour Code, art. 2(c), (d).

[77] The scope of the ILO Convention is broad, including all "workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status". See ILO Convention no. 190, art. 2(1).

[78] For instance, as per the new Emergency Order no. 143 of 28 October 2022, when a migrant worker faces employer harassment and abusive behaviours, if the employer refuses to grant them written approval to change their work place, the worker may resort to working illegally to escape the situation. Art. 17(5), paragraph 1, https://legislatie.just.ro/Public/DetaliiDocumentAfis/260845. Besides, excessive bureaucracy may increase their risk of ending up in an illegal situation, see: Andra Mureșan, 2022, HotNews, "Dosarul cu șină românesc lovește și în imigranți. Cozile care arată cât de pregătiți suntem, administrativ, să primim 100 de mii de noi muncitori străini" ("Immigrants Faced with Romanian Red Tape. Queues Show How Prepared Our Administration is to Received 100k New Foreign Workers"), https://www.hotnews.ro/stiri-esential-25967637-dosarul- sina-loveste-imigranti-cozile-care-arata-cat-pregatita-este-romania-administrativ-primeasca-100-mii-noi-muncitori-straini.htm.

[79] Adina Florea& Vlad Marko Tollea, 2021, "10 indieni, deportați, după ce au lucrat ilegal la drumul din Bonțida. Patronul „n-a fost atent să le facă formele" ("10 Indians deported after illegally working on the Bonțida road construction. Their employer 'forgot to draft their contracts"), https://www.libertatea.ro/stiri/10-indieni-deportati-dupa-ce-au-lucrat-ilegal-la- drumul-din-bontida-cluj-3776828.

[80] Fundamental Rights Agency, 2021, "Protecting irregular migrants from labour exploitation: the Role of the Employers Sanctions Directive", page 34, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-employers- sanctions-directive-report_en.pdf.

Law No. 202/2002 on equal treatment and opportunities for men and women, along with its application methodology, mandates actions for employers to eliminate gender-based discrimination and sexual harassment at work.[81] However, this law does not address employers' obligations in unconventional work contexts and arrangements.[82] For example, in the case of domestic workers,[83] sexual harassment and gender-based discriminatory behaviours against foreign female workers, especially those living in the employer's home, can occur easily because the abuse happens in a private space.[84] The lack of awareness about the vulnerabilities inherent in certain work contexts and arrangements limits the authority of work inspectors to investigate cases of abuse that occur on the employer's private property.[85]

Good practices from other countries

Vietnam: The 2019 Labour Code explicitly forbids employers to mistreat, sexually harass, force domestic workers into forced labour or use violence against them.

India: The 2013 Law on the sexual harassment of women at work explicitly protects domestic female and male workers as well. The law sets out the employers' obligation to offer a safe work environment and mechanisms to report abusive work practices.

Italy: The national collective contract for domestic workers came into effect in 2020 and includes a joint statement that calls work place harassment and violence out as abuse and a violation of human rights.[86]

Order No. 137/2000 on the prevention and sanctioning of all forms of discrimination defines harassment based on protected criteria such as "nationality" and "refugee or asylum-seeker status,"[87] but it does not explicitly include migrant status.[88] While migrants could be interpreted as "belonging to a disadvantaged category," such interpretations are left to the discretion of the National Council for Combating Discrimination and the courts.[89]

[81] Law no. 202/2002 on equal treatment and opportunities for men and women, art. 8, http://legislatie.just.ro/Public/DetaliiDocumentAfis/203347 and Decision no. 262/2019 of 24 April 2019 approving the application methodology of the provisions of Law no. 202/2002 on equal treatment and opportunities for men and women, published in the Official Journal no. 333 of 2 May 2019, art. 4, https://mmuncii.ro/j33/images/Documente/MMJS/Legislatie/Hot_262-24042019_anes.pdf.

[82] ILO Convention no. 190, art). 2(1).

[83] The same limitation applies in the case of Law no. 319 of 14 July 2006 on occupational health and safety, art. 5(a), http://legislatie.just.ro/Public/DetaliiDocument/73772.

[84] In the recent years, certain countries have extended the definition of domestic violence beyond traditional family relations to include domestic workers. ILO, 2021 "Violence and harassment in the world of work: A guide on Convention No. 190 and Recommendation no. 206", page 73, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_814507.pdf.

[85] Certain countries have taken measures in this sense. For instance, in Finland, section 9 of the Law on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (Law no. 44/2006) stipulates that an adequately authorized inspection may be carried out in private premises if there is a reasonable cause to suspect that the work performed on the premises or the working conditions are a danger to an employee's life or health. ILO, 2021 "Violence and harassment in the world of work: A guide on Convention No. 190 and Recommendation No. 206", page 82, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_814507.pdf.

[86] ILO, 2021 „Violence and harassment in the world of work: A guide on Convention No. 190 and Recommendation No. 206", page 41, 47-48, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_814507.pdf.

[87] Order no. 137/2000 on the prevention and sanctioning of all forms of discrimination, art. 2(5), http://legislatie.just.ro/Public/DetaliiDocument/24129.

[88] Other countries, like Libya, distinguish between nationality and migrant status as protected criteria in the legislation on the prevention of discrimination, page 34, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_814507.pdf.

[89] Romanița Iordache, 2021, European Commission, "Country Report, Non-discrimination in Romania 2021, including summary", European Network in Gender Equality and Non-discrimination, page 19, https://www.equalitylaw.eu/downloads/5492-romania-

Law No. 319/2006 on occupational health and safety, through Article 35, identifies vulnerable categories of workers, such as "pregnant women, new or breastfeeding mothers, young people, and disabled people," for whom employers must conduct special risk assessments and take appropriate actions. However, this law does not account for the vulnerabilities of migrant and refugee workers, leaving it to labour inspectors to decide whether to request information about this group. Furthermore, a significant gap highlighted in a previous study by A.L.E.G. is that the law focuses on physical accidents and occupational diseases, without addressing harassment-related risks.[90]

The legislation on migration predominantly focuses on preventing undocumented work and often overlooks harassment and violence in the workplace. In 2022, an Emergency Government Order[91] made it mandatory for migrants, within the first year of registering their employment contract in Romania, to obtain their employer's written approval to change workplaces. This condition limits migrant workers' ability to leave work environments marked by harassment and abuse without their employer's consent.[92] This law also affects refugee workers, who are sometimes employed as third-party citizens due to employers' lack of knowledge about refugee employment rights.[93] As a result, refugee workers do not enjoy the same rights as local workers, despite their refugee status.

Another major limitation that leaves foreign workers in Romania vulnerable is the lack of accessible public information about their labour rights, including mechanisms for reporting harassment.[94] The legislation on migration does not explicitly address information on workplace harassment and violence,[95] particularly regarding the specific forms that foreign workers may encounter, nor does it mandate translating this information into languages that foreign workers understand.[96] Additionally, these legal limitations extend to the competent institutions,[97] which do not require professional training for identifying and managing harassment and violence in the workplace.[98]

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country-report-non-discrimination-2021-1-34-mb?fbclid=IwAR3-4CDcjthG20uEua-B0oc6Nj44pq_LAF8JONvgw5vKvAHTRETsiQ82sE8.

[90] A.L.E.G, 2021: "Employers for Respect. No Violence and Harassment in the World of Work. Recommendations for Public Policies 2021", page. 21, https://tinyurl.com/yc6s55s5.

[91] See Emergency Order no. 143 of 28 October 2022, Art. 17(5), paragraph 1. https://legislatie.just.ro/Public/DetaliiDocumentAfis/260845.

[92] In a recent case, migrant workers paid their employer EUR 300 to terminate their contract and agree that they work for a different employer. See Andrada Lăutaru, Diana Meseșan, Muna Kunwar & Radu Stochița, 2023, "Drumul muncitorilor nepalezi în România: prinși într-o spirală de abuzuri, „închiriați" și apoi ignorați. «Plz sir, help us»" ("Nepalese Workers in Romania Caught in a Spiral of Abuse, "Rented", then Ignored. 'Plz sir, help us.'"), https://www.libertatea.ro/stiri/investigatie-drumul-muncitorilor-nepalezi-in-romania-prinsi-intr-o-spirala-de-abuzuri-inchiriati-ca-orice-utilaj-si-apoi-ignorati-plz-sir-help-us-4620720.

[93] According to an interview conducted by A.L.E.G. with a researcher specialized on migration and the integration of refugees in Romania (see Methodology).

[94] Fundamental Rights Agency, 2021, "Protecting irregular migrants in an irregular situation from labour exploitation: Role of the Employers Sanctions Directive", page 25-27, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-employers- sanctions-directive-report_en.pdf.

[95] Law no. 194/2002 on the status of foreigners in Romania simply mentions the possibility to organize activities to "ensure information on the rights and obligations of foreigners", art. 79(2), c). https://legislatie.just.ro/Public/DetaliiDocument/93712. Also, in the case of illegal workers, Government Order no. 25/2014 on the employment and posting of foreigners on the territory of Romania stipulates that "foreigners found to be providing work without having the right to work shall be informed, in writing", in Romanian and English, by the workers of the General Immigration Inspectorate or, as the case may be, by the inspectors of the labour inspectorates about their rights to recover the wages owed by their employer", art. 37(3). https://legislatie.just.ro/Public/DetaliiDocument/160962.

[96] ILO Recommendation no. 206, art. 23(d). https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R206.

[97] For instance, Law no. 122 on asylum in Romania includes provisions about the training of personnel working on asylum and integration under the General Immigration Inspectorate, art. 12^1(1) and (2). https://legislatie.just.ro/Public/DetaliiDocument/71808.

[98] Such information efforts are essential considering that Romanian labour inspectors organize joint inspections with the General Immigration Inspectorate to identify illegal work mainly. In 2019, 51% of labour inspections were organized jointly with the General Immigration Inspectorate, according to the study conducted by the Fundamental Rights Agency, 2021, "Protecting migrants in an

ILO Convention No. 190 stipulates that states must adopt laws, regulations, and policies to ensure the right to equal treatment and non-discrimination in employment and labour law, including for workers who belong to one or more vulnerable groups or are in vulnerable situations disproportionately affected by violence and harassment in their work environment.[99] ILO Recommendation No. 206, which accompanies ILO Convention No. 190, clarifies that the category of workers should be identified in accordance with applicable international labour standards and international human rights instruments.[100] Migrant workers, especially female migrant workers, regardless of their migrant status, constitute a vulnerable category of workers explicitly mentioned in Recommendation No. 206.[101]

An inclusive, integrated and gender-sensitive approach to public policies

An inclusive, integrated, and gender-sensitive approach is necessary to ensure that all foreign workers' rights to a safe, healthy, and harassment-free work environment are upheld. In line with the standards of the International Labour Organization,[102] besides prohibiting violence and harassment, the anti-harassment legal framework and public policies must:

- define a broad scope of protection against violence and harassment, applicable regardless of whether workers are active in the informal economy or their type of contract, if any.
- address the root causes of gender-based violence and harassment, such as unequal power relations due to gender or gender stereotypes.
- develop and implement multilingual awareness-raising campaigns to inform migrant workers about their rights and the means of protection against harassment and violence at work.[103]

Impact of harassment on foreign workers

The harassment and violence experienced by foreign workers at work result in an increased risk of **psychological conditions** such as depression, psychosomatic disorders, negative feelings and mistrust in people, trauma, suicidal thoughts, or even suicide (see Case study 2), as well as other mental health issues.[104] These conditions can also cause **physical problems**, including sleep disorders, headaches, high risk of cardiac disease, digestive problems, anxiety, stress-induced muscle and skeletal conditions, immediate physical harm, and even death by suicide.[105]

irregular situation from labour exploitation: Role of the Employers Sanctions Directive", page 30, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-employers-sanctions-directive-report_en.pdf.

[99] ILO Convention no. 190, art. 6.

[100] ILO Recommendation no. 206, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R206, paragraph 13.

[101] ILO Recommendation no. 206, paragraph 10.

[102] ILO Convention no. 190 concerning the Elimination of Violence and Harassment in the World of Work and ILO Recommendation no. 206

[103] The A.L.E.G study (2021) puts forward several actions for inclusive, integrated and gender-sensitive approaches: "Employers for respect: No to Harassment and Violence in the World of Work. 2021 Public Policy Recommendations. page 11-12.

[104] According to a study conducted in Austria, Cyprus, Greece, and Sweden, female migrant domestic workers who have faced employer sexual harassment (most of the times living in the same house) later experienced fear to continue their daily tasks in the presence of the perpetrator, shame, suicidal thoughts, emotional exhaustion, helplessness, sleep disorders, depression or sexual health issues. Papadakaki, M. et al., 2021, "Migrant Domestic Workers' Experiences of Sexual Harassment: A Qualitative Study in Four EU Countries". https://www.mdpi.com/2411-5118/2/3/22.

[105] International Domestic Workers Federation, 2021, "Training of Trainers Toolkit on the ILO Violence and Harassment Convention (no. 190) and Recommendation (no. 206), Facilitator Guide", p. 10, https://idwfed.org/wp-content/uploads/2022/08/violence_and_harassment_in_the_world_of_work_facilitators_guide_en.pdf.

Beyond impacting the workers' physical and psychological health, harassment and violence also affect their **work capacity**, often decreasing their performance and motivation, inducing fear of continuing to work in a degrading environment, and even leading to a desire to leave the workplace.[106]

Violence and harassment generate significant costs for employers, including expenses for recruiting new staff, losses due to low productivity from staff shortages or reduced personnel (e.g., because of protests[107] or workers leaving their jobs without prior notice due to abuse[108]), non-compliance fines,[109] negative reputation costs, and more. Harassment and violence also impose costs on the state, particularly direct expenses associated with managing the flow of foreign workers who wish to migrate to Western states for better working conditions.[110]

Case study 2. The effects of harassment on a construction migrant worker

Gurwinder, a young man from India, arrived in Romania in the autumn of 2019, and the abuse started shortly after he landed. For him, these past few years have been a mix of crowded accommodations, endless working hours on construction sites, confiscated passports, strikes, and even irregular work. Following all the abuse, he stated: "I was contemplating killing myself. I felt depressed."

Source: Libertatea Newspaper (2022). "Mirajul și dezamăgirea asiaticilor veniți să muncească în România: «Copiii mei plâng de fiecare dată când îi sun. Mă roagă să mă întorc acasă»" ("The Mirage and Disappointment of Asians Coming to Romania to Work. 'My Children Cry and Beg Me to Go Home whenever I call.'")

III. Employer and public institutions practices

Employer practices

The current Romanian legislation does not stipulate any concrete responsibilities for employers in terms of combating harassment and violence at work, particularly considering the vulnerabilities and context of foreign workers. This situation grants employers increased control over their workers and encourages the use of abusive practices, while simultaneously restricting workers' access to exercising their rights.[111]

[106] Andra Mureșan, 2022, "Mica Asie din Piața Unirii: Incursiune în lumea semi-ignorată a lucrătorilor străini din Capitală. Expert: «România ar fi cu câteva procente din PIB mai mică fără acești imigranți»" ("The Small Asia in the Unirii Square. A Journey into the semi-ignored World of the Foreign Workers in Bucharest. Expert: 'Without These Immigrants, Romania's GDP Would be Lower'"), https://tinyurl.com/yc8dnh92.

[107] In 2020, 40 foreign workers took to the streets to protest and requested to get back their passports and better work conditions. "Mirajul și dezamăgirea asiaticilor veniți să muncească în România: «Copiii mei plâng de fiecare dată când îi sun. Mă roagă să mă întorc acasă»"("The Mirage and Disappointment of Asians Coming to Romania to Work. 'My Children Cry and Beg Me to Go Home whenever I call.'"), https://www.libertatea.ro/stiri/mirajul-si-dezamagirea-asiaticilor-veniti-sa-munceasca-in-romania-copiii-mei-plang- de-fiecare-data-cand-ii-sun-ma-roaga-sa-ma-intorc-acasa-4094650.

[108] This situation stimulates the employers' practice to illegally withhold foreign workers' passports. Adina Florea, Vlad Marko Tollea, 2021, Libertatea, "Fuga unui muncitor străin dintr-un abator românesc până într-o tabără de refugiați din vestul Europei" ("A Foreign Worker Ran from a Romanian Slaughterhouse to a Refugee Camp in Western Europe"), https://tinyurl.com/yjvyycn5.

[109] In 2019, the Erbașu Construction Company received a RON 45,000 fine for accommodating 200 Vietnamese workers in precarious spaces with limited access to running water and insufficient sanitary facilities (only 6 bathrooms for 200 people). Adina Florea, 2019, Vice Romania, "Direcția de Sănătate Publică amendează compania care ține vietnamezi îngrămădiți în containere" ("The Public Health Directorate Fined the Company that Crammed Vietnamese in Containers"), https://www.vice.com/ro/article/j5wxqb/amenda-pentru-compania-erbasu-care-tine-vietnamezi-in-containere.

[110] Adina Florea, Vlad Marko Tollea, 2021, Libertatea, "Fuga unui muncitor străin dintr-un abator românesc până într-o tabără de refugiați din vestul Europei" ("A Foreign Worker Ran from a Romanian Slaughterhouse to a Refugee Camp in Western Europe"), https://www.libertatea.ro/stiri/fuga-muncitor-strain-din-abator-romanesc-pana-intr-o-tabara- refugiati-vestul-europei-3628129.

[111] In the latest EU Migrant Integration Policy Index, Romania scored 49 of 100 and was classified as a country that grants "equality on paper". MIPEX, 2020, "Migrant Integration Policy Index 2020", https://www.mipex.eu/romania.

Often, employers promise certain work schedules, salaries, and accommodation conditions, which they subsequently fail to honour.[112] Once foreign workers begin their jobs, they frequently encounter disrespect, extremely difficult tasks not included in their employment contracts, and abusive or offensive comments from managers or Romanian colleagues (see Case study 3 for an example). Additionally, in some cases, employers refuse to formalise employment contracts to avoid paying taxes.[113]

Case study 3. Harassment of a migrant worker in an auto parts manufacturing factory

"The production manager always set out tasks that I could not do on the spot and, when I drew his attention on it, he continued pressuring me into it. [...] I reported the situation to Human Resources, and the HR responsible suggested we organized a meeting with both of us. During the meeting, the manager started yelling at me and speaking over me. [...] My contract stipulated I worked as a technician, but the manager said there was no such position and that I had to do everything, including take over engineers' responsibilities. [...] I replied that I was already being paid less than an ordinary worker. [...] During all this time, the HR responsible said nothing. [...] It hurt most when the manager said I was a worthless nobody. [...] Things did not go better after that talk; in fact, I even got a firing request saying I was not good enough. [...] I refused to sign it and wanted to submit a complaint with the parent company, but the HR responsible and the manager asked me not to, because they didn't want any trouble. I ended up quitting."

Source: Interview conducted by A.L.E.G., February 2023

Public institution practices

Public institutions often manage the situation of foreign workers solely from the perspective of illegal migration.[114] Recent action plans for the implementation of the National Strategy on Migration further support this point.[115] A strategic objective within the strategy is the "efficient management of the migration phenomenon," which aims only to curb illegal migration, prevent human trafficking and undocumented work, and collaborate with competent institutions, such as the Romanian Gendarmerie, to this end.[116] However, the strategy does not include objectives to ensure that migrant workers' rights are observed and that they are protected against harassment and violence at work, such as by collaborating with the Territorial Labour Inspectorate[117] and other institutions responsible for preventing and combating these issues.

[112] This issue was mentioned in several interviews conducted by A.L.E.G. (see Methodology).
[113] An interview conducted by A.L.E.G. revealed a case in which a cold meat factory concluded a 6-month contract with a refugee worker only after the latter cut his fingers during his work hours to cover his health insurance. The interview was conducted with the president of an NGO active in the field of migrant and refugee rights in Romania.
[114] According to an interview organized by A.L.E.G. with an activist specialized in migrant worker issues in Romania (see Methodology).
[115] See the "2021-2024 National Strategy on Immigration", https://sgg.gov.ro/1/wp-content/uploads/2021/08/ANEXA-1- 7.pdf; "2023-2024 Draft Action Plan for the implementation of the 2021-2024 National Strategy on Immigration, https://webapp.mai.gov.ro/frontend/documente_transparenta/505_1665040672_Plan%202023%202024.pdf; "2023-2024 Draft Action Plan for the implementation of the 2021-2024 National Strategy on Immigration", https://webapp.mai.gov.ro/frontend/documente_transparenta/359_1615554208_Plan%202021-2022%20COMPLETAT.DOCX.
[116] General Immigration Inspectorate, "2023-2024 Draft Action Plan for the implementation of the 2021-2024 National Strategy on Immigration", page 3-6.
[117] Considering that the General Immigration Inspectorate organizes joint labour inspections with the labour inspectors, even though their aim is to identify illegal work, they ignore other vulnerabilities and risks to which migrant and refugee workers are exposed. In 2019, 51% of labour inspections were organized jointly with the General Immigration Inspectorate, according to the study conducted by the Fundamental Rights Agency, 2021, "Protecting migrants in an irregular situation from labour exploitation: Role of the Employers Sanctions Directive", page 30, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-employers-sanctions-directive-report_en.pdf.

Preventing and combating violence against foreign workers in the world of work requires an inter-institutional effort and an integration- and human rights-oriented approach.

Moreover, in the few instances when workers do find the courage to report harassment by their employers to the Territorial Labour Inspectorate, they are often ignored or even redirected to their employers to resolve the situation.[118]

[118] In A.L.E.G.'s interview with the migrant worker, he talked about an employer's practice of withholding the employees' first salary and claiming that it would be paid when the contract ends. The interviewee's foreign colleagues never got this first salary at the end of their contract, despite talking about it with the employer, so they reported the situation to the territorial labour inspectorate. However, the work inspector suggested that they worked with the employer to solve the situation.

IV. Public policies for the protection of migrant and refugee workers

Eliminating harassment and violence against migrant and refugee workers in the world of work is a complex issue, but it can be addressed through the development of a comprehensive legal and public policy framework and the establishment of effective implementation mechanisms. Adopting such measures is essential, especially considering that Romania's accession to the Organisation for Economic Co-operation and Development (OECD) began in 2022, and the OECD Committee for Employment, Labour and Social Affairs will assess our national policies in this field.[119] Furthermore, as part of its recently begun mandate in the UN Council for Human Rights, Romania has committed to prioritising the advancement of women's rights and the fight against discrimination, two areas closely connected to the elimination of harassment.[120]

In this context, and based on the provisions of ILO Convention No. 190 and the related ILO Recommendation No. 206, we would like to add the following recommendations to those in the 2021 A.L.E.G. publication "Employers for respect. No to harassment in the world of work."[121]

For the Parliament

- ➔ Ratify ILO Convention No. 190;
- ➔ Align anti-harassment, occupational health and safety, and migration legislation with the standards of ILO Convention No. 190 and ILO Recommendation No. 206;
- ➔ Introduce legal measures recognising domestic violence at work as a form of harassment that employers may use against domestic workers;
- ➔ Implement legal measures to mitigate the impact of harassment and violence on irregular migrant workers;
- ➔ Establish minimum standards for the employment of migrant workers by recruitment agencies, including prior verification that employers respect workers' rights.

For the Government

- ➔ Initiate the ratification process of ILO Convention No. 190;
- ➔ Ensure the involvement of civil society organisations, including NGOs experienced in migrant and refugee issues, gender equality, and harassment, in the consultation process for aligning anti-harassment legal frameworks and public policies with ILO standards;
- ➔ Align anti-harassment, occupational health and safety, and migration legislation with ILO standards and issue implementation rules for eliminating violence and harassment in the world of work;
- ➔ Identify sectors and work arrangements with the highest risk of violence and harassment for foreign workers and adopt specific rules to minimize these risks;
- ➔ Enable labor inspectors to inspect employers' domiciles, especially where foreign domestic workers live and work;

[119] The OECD Committee for employment, labour and social affairs assesses public policies on the labour market, professional development, social protection and migration. See "Roadmap for the OECD accession process of Romania", page 21, https://www.oecd.org/mcm/Roadmap-OECD-Accession-Process-Romania-EN.pdf.

[120] See "Romania for the United Nations Human Rights Council (2023-2025)", https://www.mae.ro/sites/default/files/file/anul_2022/2022_pdf/anexa_2_brosura_r_un_hrc_print.pdf.

[121] A.L.E.G, 2021: "Employers for Respect. No Violence and Harassment in the World of Work. Recommendations for Public Policies 2021", https://tinyurl.com/yc6s55s5.

- ➔ Mandate that employers develop specific anti-harassment policies and mechanisms in the world of work, emphasising highly vulnerable groups such as migrants, refugees, and those with temporary protection status;
- ➔ Develop safe, multilingual, and easily accessible mechanisms for reporting harassment and violence in the world of work;
- ➔ Introduce regular professional training for labour inspectors, General Immigration Inspectorate representatives, and occupational health and safety advisors to identify and address harassment and violence, including psychological and social risks, gender-based violence, and discrimination against foreign workers;
- ➔ Organise effective multilingual information and awareness-raising campaigns targeted at foreign workers about their rights, reporting mechanisms, and how to identify harassment and violence at work;
- ➔ Conduct educational campaigns targeting the general public to emphasise that violence and harassment, especially gender-based, against all workers is unacceptable, and to prevent stigma around victims, claimants, and witnesses.

For competent institutions

- ➔ **Labour Inspectorate:** Develop and implement annual control plans focusing on the status of non-EEA migrant workers (independently of joint activities with the General Immigration Inspectorate, and focusing on the working conditions of foreign workers);
- ➔ **General Immigration Inspectorate:** Ensure that the 2025-2029 National Immigration Strategy includes clear measures for the integration, protection, and information of migrant and refugee workers.
- ➔ **National Employment Agency:** Develop multilingual information campaigns about the forms of harassment in the world of work and the mechanisms available to report such situations.

V. Methodology

This study is focused on the minimum standards in the field of the elimination of violence and harassment against foreign workers in the world of work, in accordance with ILO Convention no. 190 and ILO Recommendation no. 206. Our analysis of the Romanian legislative framework highlights only the most important aspects and gaps. Hopefully, this analisys will be a starting point for future in-depth studies on the topic.

The data was collected by the team of A.L.E.G. in February-August 2023, via requests for access to information of public interest based on Law no. 544/2001 sent to the Ministry of Labour, the General Immigration Inspectorate, and the National Employment Agency. The data from the Ministry of Labour about the total number of Ukrainian refugees who had active employment contracts in January 2022-June 2023 was not broken down on worker sex (as the Ministry does not hold such disaggregated data). That is why, we could only provide a limited interpretation from a gender perspective of the data.

We completed the data collected through requests based on Law no. 544/2001 with a review of the cases reported in the mass-media between April 2021 and August 2023 and a series of semi-structured interviews with representatives of various relevant organisations, like Romanian universities and NGOs experienced in the field of migration, as well as an interview with a migrant worker of Syrian origin conducted between November 2022 and February 2023. The names and positions of the interviewees have been anonymised to protect their identity.

For further information, contact the team of A.L.E.G. at contact@aleg-romania.eu.

VI. Annex - Cases of harassment and violence against migrant workers reported in the mass-media between april 2021 and august 2023

Headline and source	**Month/year of publication**	**Manifestations of harassment and violence**	**Industry/field of activity**
The Story of 13 Sri Lankan Youngsters Living the Romanian Nightmare. They Worked 14 hours/day for Zero Pay and Lost their IDs (Observator News)	April 2021	Underpayment Confiscation of personal documents Unpaid Overtime (14 hours/day)	Construction
A Foreign Worker Ran from a Romanian Slaughterhouse to a Refugee Camp in Western Europe (Libertatea)	July 2021	Confiscation of personal documents Unpaid Overtime Prohibition to leave the work place No free time	Slaughterhouse
The Guardian: Nepalese workers in Romania are exploited similarly to how Romanians are exploited in other countries / Thousands of workers are employed in the EU through intermediary companies and in worse working conditions (G4Media)	September 2021	Contracts with no hours of work No medical leave	Butchery
Foreign Workers in Romania Face Problems at Work "They Worked 12-13 hours/day so They Went Back to Bangladesh" (Stirile PRO TV)	February 2022	Contract violation Confiscation of personal documents Unpaid Overtime	Construction
Vietnamese migrants fill Romania's worker crunch but face risk of exploitation (SCMP)	March 2022	Confiscation of personal documents	Food
The Mirage and Disappointment of Asians Coming to Romania to Work. 'My Children Cry and Beg Me to Go Home whenever I call.' (Libertatea)	April 2022	Confiscation of personal documents Working without a contract Inhumane accommodation Late salary payment	Construction
Asian Workers in Romania Fight Bureaucracy and Employer Abuse: 'Questions I ask my boss every day: When are you going to pay us? When are you going to renew our work permits?' (Libertatea)	April 2022	Working without an employment contract	Hospitality

'Not even in Ghana had something like this happened.' The Story of the Africans Who Claim They Were Paid Worse than at Home after Working for Over a Month on the Bucharest Construction Site of a K1 Fighter (Libertatea)	April 2022	Unpaid work	Construction
The Small Asia in the Unirii Square. A Journey into the Semi-Ignored World of the Foreign Workers in Bucharest. Expert: 'Without These Immigrants, Romania's GDP Would be Lower'	August 2022	Confiscation of personal documents Unpaid Overtime	Hospitality
Asian Employees in Romania and a Practice Typical of the Hospitality Industry: the Lie that Their Residency Permits Will Be Extended (HotNews)	August 2022	Working without an employment contract	Hospitality
Bangladeshi migrants in Romania: From regular to undocumented (Info Migrants)	October 2022	Working without an employment contract Responsibilities outside the employment contract	Construction
INVESTIGATION. Nepalese Workers in Romania Caught in a Spiral of Abuse, "Rented", then Ignored. "Plz sir, help us" (Libertatea)	August 2023	Non-compliance with employment contract provisions Misinformation	Construction
Asian Workers Delivering Your Food Work Over 10 Hours a Day for RON 2,000/Month, although Companies Promise Something Else. 'It's a Bleak Future on Wheels' (Libertatea)	August 2023	Overwork not specified in the contract Non-registered contracts Failure to pay health/retirement benefits Excessive work rules	Gig economy

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