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LEGISLATIVE AND INSTITUTIONAL FRAMEWORK IN THE FIELD OF DISCRIMINATION IN ROMANIA

Claudia CÂMPEANU*

***Abstract.** This article analyses the legislative and institutional framework involved in the fight against discrimination in Romania. The conclusion of the analysis show how the legislative framework in Romania is in agreement with CE directives in the field of non-discrimination, even exceeding the provisions of these directives in some places. However, the institutional practices and real accessibility of the system are not at the level of its potential. The laws and the problem solving mechanisms are insufficiently known by the population, while the administrative apparatus is insufficiently well developed in the territory, which is why most of the cases judged by the courts of law or by NCDC come from the area of the capital and from the large urban centres. The state institutions assigned to monitor and sanction the acts of discrimination, particularly in the field of the work relations only notice facts and collect general data; they don't actually investigate the cases of law infringement in the field of non-discrimination. Although the related legislative framework is solid and sufficiently comprehensive, and the framework law (O.G. 137/2000) is mandatory for the litigations, some laws and provisions allow or provide a cover/justification/explanation for some behaviours which would be included in mobbing, by transferring the "problem" to the sphere of the legitimacy of the economic interest of the employer, by using the language of the personal efficiency and competency, by defining a legitimate area of manoeuvre for the employer or its representatives and by creating some contexts which deter the solidarity or cooperation between the employees.*

***Keywords:** legislation, institutional framework, discrimination, National Council for Discrimination Control, legislative and institutional efficiency.*

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1. Legislative framework

Overview

Discrimination¹ is regulated by several laws and provisions which allow the processual approach of this phenomenon both by the civil and by the penal courts of law (particularly through the National Council for Discrimination Control). If a person feels discriminated it can forward a complaint to CNDC (the result may be a fine for the person guilty of discrimination or rectification of the situation), or it may sue (and demand compensations) or it may do both things. In all cases, the basic law which interprets the facts and makes decisions is the framework law for discrimination. Government Ordinance 137/31 August 2000 regarding the prevention and sanctioning of all forms of discrimination (published in the Official Monitor 431/2 September 2000), which became law and which was modified by Law 48/16 January 2002 (published in the Official Monitor 69/31 January 2002). The other laws and provisions (except for the Constitution and Penal Code) have largely declarative value, assuming a public commitment by the Government to prevent and control discrimination in the narrower fields which they regard, the law of reference remaining O.G. 137/2000.

Penal Code²

The Penal Code sanctions behaviours and situations in which discrimination has serious consequences. Thus, it sanctions:

- As aggravating circumstance, committing offenses on grounds of race, ethnic group, gender and other criteria (closed list)³;
- Instigation to discrimination⁴;
- When a public official causes physical or psychic sufferance to a person on grounds of a criterion of discrimination;⁵ obstructing a right or establishment of a situation of inferiority on the same criteria, by a public official¹;

¹ The data from this article have been collected during the qualitative component of research on discrimination and mobbing in Romania, run by the Association for Socio-economic Development and Promotion CATALACTICA, within project POSDRU/97/6.3/S/54973 „Support to the women who are discriminated on the labour market”

² Modified and completed by the Emergency Ordinance 148/2008, Law 268/2009, approved with modifications by Law nr. 93/2010

³ Art. 7, letter c) from the Penal Code

⁴ Art. 317 from the Penal Code

⁵ Art. 282 par. 1 letter c) from the Penal Code Penal

-Inciting the public to hate or discrimination²;

The Penal Code has two provisions which can be used for protection against discrimination (even mobbing) at the workplace. Thus, it punishes:

-Obstruction of the free exercise of a religion or forced participation in activities which are against the religion of a person³.

-Sexual harassment, only if the victim files a complaint; sexual harassment is defined as: "repeated demand of sexual favours within a work framework or similar relation, if the victim has been intimidated or put into a humiliating position"⁴;

O.G. 137/2000 for the prevention and sanctioning of all forms of discrimination

This framework law sets primarily the right not to be discriminated in several areas of life and activity as fundamental human right and delineates, as remedy, three ways: institute measures for the protection of the natural development of the persons belonging to disfavoured groups (by positive measures); amiable mediation of the conflicts and sanctioning (fine or penal) the acts of discrimination⁵. The law establishes the main institution monitoring and sanctioning the acts of discrimination, the National Council for Discrimination Control⁶, to be discussed in the section approaching the institutional framework.

Definitions and general considerations regarding discrimination:

-Discrimination is defined broadly, by enumerating criteria as examples and including the syntagm "any other criterion":

"...by discrimination we understand any difference, exclusion, restriction or preference, on grounds of race, nationality, ethnic group, language, religion, social category, convictions, gender, sexual preferences, age, handicap, non-contagious chronic disease, HIV infection, inclusion in a disfavoured category, or any other criterion whose purpose is to obstruct, eliminate the acknowledgement, utilisation or exertion, under condition of equality, of the human rights and of the fundamental liberties or rights acknowledged by the law, in the politic, economic, social and

¹ Art. 297 par. 2 from the Penal Code

² Art. 369 from the Penal Code

³ Art. 381 from the Penal Code

⁴ Art. 223 from the Penal Code

⁵ Art. 2 par. (10) from O.G. 137/2000 regarding the prevention and sanctioning all forms of discrimination, modified and republished.

⁶ Section VI from O.G. 137/2000.

cultural field or in any other field of the public life."¹

- The law considers both the direct discrimination and the indirect discrimination² (resulting from behaviours or dispositions which are seemingly neutral, but whose effect is discrimination);
- It constitutes an act of discrimination:
 - oThe disposition to discriminate³
 - oHarassment, also defined as behaviour which "leads to the establishment of an intimidating, hostile, degrading or aggressive environment"⁴.
 - oMultiple discrimination (aggravating circumstance)⁵
- Victimization is also sanctioned, understood as "any adverse treatment, which results as reaction to a complaint or action un justice regarding the infringement of the equal treatment and of non-discrimination"⁶.
- The affirmative, positive measures taken by the authorities to provide the equal opportunity or the protection of disfavoured groups are not acts of discrimination⁷.
- Both sides must bring evidence both in the case of a penal suit and in the case of administrative actions⁸;
- Sanctioning entails both passive and active actions, as well as their effects⁹, which are easier to document than the intentions.
- The language yields the possibility of exceptions and allows, potentially, discriminatory behaviours "when these provisions, criteria or practices are justified objectively by a legitimate purpose, and the methods to attain the purpose are adequate and necessary"¹⁰.

¹ Art. 2 par. (1) from O.G. 137/2000

² Art. 2 par. (3) from O.G. 137/2000

³ Art. 2 par. (2) from O.G. 137/2000

⁴ Art. 2 par. (5) from O.G. 137/2000

⁵ Art. 2 par. (6) from O.G. 137/2000

⁶ Art. 2 par. (7) from O.G. 137/2000

⁷ Art. 2 par. (9) from O.G. 137/2000

⁸ Art. 20 par. (6) and art. 27 par. (4) from O.G. 137/2000

⁹ Art. 2 par. (4) from O.G. 137/2000

¹⁰ Art. 2 par. (3) from O.G. 137/2000

Discrimination at work:

O.G 137/2000 has explicit stipulations for discrimination at work, professional training and development¹. A whole section (section I, Chapter II) is dedicated to the economic field and to work ("Equality in the economic activity, in employment and profession") and sets what discrimination means in this field and which are the consequences of such actions (fines). The set framework is rather comprehensive and may serve as solid base for the actual prevention and control of discrimination at work.

The law sanctions:

- Discrimination not just in the conditions of employment, but also in entrepreneurship, starting a business or freelance work²;
- "Discrimination of a person (...) at work or in a situation of social protection, except for the cases stipulated by the law, displayed in the following areas:
 - a) Conclusion, suspension, modification or termination of the work relations;
 - b) Setting and modifying the work tasks, the place of work and the wage;
 - c) Granting other social rights than the wage;
 - d) Professional formation, improvement, reconversion and promotion;
 - e) Apply disciplinary measures;
 - f) The right to join a union and the access to the facilities granted by it;
 - g) Any other conditions of work, according to the laws in force."³
- Discrimination at employment, in the advertisement's and competitions for employment, in job seeking and in providing social services⁴.

However, one of the articles (Art.9) leaves open the possibility not to sanction some discriminatory acts: "*The provisions of art. 5-8 cannot be interpreted with the meaning of obstructing the right of the employer to refuse the employment of a person which doesn't qualify for that field, as long as the refusal is not an act of discrimination in the meaning of this ordinance, and these measures are justified objectively by a legitimate purpose and the methods used to attain the purpose are adequate and necessary.*"⁵

¹ Art. 1 par. (2) d). (i) and (v), Art. 3 a). and b). and Chapter II Section I from O.G. 137/2000

² Art. 5 from O.G. 137/2000

³ Art. 6 from O.G. 137/2000

⁴ Art. 7 and art. 8 from O.G. 137/2000

⁵ Art. 9 from O.G. 137/2000

Relevance for the prevention and control of mobbing:

According with Tomescu, C., Cace, S. (2010, pp. 11) „Mobbing at the job is a form of psychical aggression exerted for a period of several months by one or more fellow workers against another worker, through a series of actions aiming to isolate the targeted person. Practically the role of the employee in the firm and its professional capacities are undervalued willingly using various types of discrediting, humiliation, rumours, with the purpose to remove that person. Mobbing victims usually resign because they no longer can cope with the pressures and atmosphere. The repercussions are psycho-social and on the health; lower trust in own professional competency, stress, deterioration of the family relations on the background of stress, depression, health problems.” The most useful points in the approach of mobbing behaviour are those regarding sexual harassment and protection of human dignity. Section V “The right to personal dignity” makes reference to behaviours whose “purpose is to affect the dignity or to create an atmosphere of intimidation, hostile, degrading, humiliating or offending”¹ and provide a basis for the formulation and acceptance of complaints for the mobbing victims. The section regarding the work relations includes some points which might be interpreted as protection against more subtle actions of discrimination and violence at the workplace, including mobbing actions to modify discriminatorily the work tasks, the place of work and wage, discriminatory use of disciplinary measures; the law leaves the list open². The legal language that defines discrimination is sufficiently broad as to comprehend, at least theoretically, indirect discrimination and actions that might be considered mobbing, by making reference to the active and passive behaviour and to effects³ (more easily to prove in court that the intentions). In addition to anti-discrimination legislation (Government Ordinance 137/2000 on preventing and sanctioning all forms of discrimination), in Romania, in 2001 was founded National Council for Combating Discrimination, with specific responsibilities in preventing acts of discrimination, mediation parties involved in the conduct of discrimination, investigation, detection and punishment of acts of discrimination, discrimination and monitoring activities providing specialized assistance to victims of discrimination. (Gheonea, A.; Ilie, S.; Lambru, M.; Mihăilescu, A.; Negut, A.; Stanciu, M.; Tomescu, C. (2010, p. 125)

Law 202/2002 regarding the equal opportunity of men and women

The law that regulates especially the equal opportunity of the men and women and which sanctions gender discrimination is Law 202/2002 (republished in the Official

¹ Art. 15 from O.G. 137/2000

² Art. 6 from O.G. 137/2000

³ Art. 2 par. (2) and (3) from O.G. 137/2000

Monitor no. 135 of 14 February 2005), which was modified in time, sometimes quite a lot (see the fate of the National Agency for Equal Opportunity). The text condemns and bans different forms of gender discrimination and includes a section dedicated to the work relations (Chapter II – Equal opportunity and treatment of the men and women in the field of work). This section develops the ideas from the similar section of Ordinance 137/2000, adding however, provisions which create obligations within the operation and organisation regulations and within the internal order regulations of the economic units¹.

Some points enlarge the definition of the discriminatory behaviour, strengthening similar provisions from O.G. 137/2000. These points might be useful in approaching the mobbing phenomenon:

- Both the direct and indirect discrimination are mentioned²;
- References to “less favourable” treatment or to “disadvantages” resulting from seemingly neutral behaviours, not just dramatic effects resulting from explicitly ill will behaviours³;
- Inclusion of harassment in the definition of discrimination and its explicit condemnation⁴: “it appears with the purpose or has the effect of damaging the dignity of the person and of creating a degrading environment of intimidation, hostility, humiliation or offending”⁵;
- Explicit and separate mentioning of the sexual harassment, which is defined as “any unwanted sexual behaviour - verbal, nonverbal or physical – whose purpose or effect is to damage the dignity of the person and/or establishment of a degrading environment of intimidation, hostility, humiliation or offending”⁶
- Failing to make equal and equitable use of the work due to gender issues also is discrimination⁷;
- Protection of maternity, which cannot become reason for discrimination⁸;
- Detailing workplace behaviours which might contain discriminating actions, setting and modifying the individual job assignments⁹.

However, the text of the law is equivocal sometimes and restates the “objective” reality of the gender differences and of different competencies/possibilities/ aspirations for the

¹ Art. 12 from Law 202/2002

² Art. 4 lit. a) and b) from Law 202/2002

³ Ibid.

⁴ Art. 11 from Law 202/2002

⁵ Art. 4 lit. c) and d). from Law 202/2002

⁶ Art. 4 lit. d) from Law 202/2002

⁷ Art. 4 lit. f) and art. 11 from Law 202/2002

⁸ Art. 10 from Law 202/2002

⁹ Art. 9 from Law 202/2002

two categories¹, which can lead the ultimate justification of discriminating behaviours. Furthermore, the law includes more exceptions than O.G. 137/2000, allowing the possibility not to sanction potentially discriminating behaviours².

Law 202/2002 also established the National Agency for Equal opportunity of the Men and Women (ANES) (Art. 24-30), meant to promote the equal opportunity and to integrate these principles within the national programs and policies. It was financed from the state budget, through the Ministry of Labour, Social Solidarity and Family. In 2010, the Emergency Ordinance 68/30 June, abrogates articles 24-30, cancels ANES, whose functions and attributions are assumed mysteriously by the Ministry of Labour and its territorial structures. The organisational chart of the Ministry doesn't show clearly the new location of these attributions and functions.

The law assigns some institutions with the implementation and control of abiding by these provisions. The National Employment Agency, the National House of Pensions and other Social Insurance Rights, the Labour Inspectorate (assigned to control the implementation of the provisions), the National Council for Professional Formation of the Adult People, the Ministry of Health etc.³

The person who feels discriminated can file a complaint with the employer and if it is not satisfactorily solved it may notify ANES or the competent administrative bodies⁴.

Law 448/2006 regarding the protection and promotion of the rights of the handicapped people

The law states the commitment of the Government for the protection, encouragement and integration of the handicapped people and defines more precisely several terms and expressions used in the provisions regarding the handicapped people⁵. Non-discrimination is not the focal point of the law; rather, the law delineates several concrete measures for the protection and social integration of these people.

According to the law, the underlying principles of the protection and promotion of the handicapped include⁶:

-“observance of the fundamental human rights and liberties”

¹ Art. 1 alin. (2) and art.6 alin. (2) letter c) from Law 202/2002

² Art. 4 lit. b), art. 6 alin. (2) letter c), art. 9 alin. (2) from Law 202/2002

³ For the provided examples, art. 34, 36 and 38 from Law 202/2002

⁴ Art. 43 from Law 202/2002

⁵ Art. 5 from Law 448/2006 regarding the protection and promotion of the handicapped persons

⁶ Art. 3 from Law 448/2006

- “prevention and control of discrimination”
- “equal opportunities”
- “equal treatment in employment”
- “adaptation of the society to the handicapped person”

These principles have a direct impact on the establishment of a non-discriminating environment and on the equal opportunities at work. The reference law remains, however, O.G. 137/2000.

Chapter 5 of the law, “Professional orientation, formation, employment” includes particularly positive measures which allow the access to and protection on the labour market and the professional development of the handicapped people. Discrimination is not treated explicitly. The chapter guarantees an equitable work environment and encourages or even empowers sometimes the employment of handicapped people.

Labour Code

The Labour Code (adopted by Law 53 of 24 January 2003, published in the Official Monitor 72/5 February 2003) is the reference law for the regulation of the work relations and work jurisprudence. The law includes provisions impacting on the possibility of discriminatory behaviours, even mobbing. Thus:

- Both the direct and indirect discrimination are banned;
- The list of criteria is more comprehensive (closed in one of the paragraphs), extended using the syntagma “other criteria” in another paragraph;
- The end purpose is the free access to the rights from the labour legislation;
- Emphasis on the equal treatment of all employees;¹
- Expressly forbidden the gender discrimination and the discriminating payment;
- Defends the respect of dignity and consciousness of any employee².

Since the purpose of the Labour Code is to regulate the relations between the employer and the employees, to provide a balance between the interests of the members belonging to the two categories, the balance of protection and permissibility leans one way or the other. Thus, there are stipulations expanding the manoeuvre space of the employer, giving it the possibility to modify, unilaterally, elements pertaining to employee’s work (for instance, the place of work by delegation

¹ Art. 5 of the updated Labour Code

² Art. 6 of the updated Labour Code

or temporary displacement¹), but most provisions grant protection for the employee in front of the employer and its representatives (such as the working and resting time, Title III). Part of this protection is mediated by the existence of the unions and by the affiliation to them, shifting attention from the singular, sporadic actions directed towards an individual towards collective actions (for instance, section V, Work health and security). Title XII (Work jurisdiction) defines the framework solving the work conflicts, particularly those regarding the work contracts. Although the Labour Code guarantees several rights of the employees and promises to prevent and sanction the abuses and discriminations, the precise and narrow language limits the possibilities to monitor incidents of discrimination/abuse and leaves enough room for problematic behaviours which are not covered by the language and logic of the law (cannot be considered contractual relations or don't have collective significance).

The proposition for the new Labour Code increases these possibilities by narrowing employee protection, by obstructing their situation upon employment (thus opening the possibility of toleration of the discriminatory and abusive behaviours) and, therefore, by creating a consciousness of opposite interests between the (different categories of) employees.

The unique national collective work contract for 2011-2014

A second important document which regulates the working relations (and impacting on discrimination) is the Collective work contract, in which the language of protection is more explicit and comprehensive. The forbidden forms of discrimination are described in Art. 2, paragraph (3), while paragraph (4) states clearly the principle of the equal pay for equal work and bans any gender based differences. Some of the provisions follow the pattern of the provisions from the Labour Code (for instance the time of work, measures of health and security), but there also are other provisions which clarify the relations between the employer and the employee and which limit, in a way, the manoeuvring possibility of the employer, such as the articles regulating the working norms and the duties and assignments of the employee, particularly the section devoted to the individual labour contract (Chapter 6). This chapter defines the ways of solving the possible work conflicts by procedures which are to the advantage of the employee (for instance the procedures of laying off or sanctioning disciplinary deviations are rather laborious and deter their abusive use). Article 96 makes reference to the individual work conflicts and to solving them "amiably" using the mediation of the unions and union commissions, if they cannot be solved in some other way (which raises the problem of the economic enterprises whose employees

¹ Art. 42-48 of the updated Labour Code

are not affiliated to a union). The same article states that the “sides undertake to promote a normal working climate in the enterprises”, including to deter and sanction sexual harassment. The labour conflicts specified clearly in the text are not those individual which might result from mobbing-type behaviours, rather the collective ones, which pertain to union activity. The collective work contract also has provisions protecting the pregnant women or those who gave birth recently.

2. Institutional framework

In Romania there are specialised institutions assigned with monitoring the compliance with the legal provisions in the field of non-discrimination, with solving the conflicts arising from discrimination, with applying administrative and financial sanctions if needed, and with promoting non-discrimination in the public life. Although several institutions have special attributions in narrower fields (work relations, protection of disfavoured groups, equal opportunity etc.), the reference institution remains the National Council for Discrimination Control.

The National Council for Discrimination Control (NCDC)

NCDC was established by O.G. 137/2000 regarding the prevention and sanctioning of all forms of discrimination and it is the “state authority in the field of discrimination; it is an autonomous legal person under Parliamentary control; it guarantees the compliance with and application of the principle of non-discrimination”¹. The Council has attributions in the following fields:

- Preventing the discrimination acts;
- Mediating the discrimination acts;
- Investigating, noticing and sanctioning the discrimination acts;
- Monitoring the discrimination cases;
- Providing assistance to the victims of discrimination.²

Furthermore, the Council contributes to the development of public policies in the field of non-discrimination³.

Both the natural persons who feel being discriminated and the non-governmental organisations acting in the field of human rights or the organisations who have a

¹ Art. 16 from O.G. 137/2000

² Art. 19 from O.G. 137/2000

³ Art. 18 par. (2) from O.G. 137/2000

legitimate interest in fighting discrimination, if discrimination occurred in their field of activity and it harms a group of people, communities or even a natural person (upon it demand to participate in the case), have processual quality¹.

The people feeling discriminated can file a complaint with the Council and can demand the discontinuation of the consequences of discrimination and restoration of the previous situation. Both sides (the plaintiff and the person accused on discrimination) must bring evidences (that he/she has been discriminated and that those acts were not cases of discrimination, according to the acting laws, respectively). The decision can be contested in court, through legal administrative procedures².

If NCDC decides that the facts are cases of discrimination, the defendant can be fined between 400-4000 lei if the discrimination targeted a natural person and between 600-8000 if the discrimination targeted a group of persons or a community³.

NCDC cannot rule for compensations, but the discriminated person can sue, separately, in civil courts, and the decision of the Council can have consultative character⁴.

In 2009, NCDC recorded 528 complaints, fewer than in 2008 (837), most complaints being related to the criteria of “social/professional category” (42.04%), “others” (18.18%), “ethnic group” (11.47%), “handicap (disability)” (9.28%), and “nationality” (5.30%). The object of the complaints was, mostly, the access to employment and profession (46.7%), the access to public services (25.56%) and personal dignity (12.12%). Of these complaints, 49 have been admitted (8% of the cases), by criteria and with objects rather proportional with the filed complaints (National Council for Discrimination Control, 2009).

Table 1

Number of cases of discrimination admitted for the object “access to employment and profession” (work relations) in 2009, National Council for Discrimination Control, 2009

Criterion	Number of admitted cases of discrimination
Race/nationality	1
Handicap (disability)	4
HIV infection	0

¹ Art. 28 from O.G. 137/2000

² Art. 20 from O.G. 137/2000

³ Art. 26 par.(1) from O.G. 137/2000

⁴ Art. 27 from O.G. 137/2000

Criterion	Number of admitted cases of discrimination
Social and socio-professional category	2
Sex/gender	1
Pregnancy	2
Religion or convictions	3
Language	1
Sexual orientation	0
Any other criteria	3
Total	17

Most cases came from the urban area (87% in 2009) and from Bucharest/ Ilfov (56% in 2009 and 54% in 2008) (National Council for Discrimination Control, 2008, 2009), which shows that from various reasons, the Council and its mechanisms have a limited accessibility.

NCDC importance resides particularly in its public profile and in the fact that it sanctioned several public personalities for committing acts of discrimination and harming the personal dignity. However, because the Council cannot give compensations, the civil court suit is a more desirable option for the cases of natural people, and which are not of strategic importance.

National Agency for Equal Opportunity for Men and Women (ANES)

Currently cancelled, ANES was established by Law 202/2002 in order to promote the equal opportunity of women and men and to integrate the legal provisions in the national programs and policies and in normative papers which it might propose to the government. The Agency had territorial commissions subordinated to the Ministry of Labour, Social Solidarity and Family. ANES also monitored the compliance with Law 202/2002 via other institutions under its subordination or subordinated to the ministry.

In 2010, articles 24-30 of Law 202/2002 - regarding ANES - were abrogated, the institution was cancelled, and its staff passed to the Ministry of Labour.

Work Inspection and Territorial Work Inspectorates

Work inspection is a state institution subordinated to the Ministry of Labour, Social Solidarity and Family, established by Law 108/1999 which regulated the establishment and organisation of Work Inspection. It has duties in the field of work relations establishment, work health and security, it verifies compliance with the legal regulations, informs the competent authorities about the situations breaching the

laws or about the deficiencies of law enforcement, it supplies related information, provides assistance to the employers and employees and initiates actions to improve the existing legislation in its field of activity¹. The territorial activity is conducted through the Territorial Work Inspectorates.

Concretely, WI activity focuses less on the control of compliance with the legal provisions regarding non-discrimination at work. The only laws which it monitors are Law 202/2002 regarding the equal opportunity of men and women and OUG 96/2003 regarding maternity protection at work. Thus, in 2009, 33,434 employers were verified according to Law 202/2002 and 3,327 were fine a total of 6000 lei. In 2008, there were 2,551 employers fined with a total of 309,500 lei. The sanctions regarded the fail to include concrete rules of compliance with the principle of no-discrimination, with the equal opportunity of men and women and observation of human dignity in the specific regulations of operation of the surveyed units (Work Inspection. "Activity Report 2009").

Unfortunately, although WI is the main institution controlling the work relation, having the practical capacity to monitor and sanction the acts of discrimination at work, its capacity is limited to the incomplete monitoring of gender and disability discrimination (Georgiana Pascu and Delia Niță, coord., 2010). It functions slowly and mechanically and doesn't have the flexibility and vitality necessary to address a phenomenon such as mobbing.

Final considerations

In Romania, the legislative framework guarantees, at least in written, the equal opportunity on the labour market and sanctions discrimination at work. Most of this legislative framework is in agreement with Council of Europe directives in the field of non-discrimination (CE directives 2000/43/CE and 2000/78/CE), and, in some points even exceed the requirements of these directives. Thus, both in the case of civil court litigations and in the situations to have administrative ruling, sides, the plaintiff and defendant must bring evidence in support of their case². Furthermore, discrimination is defined more broadly than demanded by CE directives, by a more comprehensive list of criteria and by including the syntagm "any other criterion".³

However,

(1) At the level of institutional practices and real accessibility of the system, this guarantee is not up to its potential written on paper:

¹ Art. 5 and 6 from Law 108/1999

² Art. 20 par. (6) and art. 27 par. (4) from O.G. 137/2000

³ Art. 2 par. (1) from O.G. 137/2000

- The laws and mechanisms solving the cases of discriminations are insufficiently known by the population¹, and the administrative apparatus is insufficiently well developed in the territory, which is why most cases which end in court or in front of NCDC are from the region of the capital and the large urban centres (National Council for Discrimination Control, 2008, 2009);
- The state institutions assigned with monitoring and sanctioning the acts of discrimination, particularly in the field of work relations (Territorial Work Inspectorates, ANOFM, etc.) only notice and collect general data, without actually dealing with the cases of non-discrimination infringement (Georgiana Pascu and Delia Niță, coord., 2010);

(2) The legislative and institutional framework serves to prevent, detect and sanction or rectify the obvious, flagrant cases of discrimination (operational and rendered visible/recognisable in the language of the law or institutions), not subtle forms of discrimination and emotional, psychological and even physical aggression at work; mobbing, harassment, are understood rather broadly and most times outside work (see NCDC decisions of the recent years, National Council for Discrimination Control 2008, 2009), and the definitions from the different laws and provisions which mention discrimination are not uniform or in agreement with EU directives (Iordache R., 2009); furthermore, the risk of victimization (although victimisation is forbidden by law²), deters many people discriminated at work to file complaints, particularly if form of discrimination was not obvious;

(3) There are enough provisions for exceptions from considering discrimination a potentially discriminating behaviour, both in the public life in general, and at work³. The language of exception is more as powerful as it refers to the indirect discrimination, which causes problems with actually catching or sanctioning the mobbing.

(4) Although the related legislative framework is solid and sufficiently comprehensive, and the framework law (O.G. 137/2000) is fundamental for the litigations, some laws and provisions allow or provide cover/justification/explanation for some behaviours

¹ According to a study from 2008, the awareness regarding the support and remedial mechanisms is rather low, the most worrying proportions being noticed among the vulnerable populations: more than half of the women, 60% of the old people and 56% of the Roma didn't know of the existence of these mechanisms (Society for Feminist Analyses Ana and the National Research Institute in Work and Social Protection. 2008)

² Art. 2 par. (7) from O.G. 137/2000 for the prevention and sanctioning of all forms of discrimination, modified and republished. Victimization is understood rather narrowly, "as reaction at a complaint or court action following the breach of the equal opportunity and non-discrimination principle". The witnesses or the plaintiffs are not protected.

³ Art. 2 par. (3) and art. 9 from O.G. 137/2000; Law 202/2002 Art. 4 letter b)

which would be included in mobbing, by transferring the “problem” to the sphere of the legitimacy of the economic interest of the employer, by using the language of personal efficiency and competency, by defining a legitimate space of manoeuvre for the employer or its representatives and by creating contexts which deter solidarity or cooperation between the employees, who are encouraged to perceive each other as having completely opposed interests/conditions.

(5) The changes brought by the open and profound application of the economic liberalism (particularly in the field of work), by the politicization of the related institutions and by the economic crisis which may deepen these possibilities:

- The National Agency for Equal Opportunity for Men and Women (ANES) was cancelled in 2010 and its functions were absorbed and dissipated within the Ministry of Labour, Social Solidarity and Family;
- In 2009, part of the directing board of NCDC were appointed by negotiations and upon political criteria, which weakened the vitality of the institution (Romanița Iordache, 2009); at the same time, the budget of the institution was cut by one third that year (National Council for Discrimination Control, 2008, 2009);
- The new Labour Code debated by the Romanian Parliament promises an even more precarious situation for the employees and may deter even more filing complaints in the cases of discrimination;
- The public debates on the new Labour Code and on workforce “flexibilization” established a context in which it is possible to discontinue the national collective work contract, affecting directly employees’ power of negotiation.

(6) The uneven and incomplete system of data collection on the cases of discrimination noticed in different institutions and within different contexts narrows the level of actual knowledge of the phenomenon;

(7) For an efficient control of mobbing and moral violence at work in general, mobbing will have to be regulated explicitly and distinctly, and the competencies of the work inspectors should be enlarged (Bogdan C., 2008).

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National collective work contract, 2011-2014

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Government Ordinance 137/2000 for the prevention and sanctioning of all forms of discrimination, modified and republished O.U.G. 96/2003 regarding maternity protection at work

Annex 1
Criteria, definitions and typologies used by the
legislation regarding discrimination in Romania

Table 1
Criteria used by the legal provisions sanctioning discrimination, which impact on the work relations

Legal provision	Articled	Context	Used criteria
Penal Code	Art 77	Definition of the aggravating circumstances in committing a crime (if it has the following reasons)	race, nationality, ethnic group, language, religion, gender, sexual orientation, political opinion or affiliation, wealth, social origin, age, disability, non-contagious disease or HIV/AIDS infection, or for similar circumstances which the defendant considers are causes of inferiority of a person in relation with the other persons.
	Art. 297	Limiting a right by a public official	Race, nationality, ethnic group, language, religion, gender, sexual orientation, political opinion or affiliation, wealth, social origin, age, disability, non-contagious disease or HIV/AIDS infection .
O.G. 137/2000	Art. 2 par. (1)	Definition of discrimination	race, nationality, ethnic group, language, religion, social category, convictions, gender or sexual preferences, inclusion in a disfavoured category or any other criterion
	Art. 2. par. (5)	Definition of harassment	race, nationality, ethnic group, language, religion, social category, convictions, gender or sexual preferences, inclusion in a disfavoured category, age, handicap, status of refugee or any other criterion which leads to the establishment of an intimidating, hostile, degrading or offensive framework
	Art. 5	Participation in economic activity or freelance profession	Race, nationality, ethnic group, language, religion, social category, convictions, gender or sexual preferences, inclusion in a disfavoured category, age.
	Art. 6	Work and social protection relations	race, nationality, ethnic group, language, religion, social category, convictions, gender or sexual preferences
	Art. 7 par. (1)	Employment	race, nationality, ethnic group, language, religion, social category, convictions, gender or sexual preferences, age
	Art. 7 par. (2)	Take a job, announcement or competition for a job	race, nationality, ethnic group, religion, social category, inclusion in a disfavoured category, age, gender or sexual preferences, convictions

Legal provision	Articled	Context	Used criteria			
	Art. 8	Social services	race, nationality, language, ethnic group, religion, social category, inclusion in a disfavoured category, age, gender or sexual preferences, convictions			
	Art. 19	Harm to human dignity, establishment of a hostile, intimidating environment	race, nationality, language, ethnic group, religion, social category, inclusion in a disfavoured category, convictions, gender or sexual preferences			
Law 202/2002		Equal opportunity in several fields, including at work	gender			
Law 448/2006		Equal opportunity, social protection and integration	handicap			
Labour code	Art. 5	Definition of discrimination (at work)	gender, sexual preferences sex, genetic characteristics, age, ethnic group, religion, social origin, handicap, family situation or responsibility, union affiliation or activity, other criteria			
	Art. 59	Layoff	gender, sexual preferences sex, genetic characteristics, age, race, ethnic group, colour, religion, political option, social origin, handicap, family situation or responsibility, union affiliation or activity			
	Art. 154 par. 3	Wage negotiation and payment	gender, sexual preferences sex, genetic characteristics, age, race, ethnic group, colour, religion, political option, social origin, handicap, family situation or responsibility, union affiliation or activity			
Collective work contract	Art. 2	Principle of equal treatment of all employees	gender, sexual preferences sex, genetic characteristics, age, race, ethnic group, colour, religion, political option, social origin, handicap, family situation or responsibility, union affiliation or activity			
<table border="1"> <tbody> <tr> <td>The National Council for Discrimination Control collects and organises the data according to the following criteria of discrimination (Activity Report, 2009)</td> <td>Race ethnic group nationality language social category Religion Convictions Gender Sexual preferences Non-contagious disease HIV infection /AIDS Disfavoured category age Handicap (disability) other</td> <td>Race/nationality/ethnic group Handicap HIV infection Social and socio-professional category Gender Pregnancy Religion or convictions Language Sexual preferences Any other criterion</td> </tr> </tbody> </table>				The National Council for Discrimination Control collects and organises the data according to the following criteria of discrimination (Activity Report, 2009)	Race ethnic group nationality language social category Religion Convictions Gender Sexual preferences Non-contagious disease HIV infection /AIDS Disfavoured category age Handicap (disability) other	Race/nationality/ethnic group Handicap HIV infection Social and socio-professional category Gender Pregnancy Religion or convictions Language Sexual preferences Any other criterion
The National Council for Discrimination Control collects and organises the data according to the following criteria of discrimination (Activity Report, 2009)	Race ethnic group nationality language social category Religion Convictions Gender Sexual preferences Non-contagious disease HIV infection /AIDS Disfavoured category age Handicap (disability) other	Race/nationality/ethnic group Handicap HIV infection Social and socio-professional category Gender Pregnancy Religion or convictions Language Sexual preferences Any other criterion				

Table 2
Definitions and terms regarding discrimination used in legal acts

	Legal act	Definition
Discrimination	O.G.137/2000 Art.2 par. (1)	Discrimination means any differentiation, exclusion, restriction or preference based on grounds of race, nationality, ethnic group, language, religion, social category, convictions, gender, sexual preferences, age, disability, non-contagious chronic disease, HIV infection, inclusion in a disfavoured category, as well as any other criterion whose purpose is to limit, cancel recognition, use or exercise under equal conditions of the fundamental human rights and liberties acknowledged by law, in the politic, economic, social and cultural field, or in any other field of the public life.
Direct discrimination	L 202/2002 Art. 4 lit. a)	Direct discrimination means the less favourable treatment of a person according to its gender, than another person, in a comparable situation;
	Labour Code Art. 5 par. (3)	Direct discrimination acts are the exclusion, differentiation, restriction or preference based on one or several criteria mentioned at par. (2), whose purpose is to deprive, limit or deny recognition of the use or exercise of the rights stipulate in the labour laws.
Indirect discrimination	O.G. 137/2000 Art.2 (3)	The apparently neutral stipulations, criteria or practices which disadvantage some persons, on the basis of the criteria mentioned at par. (1), compared to other persons, except for the situation in which these stipulations, criteria or practices are justified by a legitimate purpose, and the methods of achieving that purpose are adequate and necessary
	L. 202/2002 Art. 4 letter b)	Indirect discrimination is the situation in which some apparently neutral stipulations, criteria or practices would put some persons of a specific gender in disadvantage compared to people of the opposed gender, except for the situation in which these stipulations, criteria or practices are justified by a legitimate purpose, and the methods of achieving that purpose are adequate and necessary;
	Labour Code Art. 5 par. (4)	Indirect discrimination represents the acts apparently grounded in other criteria than those stipulated at par. (2), but which produce the effects of direct discrimination.
Multiple discrimination	O.G. 137/2002 Art. 2 par. (6)	Any exclusion, differentiation, restriction or preference based on two or more criteria stipulated at par. (1) are aggravating circumstances for the administrative punishment if one or more components do not fall under the incidence of the penal law.
Disposition to discriminate	O.G. 137/2000 Art. 2 par.(2)	The disposition to discriminate people based on any grounds stipulated at par. (1) is considered discrimination

	Legal act	Definition
Harassment	O.G. 137/2000 Art. 2 par. (5)	It is harassment and it is sanctioned administratively any behaviour based on a criterion of race, nationality, ethnic group, language, religion, social category, convictions, gender, sexual preferences, inclusion in a disfavoured category, age, handicap, status of refugee or asylum seeker, or any other criterion that might lead to the establishment of an intimidating, hostile, degrading or offensive environment.
	L. 202/2002 Art. 4 letter c)	Harassment is any unwanted behaviour in relation with a person of a particular gender, which appears with the purpose or which has as effect damage to human dignity and the establishment of an intimidating, hostile, degrading or offensive environment.
Sexual harassment	L. 202/2002 Art. 4 letter d)	Sexual harassment is the unwanted sexual behaviour – verbal, nonverbal or physical – whose purpose or effect is to harm human dignity and/or establishment of an intimidating, hostile, degrading or offensive environment
	L. 202/2002 Art. 11 par. (2)	Any behaviour defined as harassment or sexual harassment is gender discrimination if it is done with the purpose to: a) to establish at work an intimidating, hostile, degrading or offensive environment for the affected person; b) to influence adversely the situation of the employer in regard with its professional promotion, remuneration or incomes of any kind or the access to professional formation of improvement, in the situation when it refuses to accept an unwanted sexual behaviour.
	Penal Code Art. 223 par. (1)	Asking, repeatedly, sexual favours at work or in a similar situation, if by this act the victim has been intimidated or put into a humiliating situation,
	Collective Work Contract Art. 96 par. (3)	The definition of sexual harassment is that regulated by the law.
Victimization	O.G. 137/2000 Art. 2 par. (7)	It is victimization and it is sanctioned with fine, according to the provisions of this ordinance, any adverse treatment in response to a complaint or action in court regarding the breach of the principle of equal opportunity and non-discrimination.
Disfavoured category	O.G. 137/2000 Art. 4	Disfavoured category is that category of persons which either is on an unequal position in relation with most of the citizens due to the identity differences, or which is confronted with behaviour of rejection and marginalization.
Affirmative measures	O.G. 137/2000 Art. 2 par. (9)	The measures taken by the public authorities or juridical persons of private right in favour of a group or people or community, with the purpose to ensure their natural development and achievement of the actual equal opportunity in relation with other people, groups or

	Legal act	Definition
		people or communities, as well as the positive measures aiming the protection of the disfavoured groups, are not discrimination.
	L. 202/2002 Art. 4 letter e)	The stimulating measures or the positive discrimination consist of those special measures adopted temporarily in order to speed up the actual achievement of the equal opportunity of the men and women and which are not considered actions of discrimination
Equal pay for equal work	L. 202/2002 Art. 4. letter f)	Equal value work means the paid activity which compared using the same indicators and measuring units, with another activity, reflects the use of similar or equal knowledge and professional skills and a similar amount of work or intellectual/physical effort.
	Collective work contract Art. 2 par. (4)	The principle of equal pay for equal work implies, for the same work or for a work of similar value, the elimination of any gender discrimination in all elements and conditions of payment.

LAW OF DIVORCE IN 1965-1989

*Mihaela Cristina UDVULEANU**

***Abstract:** This article offers a wide debate area concerning the political and decisional path of the Law 779/1966 by which the divorce was approved in the time of Nicolae Ceausescu only in extreme situations. Just to realize a deep understanding and analyze of this subject there is underlined the legislation concerning the divorce before the year 1966, they go on with the analysis of the samples of the Executive Political Committee for Meetings from 2 August 1966, 27 September 1966 and the one from 4 October 1966. Also, the research will hold the analyze of the Decree's text as well as the previous changes against divorce actions legislation. The last section of the article is guiding upon the presentation of the consequences of the limitation of the access to the divorce in the time 1966 – 1989. The purpose of this action is the unitary and detailed study of the changes concerning the divorce during the whole communist period from Romania.*

***Keywords:** against divorce legislation, the Law 779/1966, the demographical policy, the Executive Political Committee.*

1. Introduction

The coming to power of Nicolae Ceausescu in 1965 marked the beginning of a comprehensive demographic policy based primarily on banning abortions Decree (770) and by limiting divorce (Decree 779).

In this context, in this tractate I propose to analyze the political and decisional route of Decree 779/1966, which approved the divorce only in exceptional circumstances.

The central concept of Ceausescu's communist ideology is the "new man". This means the importance of training citizens to become worthy to live in a communist

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society and the importance of forming families, which should be based on the ideology and morality of Communist Party.

Those people, who did not respect these rules, went through a rehabilitation process after which they reached to accept the rules imposed by the regime. Sometimes, the institutional affiliation to state bodies was not a way to dogde the law. An example is the case of Andronache Vespasian, who was excluded from the party in 1973, because of some extramarital relations¹.

2. The issue of divorce before 1966

After 1948, when the comunists took power, the legislation on divorce was adjusted, according to the political interests of the new regime. Thus, the first action was the elimination from the Civil Code of articles 254-276, in which were cited consensual reasons for divorce. Law 18 /1948 indicate that the divorce, as a social act, is related to justice.²

In 1954, Decree 32 of January 30 implemented the Family Code. Article 45 stated that the dissolution of marriage without seeking reconciliation was possible only when: it was the case of chronic mental debility or serious contagious diseases of one of the partners, if one of them was sentenced to jail for at least three years or was legally declared missing.³

After Nicolae Ceausescu became president, the divorce was approved only in exceptional cases.

3. The political and decisional path of Decree 779/1966

In 1965 in Romania the birth rate dropped dramatically. According to the census of 15 March 1966, Romania had a population of 19,105,056 inhabitants.⁴ The births didn't provide even the simple reproduction of the population, i.e. each woman giving birth to a female child, during her period of fertility 15-49 years.

¹ ANIC, *Party Central Committee Fund, Letter A (1945-1989), File A/652, p. 2*

² Gail Kligman, *Politica duplicității. Controlul reproducerii în România lui Ceaușescu, Ed. Humanitas, Bucharest, 2000, p. 61.*

³ Decree no. 32 from 30 Januar1954, *Offical Bulletin, No. 32 from 01/31/1954, <http://www.monitoruljuridic.ro/act/decret-nr-32-din-30-ianuarie-1954-pentru-punerea-in-aplicare-a-codului-familiei-si-a-decretului-privitor-la-persoanele-fizice-si-persoanele-juridice-emitent-83.html>.*

⁴ C. Dobos, Lucian (coord.), M .Jinga, Florin S. Soare, *Politica pronatalistă a regimului Ceaușescu. O perspectivă comparativă, The Institute for the Investigation of Communist Crimes and the Memory of the Romanian Exile, Ed. Polirom, 2010, Bucharest, p. 115.*

Considering the sharp drop in birth rates, the communist government decided to adopt a series of coercive measures to stop this decline.

At the National Conference of Women from 23 to 25 June 1966, Nicolae Ceausescu made the first public mention of these problems: "It is necessary to vigorously fight against the retrograde attitudes, stiff attitudes to family which led to increasing the number of divorces, dissolution of homes, neglected children's education and training for life.¹ (...) It must be said that the legislation from our country has some conductive loopholes to decrease birth rate; undemanding courts that adjudicate cases of divorce and some legal provisions prove lenient in cases of disdain attitudes towards family and children's education."²

Ministry of Health and the Demographic Policy

The problem of the increasingly decline of birth rate during 1955-1966 and the consequences of this phenomenon have been reported by the Ministry of Health since 1965, by drawing up a demographic study entitled: "Some problems of dynamics of natural increase of population in the Socialist Republic of Romania".³

In the study were exposed three categories of reasons for the decline of Romania's birth rate: socio-economic, socio-cultural and demographic. Among demographic reasons, the increase of divorce is in the second place after deducting marriage.⁴

To combat this situation, the study recommended to establishing a committee composed of delegates of the State Planning Committee, of the Ministry of Finance, of the Ministry of Health and Social Welfare, of the Ministry of Education, of the Culture and Arts Committee, of the Ministry of Justice, of the State Committee of Labor and Social Problems, of the Central Bureau of Statistics, of the Central Council of Trade Unions and of the National Women's Committee, to make an action plan for the improvement of natural growth of population.⁵

Finally, the Commission is established in February 1966 and at the end of June are finalized first two studies "Health care of population of the Socialist Republic of Romania and the improvement measures" and "Study of birth rate in the Socialist Republic of Romania and proposals for measures to redress the natality of our country", discussed later in the meeting of the Political Executive Committee in 2 August 1966.

¹ ANIC, CC of PCR, Organizational Department, File 44/1966, p. 13.

² *Ibidem*, p. 14.

³ C. Dobos, Lucian (coord.), M. Jinga, Florin S. Soare, *op. cit.*, p. 116.

⁴ *Ibidem*, p. 116.

⁵ *Ibidem*, p. 117.

In the study of health services for the population, was identified a series of important factors underlying the population decline: social economic factort (young people moving from villages to cities, women's participation in the production process, the small number of nurseries, material resources), demographic factors (marriage and divorce), abortions, educational-cultural factors (high level of education and training the population, no advocacy of birth) and legislative factors(the Decree 453/1957 that legalized abortion, no protection of marriage a permissive legislation on divorce, state allowances for children).

Among demographic factors, divorce ranks second, after marriage, which was decreasing due to population migration or young people from villages to urban areas. Despite this decline, in Romania the nuptiality was still among the highest from Europe.¹ The conclusion was that its growth could not influence the birth rate.

Regarding the dissolution of marriages, in Romania was registerd the largest index of divorces from Europe; in 1965 the number of divorces was increased almost by almost three times than in 1938. It should be also mentioned that in 1964 one of five marriages ended with divorce.²

In the study is pointed the fact that most divorces occurred for men at the age of 25-29 years and for women 20-24 years, in the most fertile period, which contributes to lower birth rate.³

Also, the study authors report that one of three divorces occured in the first two years of marriage, and a half of them occured in the first four years. It was observed that 70% of divorces are in the families without minor children, which led to the proposal of the Communist leader to ban the abortions.

Among the legislative factors are also alalyzed the rules on divorce. "The procedure of divore is quite simple, the partners apply for divorce, and some courts resolve these cases operational, without analyzing the causes that makes the cohabitation of the suposes impossible."⁴

Finally, at the end of the study are suggestions for increasing the birth rates from Romania.

Thus, after the recommendations to change the amendments of Decree 453/1957, at point B. are proposed to rectify the Code of Civile Procedure and the Family Code in point of divorce procedure.

¹ ANIC, Fund CC of PCR, Department Chancellery, File 101/1966, p. 109.

² *Ibidem*, p. 109.

³ *Ibidem*, p. 109.

⁴ *Ibidem*, p. 111.

On this line, for the Code of Civil Procedure were reported the following: the conciliation of partners to exempt from stamp duty, to be held in two different stages in the Council Chamber of the People's Court; the pronouncement of divorce can be postponed until three months; the appeal to be within 30 days since decision; the dissolution of marriage took effect only if one of the partners called within two months the People's Council to transcribe the decision.

It was also proposed the change of the Decree 199/1955 on stamp duty. The fee for divorce would be doubled (from 500 lei to 1000 lei), the only way to reduce was determined by the income of the partners. This fee could be refunded only if the partners' would reconcile.

Another idea proposed was referring to a tax on celibacy, the main argument being that it covers the expenses for the construction of nurseries.

The first change of the Family Code proposed, in addition, a new incentive to increase the number of marriages: to allow the marriage between 4th cousins.

Thus, "the marriage between relatives on the sideline of the fourth degree (cousins) without the consent of People's Council Executive Committee was considered valid if the couple had a child, or after the Executive Committee corrected the marriage."¹ Also in this section was proposed to allow parents to legally recognize the child even if they weren't married.²

The Commission that drafted the study, made a summary of additional income derived from tax increases: for additional tax from employees (830 mln Lei), additional tax for CAP members (30 mln Lei), fee increase of abortions (75 mil Lei) and the increase of divorce fee (15 mil Lei). The sum of these funds was 950 million Lei.³

The meeting of the Political Executive Committee in the date of 2 August 1966

The PCR Executive Committee Meeting in the date of August 2, 1966, is the first step in opening the debate on decreasing the birth rate from Romania and the enact of some measures to limit de access to divorce and abortions.

Thus, during the meeting, Alexandru Draghici, Foreign Minister during 1952-1965, said: "We must finish this sin Decree (refers to the Decree that allowed the liberalization of abortion since 1957)⁴. In general, Alexandru Draghici criticized the initiatives that required additional expenditures from the state budget, he considered

¹ *Ibidem*, p. 117.

² *Ibidem*, p. 117.

³ *Ibidem*, p. 120.

⁴ A.N.I.C., *Fund CC al PCR – Department Chancellery, File 102/1966, p. 14.*

that the recovery of the birth rate can be done strictly through amendments of existing legislation, both related to abortions and dissolution of marriage.¹

Virgil Trofin, secretary of the Communist Party Central Committee², focused on the education of young people, but also on the problem of abortion and divorce. "In this direction we should help the Organizations of Youth and Women, to seriously approach the family issues. We must be careful on what kind of movies we run, because many of them do not make us services in this regard."³

Gheorghe Maurer, a former president of the Presidium of the Grand National Assembly, and Premier⁴ until his retirement, suggests a carefully analyze of the reasons of divorce. "The Ministry of Justice should make a study on the reasons of divorces and on courts that approve the divorce, because, my opinion is that the problem is not the legislation."⁵ Moreover, he proposes to realize a realistic action plan for a long period of time.⁶

A different view on divorce has Iosif Banc, he considered that the law is too permissive with marriage dissolutions. "We must take agitator measures on unifying families, because we have young people who easily get married 3-4 times in 2-3 years. This is because we have facilitated the dissolution of marriages."⁷

Leonte Răutu, member of the Executive Committee responsible for the Department of Agitation and Propaganda⁸, believed that the high number of divorces is due to poor practice and short legislation. "50 percent of the total number of divorces happens in the first four years of marriage, and 30% in the first two years of marriage."⁹ The remedy the situation, he suggests amending the text of the Decree, "creating a moral atmosphere" by way of an "extremely rigid system". "We are very indulgent with this problem. I would say that we should pay attention on the moral aspect and we should promote those who contribute to the strengthening of the family. We must create a public opinion in the Party Organizations and in the Mass Organizations."¹⁰

¹ Dobos, C. Lucian (coord), Jinga M., Soare Florin S., op.cit, p. 126.

² Florica Dobre (coord), *CC Members of PCR : 1945-1989*, Ed. Enciclopedică, Bucharest, 2004, p. 583.

³ A.N.I.C., *Fund CC al PCR – Department Chancellery, File 102/1966*, p. 15.

⁴ *Final Report, Presidential Commission for the analysis of communist Dictatorship*, Bucharest, 2006, p. 653.

⁵ A.N.I.C., *Fund CC al PCR – Department Chancellery, File 102/1966*, p. 17.

⁶ *Ibidem*, p. 17.

⁷ *Ibidem*, p. 18.

⁸ Florica Dobre (coord.), op. cit., p.508

⁹ A.N.I.C., *Fund CC of PCR – Department Chancellery, File 102/196*, p. 20.

¹⁰ *Ibidem*, p. 20.

Ilie Verdeț considers that the reasons of the decrease of the rate birth are the abortion and the marriage dissolution. "One thing caught my attention: the drop of birth rate happens especially in the rural areas, where it fell from 37% to 15%. Here were the major effects of our problem, the Decree that allowed abortions and the juridicial practice in connection with the dissolution of marriages." ¹

Nicolae Ceausescu is critical to the Decree of 1957: "In my opinion, through the Decree that legalized the abortion, we legalized the prostitution, and now we are too permissive to divorce." ² He considered that the decrease of bith rate is the problem of Party and State Apparatus, and the members must have an exemplary behaviour. "We must end this kind of negligence and those people who in the privat life show lack of communist moral, should not occupy leadership positon." ³ At the same time he opens the subject of divorce. "Perhaps the law is good, but in any case, the practice is bad. And since 1959 until now, the number of divorces has increased three times and that speaks for itself. This means that the legislation is bad. We should make a legislation to sanction those who violate it." Nicolae Ceausescu ended the discussion suggesting: "Let's agree on these problems, and in two weeks to present a bill that will approve divorce only in exceptional cases." ⁴

According to the Protocol no. 26 of the Political Executive Committee Meeting from August 2, 1966 it was decided to renew the "Study on birth rates situation in Romania" taking into account the views of the communist leaders presented in the discussion, followed by a new disscution in the Plemun of Central Committee on the subject of abortion and marriage dissolution.

The new study should focus on "a complex and realistic solution to increase the birth rate in our country"⁵ and the measures should address to four categories: organizational (establishment of nurseries both in villages and cities), economical, educational (cinema, radio, relevision and school) and legislative (the issue of abortion and marriage dissolution).

It was recommended to analyze the law of divorce and improve it. "The new legislation should provide measures to punish those who depart from the proper implementation of it." ⁶

After the removal of Voinea Marinescu as Health Minister (position taken by Aurel Moga), was held a Meeting with Health Professionals, on 20 September 1966.

¹ *Ibidem*, p. 21.

² *Ibidem*, p. 24.

³ *Ibidem*, p. 24.

⁴ *Ibidem*, p. 24.

⁵*Ibidem*, p. 2.

⁶*Ibidem*, p. 3.

At this meeting, Nicolae Ceausescu revealed his reason for the change of the Health Minister, Voinea Marinescu: "I want to end this meeting with a criticism on the former leadership of the Ministry of Health. He dealt with this Decree more than a year (...). Now we observe a resistance from the ministry that decided these measures. He did not shown discernment and a critical attitude against the existing status of the situation, instead he tried to minimize a Although the main topic of this discussion was the abortion, Suzana Gâdea expresses an interesting point that shows a correlation of the abortion with divorce actions. "Let us not forget that a child unifies the family, consolidates the ties between spouses, therefore we will avoide those countless divorces. Divorces that happen at young age have different reasons, but the reason of divorces at older age is having no children."¹

The Meeting of the Political Executive Committee on September 27, 1966

At the Meeting of the Political Executive Committee on 27 September 1966, was debated the legislation agains divorce. According to the agenda of the meeting, they discussed "the draft Decree of the State Council, to regularize abortion and to amend law against divorce."² The material included the indication of Nicolae Ceaușescu in the the Meeting of the Political Executive Committee on August 2, 1966.

After analyzing the issues of abortion, Nicolae Ceaușescu proposes to indroduce a celibacy tax for people over 25 years old, to recover costs for the incentives for families with many children.

"The sum will be about 900 milion Lei. In fact, the standard of living of employees is going to be the same, because it is actually redistribution. Since the age of 25 is introduced this tax on celibacy".³

Regarding the change of the laws on divorce, Alexandru Bărlădeanu propose postponint discussion, because in the text of Decree was not mention the increase of the stamp duty, fact that is noted also by John Philip: "It was proposed to increase the stamp duty from 500 to 1,500 Lei, but this is not mentioned in the text of the Decree, but in a decision of the Council of Minister, which amends the 1955 decision regarding the fees of divorce."⁴

Dissatisfied with the text of the Decree, Nicolae Ceaușescu concluded the discussion by suggesting improving the material by introducing more strigent measures.

¹ *Ibidem*, p. 32.

² ANIC, *Fund CC of PCR, Department Chancellery, File 127/1966*, p. 6.

³ *Ibidem*, p. 24.

⁴ *Ibidem*, p. 25.

However, after this meeting the communist leader approves the abortion law and decided “to publish the Decree on abortion in the press”.¹

The Meeting of the Political Executive Committee on October 4, 1966

On September 30, 1966 the Ministry of Justice forwarded to the Romanian Communist Party Central Committee the draft Decree to amend legal provisions relating to divorce, also with the statement of the reasons that were discussed at the meeting of the Executive Political Committee on 4 October.

In the first part of the material, Explanatory Memorandum, were presented the factors that were the basis of the text of Decree. Thus, the issue of family stability is attributed to the eternal communist state and is considered that the legislation of divorce contributed to the behavior of couple in the family. In the Socialist Republic of Romania, the strengthening and consolidation of family is a very important issue. Our state care to family is reflected not only in the constitutional provisions, but also in different law that protect marriage, mother and child’s interests.”²

The first issue highlighted is the increasing number of divorces in Romania.”In 1950 were dissolved by court decision 23,941 marriages, in 1955 their number was 31,148, in 1960 were 36,947 divorces and in 1965 were 36,925 divorces.”³ This situation requires action to stop the dissolution of marriages.

A second issue is due to incomplete legislation, which could not ensure the stability of families, and is also in non-compliance with society economically and socially development.

In the material is also mentioned that “the divorce is harmful to the interest of society and it violates the rules of social life, and because of this, the dissolution of marriage can be allowed only in cases when is not possible to maintain the couple.”⁴ According to Protocol no.33, was approved the draft Decree that amends legal provisions of divorce, with the observations made during the session.

Thus, the debate from October 4, 1966 start at 6 PM with the subject: “Changes of legal provisions relating to divorce”.⁵

After a long debate about the text of Decree and the fees for a divorce, Nicolae Ceaușescu has commanded to write the law immediatly. “Tomorrow work out the law

¹*Ibidem*, p. 25.

² ANIC, Fund CC of PCR, Department Chancellery, File 131/1966, p. 126.

³ *Ibidem*, p. 126.

⁴ *Ibidem*, p. 127.

⁵ *Ibidem*, p. 1.

with comrade Leonte Răutu, and present it to us, in this way we can take action after tomorrow.”¹

After the analysis discussed in the meeting from 4 October, can conclude that this is a particularly important as it is the moment of the final decision, when the Decree 779 was adopted and published on 8 October 1966, in the Official Gazette of Romania no. 64.

Decree text analysis

Shortly after the adoption of the anti-abortion legislation, the strengthening measures of demographic policy were doubled by the adoption of Decree 779/1966.

Direct purpose of this Decree was to keep family together with any cost and at the highest level of reproduction, assuming that in the family, sexual relations were not restricted.²

In the four articles of the Decree five fundamental issues are approached: conditions of termination of marriage, the law exceptions, the way how the court is judging the divorce application, taxes for the divorce procedure and the Decree implementations.

The first part includes the amendment of articles 1, 37, 38, 39 and 41 of the Family Code. Thus, in the first article of the Family Code is mentioned: “In The Socialist Republic of Romania the marriage and family are protected by the state; it supports with economic and social measures, development a family strengthening.”³ Paternalistic attitude of the state obvious in the second paragraph of the article, in which the role of the state is highlighted in the protection of mother and child but also it help in rising and education of the next generation which is extremely important for the new regime who believe that “is more easier to modelate the young generation raised and educated in the communist spiritual values.”⁴

The family follow to be based on freely consented marriage being recognized the equal rights in the private life. As regards the freedom of the individuals in the private

¹ *Ibidem*, p. 31.

² Diana Covaci, *Propaganda pronatalista in paginile Almanahului Femeia (1979-1990)*, in *Om si societate. Studii de istoria populatiei Romaniei (sec.XVII-XIX)*, coord. Sorina Paula Bolovan, Ioan Bolovan, Corneliu Padureanu, Ed.Presa Universitara Clujeana, Cluj-Napoca, 2007, p. 528

³ *Monitorul Oficial, Decret 779/1966*, <http://www.monitoruljuridic.ro/act/decret-nr-779-din-8-octombrie-1966-pentru-modificarea-unor-dispozitii-legale-privitoare-la-divort-emitent-consiliul-de-stat-publicat-20281.html>

⁴ Scripcaru, Gheorghe, *Bioetica, științele vieții și drepturile omului*, Ed. Polirom, Iași, 1998 p.109

space, these metions of the decree were purely formal; people are subordinates, in reality, to the communist regime, which eventually will be able to blur the boundaries between private and public life of the citizens.

Article 37 contains provisions on termination of marige. Therefore, divorce was allowed only in case of death of one partner (1st paragraph) and in situations that were presented enough valid reasons. "Mariage is dissolved by exceptional circumstances, by divorce."¹

By the ambiguity and general expresion of the article, these exceptional cases were left to the discretion of judges, thus making the divorce proceedings and delivery difficult.

These exceptional cases of divorce are also presented in an ambiguous form in the article 38. "The court can dissoluble the marriage by divorce only when, there are good reasons, the relations between parteners are so seriously and irreparably injured that continuation of marriage is clearly impossible for the one who require its dissolution."²

Judicial bodies are advises to carefully consider the reasons of the application for the divorce, the marriage life and the interests of the minor childrens.

Divorce occurs only when the divorce mention is made final. "This statement will be made within two months since the divorce final decision, only to the husband demand who obtained the divorce and will present to the Civil Service a copy of the final divorce decision."³ If this mention is not respected, the divorce decision will be null.

To submit another application, the husband had to rely on new causes and on those in the previous complaint too. The purpose of this panoply of mesures was to descourage citeezen to divorce and make it as difficult to rule by the court.

Article 41, last amended from the Family Code, display the obligations of the couple to declare the dissolution of marriage. So, if the divorced husband is unable to work occurred before marriage, during it or even a year after the end (only in the circumstances related to marriage) has entitled to maintenance that can be up to one third of the net income that would have to pay. In addition to alimony husband, who was unable to work, need to be paid and child support, they could exceed half of the monthly net income. This right to maintenance ceases upon remarriage or is just for a year if the divorce was the fault of either of spouses.

¹ *Monitorul Oficial, Decret 779/1966, <http://www.monitoruljuridic.ro/act/decret-nr-779-din-8-octombrie-1966-pentru-modificarea-unor-dispozitii-legale-privitoare-la-divort-emitent-consiliul-de-stat-publicat-20281.html>.*

² *Ibidem.*

³ *Ibidem.*

In the second part of the Decree, are adjustments of the Code of Civil Procedure (article 612) and introducing a new article 616.1.

Thus, the article 612 second paragraph contains procedures which can make an application for divorce, but this must be displayed by the complainant.

The Court President was required initially, after receiving the request for divorce, to reconcile the conflict between spouses and then to set a dead line for the hearing. To complicate the divorce procedure, the article 613 states "If the applicant does not appear to the court, the process is suspended.¹" Moreover, if the claimed husband did not appear "the president will give a cooling-off period of 6 months, and if there are minor children, one²." It was considered that by extending the terms and proceedings of the divorce there is a possibility of reconciliation of the spouses. To make this period longer, after this extention, the president, considering the circumstances, may fix a new period of six months. The divorce application followed to be tried in open court only in certain circumstances, for better data analysis, this could be heard in the Council Chamber. Also, the divorce decision was pronounced in the Open Session.

According to article 616, the request being rejected if at the hearing is only the defendant.

If the respondent spouse is not present nor to the timeframe for reconciliation, neither at the hearing, the court must make sure "that the defendant is domiciled at the indicated place in the application, and if doesn't live there, he will be quote at home or at work."³(Article 616.1)

The divorce may cease at any stage of the process if the spouse come to termes. The deadline for appeal if the application for divorce was rejected was 30 days.

The third part of the decree, mentions the costs for the divorce. Thus, the stamp duty for divorce proceedings started from 3000 to 6000 lei, being fixed by the tribunal chairman and is proportional with the net monthly income of the applicant.

If the spouses gets along during the process, withdraw the request for divorce or if the spouse who obtain the divorce does not require dissolution of marriage in accordance with article 39 of the Family Code, the person who paid stamp duty shall be reimbursed half the amount.

The spouse declared guilty, for dissolution of marriage will be obligated, "out in the stamp duty, to reimburse expenses incurred by the other spouse because of the divorce proceeding⁴".

¹ *Ibidem.*

² *Ibidem.*

³ *Ibidem.*

⁴ *Ibidem.*

Decree shall also apply to pending divorce requests.

Following the adoption of the Decree 779/1966 has been a significant decrease in the rate of divorce. Thus, in 1967 there were 48 divorces nationwide¹, this situation is consistent with the expectations of the communist. Also in 1970 dynamic rate of the divorce was 5.4 to 100 marriages, comparing to 18.4 in 1960.² Depending on environment, the high percentage of divorces was registered in rural areas (from 1967 to 1974 the divorces index per 1000 inhabitants was 0.83 in the villages and 0.36 in the cities)³. Since 1972, divorce index began to rise steadily from 11.254 to 36.008 in 1989⁴.

Subsequent changes in legislation against divorce

Although in first years of the adoption of the Decree 779/1966, the divorce rate has declined, the population has demonstrated that it is able to adapt, many couples prefer to live separately, without asking a divorce process.

In 1969, divorce legislation has undergone the first change, with the approval of the Decree 680.

The reason was due to the unique regulation that before the application for divorce are fixed log terms for reconciliation of spouses, which can not be applied on serious cases.

Thus, these terms were eliminated if the divorce was asked because "if one partner suffering of: chronic mental illness, is legally declared missing, abandon his family, was convicted of attempted murder against the partner or instigation, incest or homosexual relations, was sentenced to imprisonment for minimum 3 years or has suffered more penalties sentences totaling 3 years, for crimes against state security or against the world peace, murder, infanticide, prostitution, theft, robbery, fraud, embezzlement, crimes of forgery."⁵

In regard to the original form of the Decree 779/1966, there is a clearer formulation of the situations in which the divorce could be pronounced, this making easier the courts work.

¹ *Anuarul statistic al României*, <http://www.insse.ro/cms/files/pdf/ro/cap2.pdf>, p. 18.

² Georgeta Ghebre, *Regim social-politic și viața privată (familia și politica familial în România)* <http://ebooks.unibuc.ro/StiintePOL/ralu/1-2-3.htm>.

³ *Ibidem*.

⁴ *Anuarul statistic al României*, <http://www.insse.ro/cms/files/pdf/ro/cap2.pdf>, p. 18

⁵ *Decret 680 din 7 octombrie 1969, Monitorul Oficial, nr 106*, <http://www.monitoruljuridic.ro/act/decret-nr-680-din-7-octombrie-1969-pentru-modificarea-unor-dispozitii-din-codul-de-procedura-civila-si-din-decretul-nr-779-1966-pentru-modificarea-unor-dispozitii-legale-privitoare-27351.html>.

It was also decided that the stamp duty for these situations to be 200 lei. The Decree 680/1969, will be also valid for the divorce application being under trial at first instance. But, stamp duty paid before entry into force of the Decree shall not be refunded to spouses.

Despite these improvements, the divorce rate after 1970 was again in a constant process of growth. From these reason in 1974 applied another series of changes to the Code of Civil Procedure and Family Code articles.

Thus, in the Executive Committee meeting approved the Decree 174/1974, published in the Official Gazette on 1 August.

The first part of the Decree wich amend the Article 613 of the Code of Civil Procedure the court emphasized that the time for reconciliation of the spouses were fixed between 3 and 6 months and if there are depended children, the reconciliation is between 6 months and one year. If the applicant spouse is not present at any of term, the divorce proceedings were suspended. If the "defendant spouse suffers of chronic derangement or is chronic hebephrenic, is declared missing by the court or is out of the country for at least two years, leaving the spouse" ¹ the court directly fixed the hearing of the divorce application.

But the communist leadership immens desire to preserve family unity is illustrated by the following provisions of the article. If the marriage dissolution was requested because the defendant spouse was convicted for attempt, complicity or incitement to murder against spouse, serious corporal injury, was convicted of sexual offenses or for more intentional offenses, other than thos from the letter "a", was imprisonment for at least three years and the demand was introduced during the penalty or if spouses live apart for at least five years and this is proof by documents and official court² shall appoint a chairman reconciliation within the Council Chamber and if the applicant spouse was not present set the trial date file.

In the second part of Decree 174/1974 is amended the article 39 from the Family Code. "Marriage is dissolved on the day when the decision ruled when the divorce was final. Compared to the third, property consequences of marriage shall cease from the moment when the decision was made mention of divorce on the marriage certificate or from the moment the have know the divorce in another way"³

The provisions of the Articles 613, 613.1., 613.2 of the Code of Civil Procedure and the Article 39 of the Family Code could be applied in the pending divorce applications from the entry into force of the Decree.

¹ ANIC, Fond CC al PCR, Secția Cancelarie, Dosar 79/1974, p. 52.

² *Ibidem*, p. 52.

³ *Ibidem*, p. 52.

Despite all these changes of the Decree, the population has shown flexibility, like in the case of anti-divorce decree, and in 1980 the divorce rate reached the same rate as before the adoption of anti-divorce legislation in 1966.

4. The consequences of anti-divorce legislation

The main target of Ceaușescu's demographic policy was to cancel the border between private and public area. Consequently, many state policies of the time turned their attention on the privacy of citizens. The demographic policy aimed the population growth; the creation of a new type of citizen and new social norms, its main action was the prohibition of abortion and the limitation of divorces. A major consequence of these policies is to stigmatize those who disobeyed the new rules.

The state interference with family life ultimately manifested in the freedom of people to choose their partners. Moreover, not only because of long periods provided for the reconciliation of spouses, but also the exceptional situation when a divorce was approved, was encouraged a form of double life, in which people tried to adapt their needs to the requirements of state. Many couples preferred to live separate, without applying for divorce, so this encouraged extramarital relations of partners. It should be noted, that in the context of unequal relation between men and women, in the end, women experienced the strongest negative impact of the policy of divorce – children were mainly the responsibility of mothers, the double standards on sexuality harm, especially women, the abuse within the family was less penalized just for saving appearances, etc.

In this context, the divorce became a social stigma that needed to be avoided. Therefore the status of divorce person had negative consequences in people's lives, families that suffered a divorce, even in the past, were marginalized.

In addition, in the public sphere, divorced persons were discriminated and were socially excluded, manifested both by the possibility of losing their job and by exclusion from the Party or other related bodies.

Negative social labeling was correlated not only with the divorced persons, but also with the children of divorced couples, considering that they have an "unhealthy" social origin. Instead, were encouraged marriages of people that comply with the rules or that were part of the system.

Post-communist Romanian society has made some significant changes in the family: increasing age at first marriage, high divorce rate, lower average duration of marriages etc. Currently, the average length of marriage to divorce, at European level, is 12 years and 10.5 years in Romania (Popescu, Raluca, 2010, p. 7). The main reasons behind a divorce in the Romanian society today are: violence, alcoholism, infidelity and love end (Nicolaescu, V., 2010, p. 5). However the family demonstrates a strong influence on the lives of Romanians (Croitoru, A., 2011, p. 4).

Moral traditionalism by preserving the family unit is transmitted by the Decree 779/1966, and continue in today's society, especially in rural areas where the divorce continues to be a social imbalance. Therefore, I consider relevant and necessary a analysis of the attitudes and the perspective on divorce, both of citizens and social institutions, that constinue to perpetuate a traditional family pattern.

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LOCAL INITIATIVES OF SOCIAL INSURANCE AND SOCIAL INCLUSION IN EUROPE

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Abstract: Inside this paper there are presented the ways in which certain affected regions by the high risk of social exclusion generated socioeconomic policies on territorial principles. So, the purpose of the comparative researches refers to the standardization and the forming of the best practices by the analyzing of the respective national policies. As a result there are presented three types of national practices: A. the French model of “the free urban regions”, B. the British model “of the index of the multiple deprivations” and C. the Danish model of “the qualitative study”. The elaborated and planned measurements have to establish the conditions for the local forces’ concentration and the gathering of sufficient resources that to be directed towards the social economy by creating real initiatives in this direction.

Keywords: social exclusion, regions, local initiatives, policies, good practices.

1. Introduction

Based on the European experience, the geographic determination of regions that suffer from social exclusion generates the need of configurations the socio-economic policies on territorial terms². The purpose of the comparative research in this particular field, is the standardization/formulation of best practices (under the form of functional methodologies or research tools and the relevant targeted interventions) via the analysis of relative national policies.

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² The so-called «Area based policies»

The conclusions of the comparative research in question reveal **three models of national practices** that will go under examination: the French model of “Free Urban Regions”¹, the British model of the “Multiple Deprivation Index” and the Danish model of “Qualitative Approaches”.

2. The French model of “Free Urban Regions”

In 1996 in France, in the framework of legislative provisions on the application of the Pact of Revitalization of the City (Loi du 14 Novembre 1996), 750 “Urban Regions of Sensitive Character” (zones urbanites sensibles) had been determined, among which the 396 had been “Regions of Urban Invigoration” (zones de redénomination urbaine) and the 44 “Free Urban Regions” (zones franchise urbanites). The advantages for the abovementioned regions were mainly tax/credit facilitations and the most important advantages were given to the 44 more deprived urban regions of the French territory (“Free Urban Regions”).

Challenges and objectives of the “Pact of Revitalization of the City”

The determination of the abovementioned regions has been realized with the aim of interconnecting the economic policy with the particular social and economic problems of the deprived urban regions. The particular Project has been shaped with the emphasis on the confrontation of the aggravation of social exclusion in specific urban regions. The main negative characteristics of these regions are:

- the mobility of the middle class population and the increase in the number of uninhabited apartments
- the particular difficulties the enterprises, activated in the regions in question, face mainly due to the reduction of the purchasing power for the residents
- the increase of unemployment and the consecutive enforcement of the sentiment of exclusion from the social, economic and cultural events of the country.

Concisely, the “Pact of Revitalization of the City” is based on six fundamental goals, that concern:

- The creation of economic activities and workplaces
- The protection of the public order
- The re-establishment of equality of opportunities in schools
- The re-establishment and differentiation of the residences

¹ This specific model is related to the “Pacte de Relance de la Ville”. The purposes of this specific policy are the determination of the Regions that suffer from economic and social problems and also, the policy-making relevant to each Region, so that the particular problems have particular confrontation solutions.

- The improvement and the active presence of public services
- The research and the support of partners for the concretization of the abovementioned goals.

The basic pylon of the Project is fighting unemployment by encouraging the enterprises located in deprived regions. For this reason, 44 “Free Urban Regions” have been targeted. The enterprises of at least 50 workers, located at one of these 44 regions, have been granted a series of important tax and social advantages (tax exemptions, etc.)

In parallel, important budgetary provisions have been available for the restoration of abandoned commercial centers in the abovementioned regions with the aim of revitalizing the commercial and economic activities of the areas. Among other interventions in the regions, there are:

- The fight against criminality of young persons, as well as the prevention and fighting of distribution and use of drugs
- The encouragement of the construction of school buildings (mostly, the increase of human resources)
- The issuing of loans on particularly favorable terms for the re-establishment and the repairing of buildings
- The improvement of quality of means of transport

Generally speaking, the “Pact of Revitalization of the City” constitutes a multidimensional project of fighting against social exclusion, on territorial grounds. It has to be pointed out that the determination and the enforcement of the “Free Urban Regions” obey to a rational statement of “positive discrimination on territorial base” (discrimination territorial positive).

The designation of the “Free Urban Regions”

The choice of these particular regions has been realized on the basis of the following objective statistical criteria:

- The population (their population exceeds the 10.000 residents)
- The rate of unemployment (higher at least by 25% of national average)
- The percentage of young persons that live in these particular regions (at least 36% of the local population is young people)
- The percentage of young people up to 15 years old without degree (the relative percentage in the regions in question is higher at least by 30% of the relevant national average)
- A series of tax criteria.

Generally, in the 44 selected regions:

- The rate of unemployment was double of the national one
- The 46% of the population was young people
- A percentage of 44% of young people up to 15 years old were not graduates from a technical institution or lyceum.

Figure 1
“Free Urban Regions” (Zone Franche Urbaine) 11310



Région: Ile de France. Préfecture: Seine St Denis (93). Municipality: La Courneuve.

The promotion of the “Pacts of Revitalization of the City” is based on the active participation of the Local self-government. In this context, local representatives are called to present any activity that is essential for the resolution of the social and economic problems their regions face. For each one of the regions an Action Plan is shaped that involves the governmental authorities, the local self-government, as well as other institutions (enterprises, social partners, not governmental organizations, organizations of social economy, etc.) that have the desire to contribute actively to the effective concretization of the Pact’s actions. The convention determines, with clarity, the objectives and the actions that correspond to each involved stakeholder.

The following map describes the dimensions of geographic delimitation of one of the 44 “Free Urban Regions” in France. The delimitation is given in blue line (<http://i.ville.gouv.fr>).

3. The British model: the index of Multiple Deprivation and the Strategy for the Revitalization of Neighborhoods ■■■

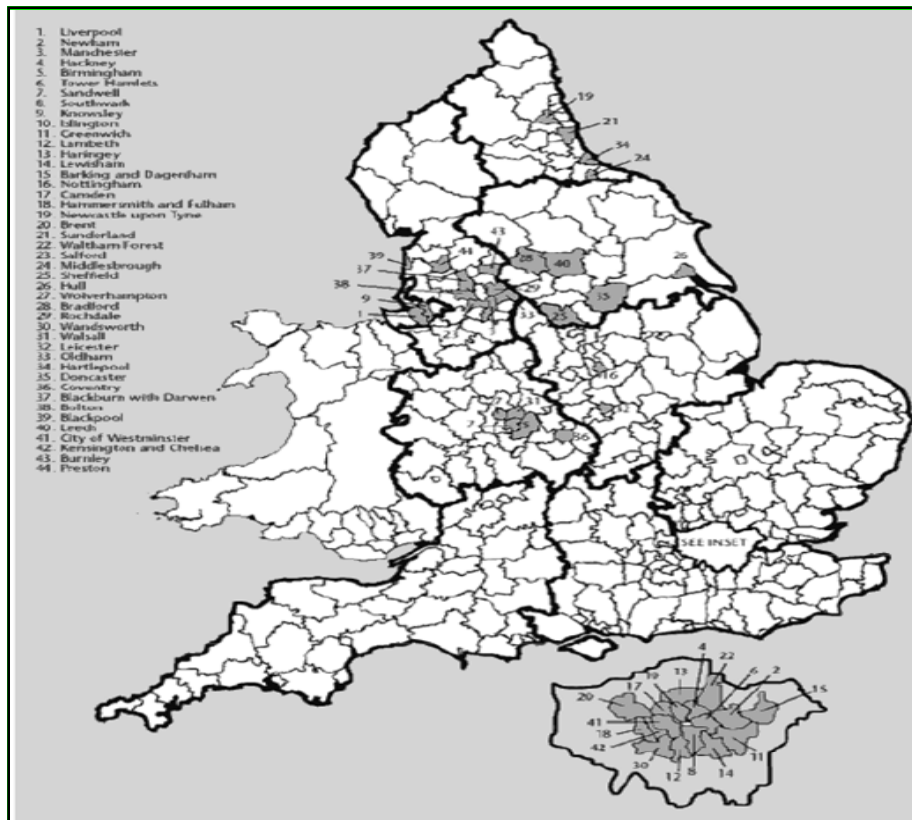
The operation of the Index of Multiple Deprivations

The Index of Multiple Deprivation (IMD) is a methodological tool for the investigation of various levels of social exclusion on a territorial basis in the United Kingdom. Its final purpose is the comprehension of several factors that generate the social exclusion and the promotion of interventions, of institutional / sociopolitical character, for the confrontation of all dimensions of the phenomenon. Its development is directly related to models of measurement of deprivation, on territorial basis, that are used for the delimitation of basic policies (i.e. the percentage of the budget provisions, provided by the State to the organizations of local self-government, is calculated under a concretely shaped social indicator) (Robson, B., Bradford, M., Tye, R., 1991).

The Index in question is included in the general framework of Indexes of Deprivation that have been shaped with the aim of rationally mapping out the social policy at regional and local levels. Indicatively, it may be mentioned the example of the “National strategy for neighborhood renewal” (www.socialexclusionunit.gov.uk) of the Social Exclusion Unit. The Social Exclusion Unit, in its reports on this particular question (Bringing Britain together: A national strategy for neighbourhood renewal (September 1998), is repeatedly reported as one of the 44 most deprived regions in the United Kingdom, on the basis of relative indicators.

The Index of Multiple Deprivation was designed by the Department of Social Polity and Social Work of the Oxford University, on behalf of the Department for the Environment, Transport and Regions of the British government (<http://www.dtlr.gov.uk>). This particular index has replaced the Index of Local Deprivation that was previously adopted by the Social.

Figure 2
The 44 most deprived regions of the UK, on the basis of the 1998 Index of Local Deprivation (in declining classification)



Source: Social Exclusion Unit, *Bringing Britain together: A national strategy for neighborhood renewal* (September 1998).

The composition of the Index of Multiple Deprivation: the six research domains of the social exclusion

The indicator of Multiple Deprivation is consisted of:

- 6 domains at ward level (Income, Employment, Health and Infirmity, Education - Dexterities - Training, Accommodation and Geographic access in services), that is constituted globally by 33 indicators.
- A total Index of Multiple Deprivation.

- Six summarizing indicators at regional level (district level).

Briefly, the IMD (Index of Multiple Deprivation) is an innovative and multifunctional indicator, based on which can be estimated the levels of deprivation at ward level. The IMD shares the same characteristics with 33 different indicators. An advantage of the IMD concerns the possibility of renewing, on a regular basis, the data on which the indicator is based. A second advantage – compared with the previous indicator - is connected with the possibility of evaluating the deprivation in small geographic entities, providing consequently the possibility of localization and confrontation of “hearths” of social exclusion. This particular aspect of the IMD is indeed an important advantage. The Social Exclusion Unit had already pointed out the weakness of the Index of Local Deprivation (ILD) with regard to the localization of deprived districts that exist in regions with high standard of living. This fact rendered the results of ILD insufficient for an integrated recording and fighting against social exclusion on territorial base.

The Index of Multiple Deprivation is focused on the multidimensional form of social exclusion¹, by distinguishing a series of “deprivation” levels. Each domain is consisted of a series of indicators that have been selected according to:

- Their possibility of renewing on a regular basis,
- Their validity,
- Their availability at ward level of in its entirety territory and
- Their focalization on one of the principle aspects of the evaluated “deprivation” level.

Due to the insufficiency of data, the domains related to criminality, public order, as well as environment, is not included. Briefly, the Index of Multiple Deprivation is focused on the following six domains²:

- **Income**

This domain estimates the number of individuals that receive economic benefits (from institutions of social insurance, employment and welfare).

Deprivation of Income: synopsis of indicators

- Adult beneficiaries of economic aid
- Minors beneficiaries of economic aid
- Adult beneficiaries of unemployment subvention

¹ Social exclusion constitutes a multifunctional and dynamic notion that deviates from the purely economic perception of the traditional evaluation tools, such as poverty”, “inequality”, etc.

- Minors that belong to households where the income is based on unemployment subvention
- Adults that belong to households where the income is based on social insurance subvention
- Minors that belong to households where the income is based on social insurance subvention
- Adult beneficiaries with infirmity subvention
- Minors beneficiaries with infirmity subvention
- Persons who do not receive income (from pensions, benefits of infirmity etc.) from social subventions

• **Employment**

This domain estimates the number of individuals that cannot work due to a disability or an illness and the number of unemployed that are officially recorded

Deprivation of Income: synopsis of indicators

- Number of unemployed
- Individuals from 18 until 24 years who participate in active programs of employment (www.newdeal.gov.uk)¹
- Number of beneficiaries with subvention of disability aged between 16 and 59
- Beneficiaries of subvention of serious infirmity aged between 16-59

• **Illness or Disability**

In this particular domain, the number of individuals who suffer from illnesses or a disability is referred.

Illness or disability: synopsis of indicators

- Rates of mortality for men and women under 65 years old
- Individuals that receive public subvention of infirmity or disability for work
- Percentage of active population (16-59 years) with subvention of disability or heavy infirmity
- Percentages per age and gender who suffer from restrictive long-lasting illnesses
- Percentage of birth rate at low weight (<2500 gr.)

¹ In Great Britain, the program is called "New Deal".

- **Education, dexterities and professional training**

In this particular domain there are calculated the deprivation, with regard to knowledge and dexterities of the adult and underage residents of a region.

Education, Dexterities and Professional Training: synopsis of indicators

- Adults with no certified professional qualifications and dexterities
- Children up to 16 years old who are not included in the educational system
- Percentage of young persons between 17-19 years old that did not succeed in the entry exams of the university education
- Data concerning performance in the gymnasium education
- Percentage of children in the primary school, with the language of the country as a second language.

- **Geographic access to services**

In this particular domain there is estimated the access of individuals to the basic services. The access to specific services is connected with the access to means of transport and the dissemination of the services in question in the urban space.

Geographic access to services: synopsis of indicators

- Access to post-office
- Access to restaurants
- Access to fuels station
- Access to educational institutions

- **Accommodation**

In this particular domain there are calculated the numbers of households that lack basic comforts, as well as the number of households that do not provide permanent shelter.

Accommodation: synopsis of indicators

- Number of homeless people
- Multi- member households that live in residences without the basic comforts

The configuration of the Index of Multiple Deprivals

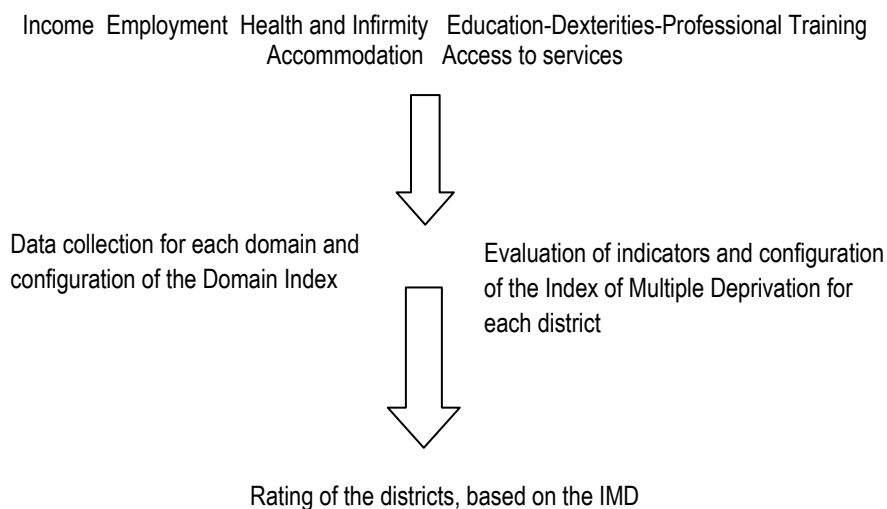
The data analysis for each one of the abovementioned six domains leads to the configuration of relevant indicators at Domain Index level. Moreover, the particular

indicators (Income, Employment, Health and Infirmity, Education-dexterity-professional Training, Accommodation and Geographic access to services) can be combined and shape the Index of Multiple Deprivation (IMD). Based on this particular indicator, the levels of deprivation are evaluated for each district. The combination of indicators (Domain Index) presupposes the evaluation of the domains, which can be standardized as follows:

- Income 25%
- Employment 25%
- Health and Infirmity 15%
- Education, Dexterities and Training 15%
- Geographic access to services 10%
- Accommodation 10%

The following diagram presents the two basic stages for the configuration of the Index of Multiple Deprivation (Department for Environment, Transport and Regions, Indices of Deprivation 2000).

Figure 3
Methodology regarding the configuration of the Index of Multiple Deprivation at district level DOMAINS



The exploitation of the application of the Index of Multiple Deprivation

The Index of Multiple Deprivation can be developed at district level, but also at the regional one.

a) At district level, there may be found seven (7) indicators (six indicators that concern the abovementioned domains and the Index of Multiple Deprivation). For each indicator there is an attributed rating position (in Great Britain, as an example, exist 8414 districts: the most deprived region will hold the position 1 while the most flourishing the position 8414).

In this way, the users of this particular indicator have the possibility to evaluate one of the six dimensions of social exclusion in a concrete region, as well as to proceed to compare it with other regions. As it has been mentioned, the calculation of a particular indicator allows the localization of the “hearths” of social exclusion, contrary to the previous researches that were limited to calculations at regional level.

b) At regional level, the use of the indicator allows the investigation of the differences within and among regions. Concretely, the most vulnerable groups of people and the most deprived districts have been determined, so that particularly crucial information is ensured concerning the territorial dimensions of the social exclusion for every region.

More analytically, the measurements at regional level referred to:

- The local concentration (this particular measurement allows that the contact points of social exclusion are located in the framework of the region)
- The extent (percentage of population of a region that lives in the 10% most deprived districts of the area)
- Measurements for exact size of the individuals that are deprived of a satisfactory income or workplace at regional level
- The average of the districts of a region, based on the indicator IMD
- The average of the districts of a region based on the results of each district in each one of the six domains (Income, Employment, Health Infirmity, Education - Dexterities - Professional Training, Accommodation, Access to services).

To conclude, the Index of Multiple Deprivation allows an objective recording of the phenomenon of social exclusion in its territorial dimensions, under the methodological measurements at three levels:

- Six indicators at domain level 144 for each district (Domain Indices)
- The total Index of Multiple Deprivation, based on the six Domain Indices

- Six measurements at regional level.

Consequently, the possibility of focusing on concrete dimensions of the social exclusion at district level is ensured, dimensions that are immediately connected with the extended factors of appearance of the phenomenon that are not only limited to the lack of income or employment. More so, those who plan the interventions of social policy could promote new interventions for the abolition of any reasons or factors of exclusion.

4. The Danish model: the importance of qualitative data

The Danish model is defined by the methodological framework designed and implemented by the Danish Building Research Institute concerning the dimensions of social exclusion and in particular the implications of this phenomenon in urban areas (e.g. buildings and natural environment). The main axis of the framework is the relationship between social conditions that prevail in a region and the existing situation of the buildings and other facilities of the neighbourhood (Kristensen, H., 1997).

Even if accepted the consequences of employment and unemployment in developing the phenomenon of social exclusion, the empirical research in Denmark shows that housing conditions and the quality of basic infrastructure in the neighbourhood are also important factors of exclusion (e.g. lack of space for food service or entertainment, that help the development of social relationships). Particular emphasis is given to apparently damaged buildings and related infrastructures (green spaces, streets, squares, cleaning, etc.), which reflect the deterioration of living in a specific neighbourhood.

To sum up, in the framework of the Danish model the effectiveness of interventions that address problems of exclusion depends largely on their “visibility”, meaning their ability to be easily understood by residents. This position conflicts partly with the methods analysis of social exclusion based only on statistical indicators. A purely statistical analysis of social exclusion is perceived as a technocratic approach of the problem.

Such an approach carries the risk that policies with a spatial reference for combating social exclusion would not respond to the needs and requirements of the local population, especially taking into account the fact that the evaluation of the living conditions by the residents of a deprived area focuses mainly on visually identifiable results and problems. More so, such an approach significantly affects the directions of the efforts of empirical investigation of social exclusion. The Danish model inhibits the development of composite indexes (e.g. the Index of Multiple Deprivation), choosing to adopt relatively simple indicators, the conduct in-depth interviews with key people in the region as well as participant observation in the specific region.

More specific, the Danish model of empirical investigation of social exclusion on a spatial base is implemented on the basis of evaluating:

a) The data at local level

The social housing organizations in Denmark keep extensive information concerning the conditions of rental housing available for their beneficiaries. These databases provide a series of very useful information about living in deprived areas.

Local statistics

- Number and characteristics of cases of vandalism
- Complaints from the residents of the neighbourhood
- Delayed rents
- Unannounced apartment abandonment
- Violation of hiring conditions

b) Information and data centrally

The Danish central system recording personal data allows processing a number of interesting statistics in a spatial database.

Key Statistics

- Age composition
- Employment
- Income
- Nationality
- Change apartments' frequency

c) Data from research field

Here, there are used structured questionnaires or semi-structured interviews with the aim of ensuring an objective record of the views/representations of a sample living in a specific spatial area of reference.

Questionnaires and interviews

- Participation in associations and leisure activities
- Degree of satisfaction of the neighborhood
- Noise and other nuisance in the neighborhood
- Evaluation of the image / reputation of the neighborhood

- Desire to change neighborhood

This sample comprises, on one hand, randomly selected individuals and, on the other hand, selected opinion leaders who live in the same area. Usually, the results of field surveys are combined with the evaluation of visual material on the situation of buildings and other infrastructure (photos, maps, etc.).

5. Conclusions

The use of the findings resulting from the application of comparative research in the field of spatial exclusion leads to a number of important observations that can develop the discussion regarding the spatial dimension of exclusion and to represent the starting point for the development of local policies of active integration that reap the benefits of social economy.

- Common aim of the three key European models is to develop interventions with a spatial orientation that tackle social exclusion (area based policies).
- The British model offers the most detailed model of recording social exclusion on a spatial base, and allows the definition of qualitative and local level, leading to the development of rational socio-political interventions with a spatial reference.
- The identification of the areas of social exclusion in France is based on a series of simple statistical criteria. The development of interventions based on active participation of local communities.
- The Danish model highlights the importance of qualitative data by rejecting the methodologies based solely on complex quantitative indicators for the investigation and recording of social exclusion on a spatial base.

To conclude, the above analysis shows that the overall approach concerning social integration and exclusion concern a range of interventions from the part of official institutions, in this case at the local level. It is they who should set the conditions for the mobilization of local forces to gain the necessary power that need to be directed in the field of social economy and to take initiatives as well. The mobilization of the entire community is the one that can bring results and lead to an inclusive society. The agents of self-government can play a key role in this mobilization and in the implementation of a broader local plan concerning the re-inclusion of those marginalized and the protection of those at risk of exclusion. In this context, the social economy can contribute effectively to social cohesion and is one of the main players fighting against social exclusion (Cace, S.; Nicolaescu, V.; Scoican, A.N., 2010, pp.192-193). The fact that recent developments in the social economy does not allow an optimistic estimation highlights the growing importance of monitoring methodologies that can produce the necessary records to validate this form of

economy (Arpinte, D.; Cace, S.; Cojocaru, Ș., 2010, p. 79). Thus, evaluating and monitoring of social economy activities is a challenge both for beneficiaries and for the structures involved in the implementing specific projects in this area (Katsikaris, L.; Parcharidis, I., 2010).

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SOCIAL ENTREPRENEURSHIP AND VULNERABLE GROUPS

Ramona PAVEL*

Abstract: *This article is a brief incursion in the vast and controversial field of the social entrepreneurship as form of social economy, analysing its potential to improve the inclusion of the vulnerable groups on the labour market. Far from claiming to explain a complex phenomenon such as the social entrepreneurship, the text below presents the social entrepreneurship and its particularities, the forms of social exclusion from the labour market and their specificity from the angle of the vulnerable groups. The end of the article is dedicated to the analysis of the peculiarities of the vulnerable groups' participation on the labour market and of the role which the social entrepreneurship has in facilitating their integration on the labour market*.*

Keywords: *social entrepreneurship, social economy, vulnerable groups, labour market, social exclusion*

1. Introduction

Any free market economy is confronted with the problem of a higher or lower unemployment rate. The full employment of the workforce within a market economy depends, most of all, of the proper functioning of the workforce market, most of the jobs coming from the private companies. While during the communist period the goal of the social policies was to prevent any kind of unemployment, more recently the workforce market has been hit by economic shocks which can lead to high unemployment rates, in excess of what is economically sufficient. This calls for new, innovative solutions initiated either by the state, or by the free market, or by a combination of the two suppliers of welfare, where premises for such endeavour exist. Because the rational management applied strictly in economic terms often proved unproductive in terms of meeting the social needs and because the state has

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* Abbreviations: CSR – Corporate Social Responsibility; EU – European Union; IGA – Income Generating Activities; ANOFM – National Agency for Employment; EC/ CE – European Commission; MMFPS – Ministry of Labor, Social Protection and Family; AJOFM – County Agency of Employment; GDP – Gross Domestic Production; ESF – European Social Fund.

shown its limitations while fighting against social exclusion (understood generically as a combination of the problems pertaining to poverty, unemployment and social marginalisation), means have to be identified, which to improve the quality of life.

2. The social entrepreneurship

The social entrepreneurship may be one of them. While the term of welfare state which appeared at the end of the 20th century as a consequence of industrialization, presently, in full era of globalization, the social policies rediscover the potential of the local communities and the role of the innovative initiatives in the supply of welfare. Therefore, “we need an entrepreneurial society in which innovation and entrepreneurship are something normal, safe and continuous” (Ducker, 2007, p. 245)

However, what is the social entrepreneurship? The term of *entrepreneur* originated in the French economy of the 17th and 18th centuries. In French, the term of *entrepreneur* designates a person who gets engaged in a significant project/activity. The French economist who assigned this meaning to the concept was Jean Baptiste Say, who was saying that the “*entrepreneur transforms economic resources from low-yielding fields into different domains or into highly-yielding areas*” (Dees, 2001, p. 1).

In the 20th century, the economist associated to this concept was Joseph Schumpeter, who described the entrepreneurs as the “*innovators who lead the creative-destructive process of capitalism*” (aped Dees, 2001, p. 1). The role of the entrepreneurs is to reform or revolutionise the patterns of production. The means used to this purpose are varied: from the exploitation of an invention or of a new technical possibility, to the reorganisation of a whole industry, provision of new goods and services or provision of known goods and services, however, produced or distributed in a new manner. For Schumpeter, the entrepreneurs are the agents of change in economy.

The 1990 decade brought forwards two perspectives on the social entrepreneurship: the school of social entrepreneurship represented by Boschee and McClurg and the school of social innovation, whose main supporters are J.G. Dees and B.B. Anderson.

Table 1

Theoretical perspectives in approaching the social entrepreneurship

School of social entrepreneurship (representatives: Jerr Boschee and Jim McClurg)	School of social innovation (supporters: J.G. Dees and Beth B. Anderson)
Social entrepreneur is any person, from any field of activity, who uses market strategies to accomplish social goals.	<i>The social entrepreneurs are defined as agents of change in the social sector.</i>

School of social entrepreneurship (representatives: Jerr Boschee and Jim McClurg)	School of social innovation (supporters: J.G. Dees and Beth B. Anderson)
The social entrepreneurs are directly related to the social mission, either when they provide products or services with direct impact on the social field, or when promote actions of social inclusion	<i>The social entrepreneurs are innovative; they are oriented towards achieving new modalities to solve the social problems and to meet the social needs, producing a long-term impact and systemic changes.</i>
<i>Focusing on obtaining incomes for social missions. The trend to put on the same path the creation of economic and social value.</i>	<i>Focusing on the process of social change and on the innovating manners to solve the social problems.</i>

Source: Centre for the Advancement of Social Entrepreneurship, 2011.

The school of social entrepreneurship is strongly focused on the production of incomes for a social mission by applying market solutions to the social problems. The social entrepreneur is directly related to the social mission, either when he/she employs people with disabilities or people from other vulnerable groups, or when he/she provides services impacting directly on a social field. From the perspective of the school of social innovation, the social entrepreneurs are engaged in a continuous process of innovation, adaptation and learning, acting in support of an increased responsibility towards the direct and indirect beneficiaries of the created results,

Because there is no widely agreed and accepted definition of the term of *social entrepreneurship*, we took into consideration the elements which the literature presented most often, as being specific to the social entrepreneurship. We may say that the social entrepreneurship is an innovative process of consistent identification and pursuit of the opportunities of any kind that may lead to the production of social value, being strongly oriented towards the efficient utilization of the available resources and towards the accomplished results.

Despite the efforts to generalise a definition based on innovation, quite many practitioners associate the social entrepreneurship to income-generating non-profit activities. Income generation is just a method, and it is not always the best; it may sometimes be even to the detriment of the entrepreneurial endeavour because it takes talent and energy from the central activities. The forms of social entrepreneurship which deserve being promoted are those establishing new, better methods to improve the surrounding world. Citing J.B. Say, the social entrepreneurs „transform the resources in highly yielding areas and then they call out” (apud Dees, 2001, p. 2). One of the propelling forces of the social entrepreneurship is given by the promotion and dissemination of the entrepreneurial patterns and results with the purpose to acquire visibility. This is done first with the purpose to attract collaborators

and beneficiaries and the support of the community and second with the purpose to draw financiers and sponsors which to contribute to the development of this sector.

Given the variety of approaches in the literature, synthetically, the main stages in the crystallization of the concept are: (1) an early stage of development of the social entrepreneurship was the adoption of commercial practices by the non-profit sector, with the purpose to increase its financial sustainability and autonomy; (2) the second stage starts from the individual, the social entrepreneur, as leader merging the thinking from the business environment with the non-profit thinking, in order to develop strategies maximizing the social impact by applying innovative ideas and (3) the development of social entrepreneurship activities starting from the actions of corporatist social responsibility of the large economic agents which thus capitalise on new opportunities of expanding their area of activity, while considering the creation of social value.

Other concepts from the social sector, related and often mistaken for the social entrepreneurship are: social economy, social enterprise or corporatist social responsibility. The social economy (French term) appeared, theoretically and practically in the 19th century Europe, when the social economy developed in response to the capitalist *laissez-faire*. It includes organisations such as the cooperative societies, the social enterprises, the associations and foundations playing an active role in the promotion and consolidation of social inclusion. The social economy organisations act in areas such as: social protection, social services, health, banks, insurances, agricultural production, education and training, culture, sports and leisure activities. The research report regarding the social economy in Romania from the compared European perspective, uses the definition of the Wallonian Council of Social Economy from Belgium, which presents the social economy as consisting of *“the economic activities of the societies, mostly cooperatives, mutual associations and other associations, in which the ethics is in agreement with the following principles: the end purpose is to serve the members or the collective society, rather than to make profit; autonomous administration; democratic decision-making process; within the process of income distribution, priority is given to the people and work, rather than to the capital”* (MMFPS, 2010, p. 21).

The social enterprise is a non-for-profit or for-profit entity, which supplies social services of general interest. In Romania, the social enterprise is not regulated as distinct legal entity. There are states (such as Italy) where the term of social enterprise is regulated legally and the types of activities which the social enterprises can run are regulated by the law. The above-mentioned report describes the social enterprises as forms of organisation specific to the social economy, one of the peculiarities of these entities being the innovative approach of the actions taken to alleviate poverty and solve the social and economic problems (MMFPS, 2010, pp. 28, 31).

The corporal social responsibility (CSR) is a form of corporatist self-regulation integrated to a specific business pattern, which presumes the development of strategy of involvement in community and of a type of partnership from which the company gains (a type of marketing). CSR policy answers the expectations which the society has from the business and the ethic commitments of the company towards the society. It is important to make distinction between the social entrepreneurship (as phenomenon whose actions are characterised by innovation and social mission) and the activities of social entrepreneurship (measures, activities with stated social, institutionalised purpose).

The clarification of the above-mentioned terms simplifies the understanding of the social sector as “*intermediary field of activity between the business sector, the public sector and the personal sector which includes the family and friends*” (Bevir, apud MMFPS, 2010, p. 16). The appearance and development of this new sector took place by the reorientation of some business leaders, managers of initiators of public policies towards areas such as corporal social responsibility, sustainable development, business ethics and social impact management. According to Dees and Anderson, the social entrepreneurs are agents of change in the social sector, by assuming the mission to create and support social value, by capitalising in an innovative on the existing resources and opportunities and by promoting the undertaken activities and the outcomes of these activities.

Although the concept of social entrepreneurship is rather new, the phenomenon as such is not something new. In the common language, to be entrepreneur means to be the initiator of a new business. However, this is a simplistic approach of a concept with a rich history and much deeper significance. The social entrepreneurship penetrated into the public conscience in Romania as a form of social economy, both concepts being promoted through the EU policies. Social entrepreneurship activities existed even before, by the development of social services supported with international financial backup and thereafter self-supported by the development of income-generating activities (IGA) or as cooperative societies (MMFPS, 2010, p. 45).

In Romania, the significance of social entrepreneurship is developed by practitioners and very often lack the academic rigor to present the good practices (Popoviciu, I.; Popoviciu, S., 2011, p. 43). Thus, these experiences prove that the social economy can contribute effectively to social cohesion and is one of the main players fighting against social exclusion (Cace, S.; Nicolaescu, V.; Scoican, A.N., 2010, pp. 192-193).

While the concept was initially used almost exclusively in relation with the income-generating activities of the NGOs presently, an increasing number of organisations and entities from all three sectors (the private sector, the public sector and the social sector) focus on the identification of innovating methods of response to the social needs or problems.

3. *Forms of exclusion from the labour market*

The debate on the classification and exact definition of the social exclusion was initiated by the researchers and specialists concerned by the problem of poverty in the 1990 decade; in late 1990 decade the objectives of the social policies changed from the elimination of poverty to the alleviation of social exclusion. The understanding of each of the two concepts is rather controversial, debate which originates in the different sources and approaches of the French and Anglo-American scientific tradition.

The French school, built around the theory of Durkheim (1897) regarding the social cohesion and solidarity, the importance of the collective values and norms and the risk of social alienation (anomia), is closer to the concept of social exclusion. The Anglo-American literature (by its basic representatives illustrated by Townsend, 1979) developed several theories on the social inequalities and on the relative deprivation, theories which target the unequal access to incomes, goods, public services and citizen rights, as the starting point in their research of the poverty and social exclusion (Jehoel-Gijsbers și Vrooman, 2007, p. 12-14). Irrespective of the approach, the authors consider that the following distinctions can be made between the two concepts:

- *Static conditioning versus dynamic process*: poverty is related to static conditions (level of wages of the consumption pattern at a specific moment), while social exclusion approaches the process by which the individuals end being excluded;
- *Absolute concept versus relative concept*: poverty is conceived as an absolute lack (ex., persons with income below the minimal set threshold), while for the social exclusion there is no clearly set landmark; it is determined by comparing the person with the other individuals within the same historical-social context;
- *One-dimensional versus multidimensional*: poverty is given by a single dimension – the lack of financial or material resources –, while social exclusion involves deficiencies of several aspects pertaining to the citizen rights (income from labour, education, health, legal assistance, access to public goods etc.);
- *Passive versus active policies of response*: poverty alleviation is done by granting financial/material benefits and compensations, while the social exclusion refers to relational and socio-cultural aspects such as solidarity, participation, integration in society;
- *Endogenous versus exogenous causality*: poverty is usually reported at the individual or household level, the main causes referring to the own characteristics of the disadvantaged people (exogenous factors). Social exclusion, on the other hand, derives from the lack of access to community resources: the community in

which the individual lives and the social network, the social security institutions and the social infrastructure. Thus, the excluded people may lack any control or may have a limited control on these exogenous factors.

Social exclusion appears at different levels through some of the most varied mechanisms: irrespective whether there are excluded individuals, excluded families or categories of people, the causes belong most times both to the micro-social and to the macro-social level and the consequences bounce to both levels. The main operational mechanisms of the social exclusion and its levels of organisation have been developed and explained by Robert Whitley (Whitley, 2005, p. 90-93) as follows:

- *Spatial/temporal exclusion*: this is a form of social exclusion applied by institutions and individuals with the purpose to control different social groups and subgroups considered to a threat to the society (such as the mentally ill people, the people with disabilities). Among the consequences of this form of exclusion is the inhibition of the social interaction, the decrease of visibility and increase of anonymity of these social groups or of the individual cases.
- *Network (chain) exclusion*: this is a form of exclusion of the individuals and groups resulting from their differentiated access to the social networks and to social support; some social groups are systematically excluded from the networks of social support because of some economic, social or demographic features which they have. The affiliation to social networks is important for the emotional support and for the friendship relations, but it is equally essential for the development and orientation of the individuals towards socio-economic directions such as employment opportunities, financial capital and other resources that might help the actual functioning of the individuals/groups within the society. A factor which stresses the network exclusion is the aggressive media exposure and the urban myths regarding the different groups (such as the Roma, the sexual minorities etc.). These phenomena induce suspicion and fear among the majority population, with repercussions in all aspects of the social life, discrimination at employment, incapacity to access certain services, even when they exist.
- *Socio-economic exclusion*: it refers to the different access of the individuals/groups to the socio-economic resources and it may even prevent some people from meeting their basic needs (food, clothing, shelter), which means that the specific person ends up in extreme poverty. This limit situation is not just a situation of incapacity of the individual to make a decent living; it is the expression of the state failure to provide welfare for its citizens using various safety nets. Thus, the loss of the job would not be a risk of poverty if the system of social security would allow the maintenance of a minimal socio-economic status for that individual.
- *Structural/institutional exclusion*: it appears when the public/private institutions exclude systematically individuals or social groups or when there are no adequate social policies in response to a specific need. They may be educational institutions,

the health care system, community centres etc. The main source of this form of exclusion is the territorial/community affiliation of the individual/group, which prevents it from meeting a specific need because there are no resources in the community. Less obvious, but as serious, is the exclusion expressed as restricted access to some services of goods of public interest access to poor quality basic health care or the access to low standards of education. Education, for instance, is very important for the individual development and yet, structural barriers appear which create and perpetuate the exclusion of some social categories such as the Roma ethnics or the people with disabilities.

The labour market is *by definition an imperfect market characterised by various structural dysfunctions*, excluding specific segments of the population rather than other. The best known form of exclusion from the labour market is unemployment, which was and still is a problem in the industrialised states, a characteristic of the economic systems from the modern societies. *Unemployment* is the term used in the case of job deficit for persons able and qualified properly for a specific job. The phenomenon is characterised by the fact that part of the population is seeking for a job. The Romanian legislation (Law 76/2002 regarding the system of unemployment insurances and employment stimulation, updated, art. 5, par. IV) aligned to the European standards, defines the *unemployed* as the person meeting all the conditions mentioned below:

- Is looking for a job from the minimum age of 16, to the moment he/she meets all the conditions for retirement;
- His/her state of health and the physical/psychic abilities make him/her able to work;
- Has no job, no income or earns, from activities authorised according to the law, incomes which are lower than the unemployment benefit that he/she would be entitled to according to the law;
- Is available to start working immediately, would a job become available;
- Is registered at ANOFM (National Agency for Labor) or at other supplier of employment services which operates under the conditions stipulated by the law.

Other two forms of exclusion from the labour market, phenomena which gain in intensity in Romania and which major medium- and long-term social effects, are the informal work and the work not paid as shown in the documents. The *informal work* is an activity conducted in the underground economy, being outside any legal norm. The people working in the informal sector are exposed to major risks, being excluded from all forms of contributory social protection. These persons are excluded both from the health insurances, and from the pension insurances, being one of the most vulnerable categories on the labour market. In the lack of a job on the formal market, the activities in the informal economy, in Romania or abroad, even on the short-term, are a source of income or an additional income for a large share of the active population, even if this kind of work leaves uncovered several risks, such as the risk of work incapacity, and

restrict the access to several public services. The informal/underground labour market is defined as a labour market which conducts productive and legal activities, which are deliberately hidden to the control by the public authorities. This is done with the purpose to avoid paying the income tax, different other taxes, the contributions to social insurances, to avoid observing the legislation regarding the minimal wage, the highest number of working hours, the working conditions and, last but not least, to avoid the administrative procedures. This phenomenon has adverse effects both on the system of social protection, and on the individual, determining the decrease of the number of people employed on the formal labour market, and the exclusion from specific social services and facilities of the people involved in this system. The informal incomes help the households to escape from the state of poverty, but their insecurity and the lack of stability of the so-called job, can bring them back anytime to the same state. The informal incomes deepen the inequality of incomes.

The *work not paid as shown in the documents* is a rather recent practice which involves the recording in the work contract, of a wage lower than the real wage. Thus, both the employer and the employee, evade paying the compulsory duties to the social insurance funds, in the exchange if a higher wage. However, this temporary advantage will have adverse long-term consequences, because the amount of the subsequent benefits is proportional to the contribution to the fund of social insurance, which is much lower this way. The main groups with a higher risk to be affected by some form of social exclusion from the labour market are the young people, the women, the people with disabilities, the old people, the Roma, the rural population, etc.

Employment represents a priority goal and efforts are made in order to adapt the Romanian system to the European Employment Strategy, elaborated in Lisbon in 2000, which co-ordinates the employment policies at the community level (Pop, M.A, 2010, pp. 116)

4. Inclusion of the vulnerable groups on the labour market ■■■■

Once that we presented the types of social exclusion and the forms of exclusion from the labour market, we propose to clarify the concept of vulnerability from the perspective of integration on the labour market and to analyse subsequently the occupational structure of the vulnerable groups from Romania.

Groups vulnerable in terms of access to the labour market

The concept of „*vulnerable groups*” derives from the universal principles of the human rights and refers to the segments of population often confronted with discriminating attitudes and behaviours and/or who need special attention to avoid being exploited. The equality in the enforcement and observance of the human rights is still an ideal, which is why the supporters and promoters of human rights introduced the term of vulnerable groups and drew attention to the necessity to pay

special attention to these social categories more exposed to the risk of discrimination or to other breaches of human rights than the others (Reichert, 2006, p. 78).

In terms of social regulations, the EU doesn't give an official definition of the vulnerable groups. However, working definitions can be identified: "*groups confronted with a higher risk of poverty and social exclusion than the general population*" (CE). The ethnic minorities, the immigrants, the people with disabilities, the homeless, the old people are often confronted by difficulties that may lead to different forms of social exclusion, such as a low level of education, unemployment, etc. In relation with the participation on the labour market, the concept of vulnerable group denotes the risk of marginalisation and of social exclusion. The vulnerable groups consist of long-term unemployed people, inactive people who are not registered as unemployed and workers with high risk of unemployment. The dominant features are the heterogeneity of the group and the fact that the members of the group may be sharing just the involuntary character of their current status (Atkinson, 2000, p. 10).

The vulnerability of integration on the labour market consists in the total or partial incapacity of particular groups to represent their interest (to identify and get a job) or to have their rights observed (equal pay for equal work, the right to development in career).

Participation of the vulnerable groups on the labour market

The vulnerability in the integration on the labour market can be associated to regional or economic factors, to the specificity of the local labour market or to the specific management of the local economic agents and, of course, with the individual or social features. Therefore, the vulnerable groups on the labour market are classified according to social or individual variables such as gender, ethnic affiliation, disability, age, residential area. The main groups in Romania which are in one of the situations mentioned above are the young people, the women, the Roma people, the people with disabilities, the immigrants, the old people and the rural people (MMFPS, 2010, pp. 55-57).

The exclusion of the young people from the labour market has diverse causes. Both the graduates of higher education and the people with lower levels of education have difficulties in getting a job. Other causes are the lack of experience required by most employers or inadequacy of the educational offer to labour market requirements. In the rural environment, the level of economic development and the job offer are very low, which caused the massive emigration of the workforce.

Because age is one of the most important variables for employment, being maybe the most important cause of the discrimination at employment¹, the people over 50

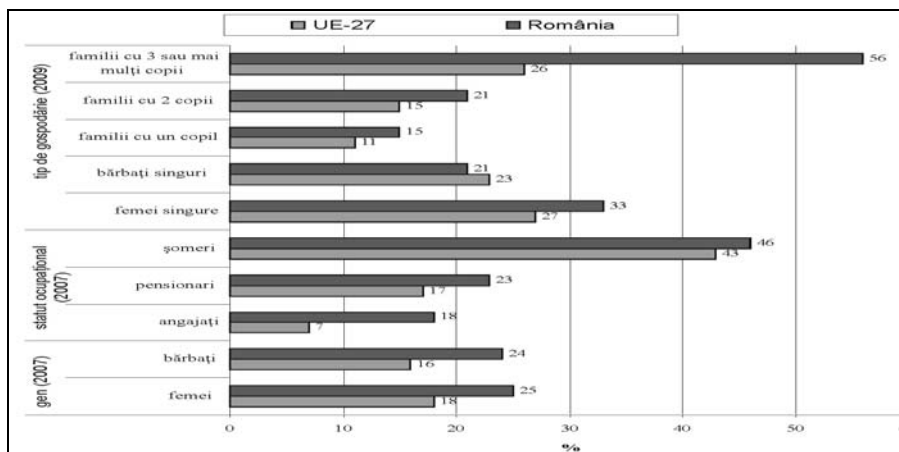
¹ 54% perceived differences of treatment depending on the age, 74% perceived discrimination depending on the age at employment (study by CURS 2006, apud Sofică, 2011, p. 6).

seeking a job are a vulnerable group. When the individual data of gender and age with risk of social exclusion are associated to a low level of education of skills, the odds for integration on the labour market decrease dramatically. An easy solution for most people is early retirement. Although criticized, this measure is among the few viable alternatives.

Concerning the employment according to gender, the international statistics (ILO 2005, Euro found 2010, UNDP 2010) show that the women don't have the same opportunities with the men, despite the progresses. In Romania too, the women and men continue to live in inequality: women are paid less for the same work; the chances of promotion are rather favourable to the men; the access to leadership/management positions is unequally distributed among men and women; the women are employed part time or on determined periods of time. All this contributes to a higher risk of social exclusion from the labour market and the high number of feminine population in overall poor population (feminization of poverty¹) is additional evidence. The poverty risk is the highest in the feminine population, be it occupied or unoccupied women. (Graphic 1).

Graphic 1

Proportion of the population at risk of poverty depending on gender, occupational status and type of household, %

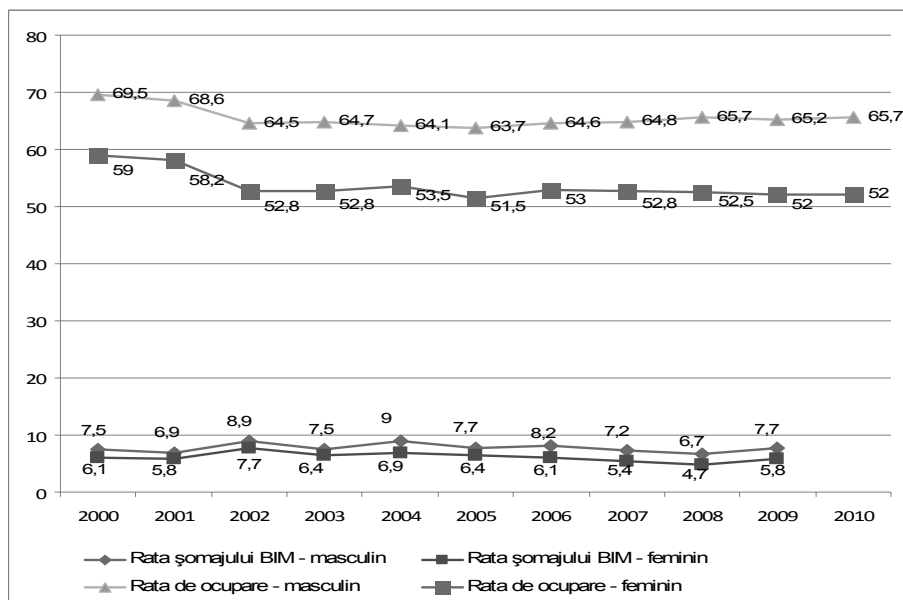


Source: EUROSTAT 2011 for 2009 and EUROSTAT (2010), *Combating poverty and social exclusion: a statistical portrait of the European Union, for 2007*.

¹ *Poverty feminization* was popularized in the 1990 decade in UN documents (United Nations General Assembly Resolution 104, session 50) and acknowledged by the study of Diana Pearce on the gender patterns in the evolution of the poverty rates in the USA between the early 1950 and the middle 1970 (*Wikipedia Free Encyclopaedia*).

The high values of the poverty risk draw attention (in EU-27 and in Romania) for the unemployed, for the single women and for the families with three or more children. Also alarming is the significant discrepancy between the proportions of people at risk of poverty in Romania compared to EU-27 for the employed people (11% difference) and for the families with three or more children (30% difference). Although women are less affected by unemployment as form of exclusion from the labour market, the unemployment rate being consistently higher in men than in women (Chart 2), the situation is reversed regarding the employment, so that the proportion of occupied women is lower.

Graphic 2
Employment and unemployment rates depending on gender in Romania



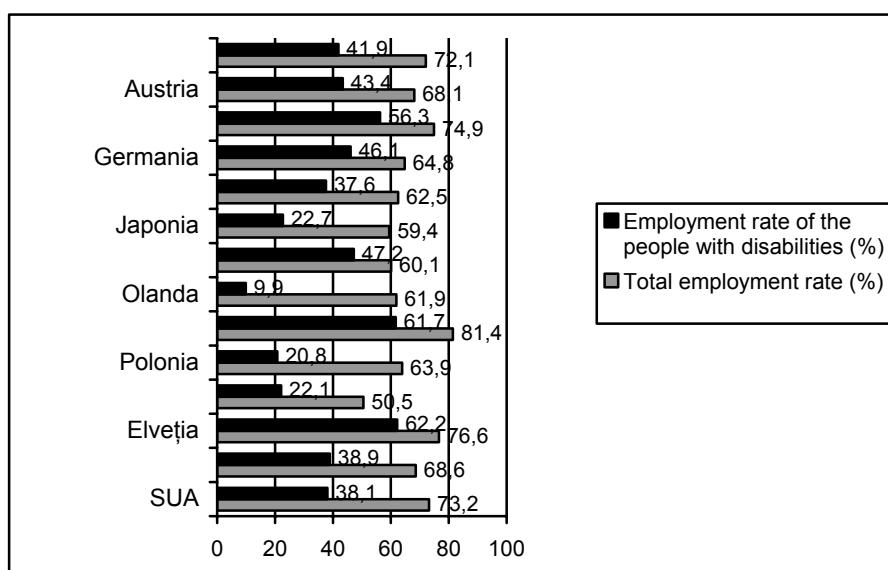
Source: EUROSTAT, 2011, *Employment rates by sex, age groups and nationality (%)*; the source for unemployment data is INSSE, 2011.

Vulnerable group with a significant number of persons, the people with disabilities remain a source insufficiently valued on the labour market, despite the fact that they can be drawn into activities of social entrepreneurship. Everywhere around the globe, the people with disabilities are entrepreneurs, self-employed people, agricultural workers, doctors, professors, drivers, sales persons, artists or IT technicians (WHO 2011). There are many professions that they can practice just by adapting the

working environment to their special needs. However, both in the developed countries and in the developing states, the employment rate of the people with disabilities is very low. The employment rate varies very much depending on the type of disability, the people with mental disabilities having the hardest time to get a job.

Graphic 3

Total employment rate related to the employment ate of the people with disabilities, in 2003, %



Source: World Health Organisation, *World Report on Disability*, 2011, p. 238.

Note: The employment rates for the USA are for 2005.

In Romania, according to MMFPS statistics, on March 31, 2011, there are 629,488 adult people with disabilities and 28,195 of them are employed. This means that the employment rate of the people with disabilities is 4.47%, the discrepancy compared to other European states such as Poland (20.8% in 2003), or Spain (22.1% in 2003) being huge (Graphic 3).

The high employment potential in activities of social entrepreneurship of the people from the vulnerable groups results from the very social mission of this enterprise. According to Dees and Anderson, the social entrepreneurs merely use economic practices to a social purpose, either through the *procurement or production policy* (purchase of goods/services from disadvantaged suppliers, production or use in

production of recyclable products or obtained by recycling), or through the *employment policy* (employment of disadvantaged people), or through their clients/beneficiaries (providing services or goods to the vulnerable categories, shelters for the homeless, medical care for the people on low incomes, etc.) (Dees and Anderson, 2003, p. 4-5).

Another segment of population, whose vulnerability on the labour market is notorious, consists of the Roma people. Starting as of 1989, the Roma population from Romania has been affected by the different shocks from the labour market: unemployment, informal work or work not paid as recorded in the documents. The effects of these phenomena were amplified by discrimination and marginalization, which shaped a vicious circle from which they can hardly escape. "*The specificity of social exclusion at the Roma population from Romania is just the existence of sources of exclusion which don't exist for the rest of the Romanian population (or they are extremely rare), such as the lack of identification papers, which triggers a chain of subsequent forms of exclusion*" (Duminică and Preda, 2003, p. 28).

The social exclusion of the Roma population has been associated to a wide range of factors: large scale social inequality and discrimination, poverty lack of identification papers, low access to services, precarious health state and lack of education, all which decreased their access on the labour market. "*The situation of Roma employment is difficult to apprehend, first because of their low level of involvement in the formal economy and of the high percentage of people involved in the informal economy. The most accessible economic areas for the Roma people are agriculture, constructions and industry*" (Cace et al., 2010, p. 120). „*At the sample level¹, the proportion of the occupied Roma people with stable jobs (employed, or occupied in traditional crafts) reaches about 27% of the total population of active age (15-64). From overall sample, 13% are pensioners, 12.3% unemployed and 2.2% school pupils/students.(...) About 20% of the population (initially registered as unemployed of house workers) perform occasional economic activities*"(Cace et al., 2010, p. 33).

The Roma population is excluded and, at the same time, self-excludes itself from the labour market. The lack of identification papers, which is often the result of own ignorance and lack of interest, prevents them from working on legal bases. Although there are no recent data on the structure of the Roma population depending on their level of education or of involvement on the labour market, policies of social inclusion promotion were implemented in correlation with actions of the civil society. The main measures adopted by AJOFM (County Agency of Labor) to facilitate the employment of the Roma people are:

¹ Probabilistic, two-stage, stratified sample designed using the principles of the *Barometer of Roma inclusion*. The sample consisted of 1537 self-identified Roma people, aged over 15, with a sampling error of $\pm 2.5\%$ for a confidence interval of $\pm 95\%$ (Cace, 2010, p. 7).

- As of 2005, it organised employment caravans for the Roma people, training courses for professional formation, services of professional orientation and facilitation of employment;
- Important financial sources were allocated from the state budget to stimulate the participation of the vulnerable groups on the labour market;
- Employment events were organised for the Roma women;
- In 2006, the AJOFM offices cross country organised 35636 campaigns to facilitate employment in 2903 Roma communities; the result was the registration in databases of about 27000 people (of which over 19000 women) and the employment of over 4000 people (of which 1188 women)(***, 2008, pp. 124- 125).

However, the results are hard to quantify at the national level and, undoubtedly, their long-term impact is not satisfactory for the direct beneficiaries, for their representatives or for the other members of the society. Education, occupation and income are factors that, by their low values, act as stigma for the Roma population, ethnicity always regarded as being "at the margins of society". (Surdu, L., 2010, p. 61)

5. The social entrepreneurship – role facilitating the integration of the vulnerable groups on the labour market

The era of globalization imposed essential transformations in the life of most people, particularly in terms of employment. Given the pressures, the labour markets underwent essential transformations, from the occupational structure to the forms of employment, the time of work or the implications of work on the health and personal life of the individuals. The global economic crisis stressed the poverty and social exclusion. The repercussions of the financial crisis on poverty are major and display trends of aggravation, particularly as the measures of social protection are shy and marginal. In Romania, the effects of the economic crisis started to appear at the end of 2008, one of the indicators being the unemployment rate, which increased steadily as of that moment. The technical unemployment also became part of the organisational culture, while the decrease of population's income is certitude with immediate impact. The first channel for poverty propagation is the labour market, the unemployment being the form of social exclusion with immediate effect and with major impact on the individual welfare. Thus, one of the most relevant indicators for the economic and social life, next to the GDP, is the unemployment rate; however, the exclusion from the labour market also entails other phenomena, as serious as that, or maybe even more serious than it, such as the informal work and the work paid differently than recorded in the documents.

The current economic situation stressed the social problems of the vulnerable groups, so that the efforts were redirected from seeking a job towards identifying the sources of income for survival. The economic theories no longer treat *man* in terms of producer or consumer, employee or employer, acknowledging that one of the indirect effects of the economic market power is the exclusion from the labour market of the people who don't fit into the equation of profit generation, accumulation of capital and with the consumption patterns. The social entrepreneurship started to be considered an alternative to the increasingly numerous categories of persons who became redundant within the process of labour division, responding in an innovative manner to the social needs. „*The social entrepreneurship already is an international phenomenon*”, and in Europe it was strongly promoted through EU policies, covering a wide area of dynamic and innovative international practices in the social and environmental areas (Nicholls, 2006, p. 5).

The consolidation of the social entrepreneurship in Romania is tightly linked to ESF accession, which allows consolidating the activity of the specific organisms and institutions, and to drawing new members of the civil society or of the local authorities towards this sector. As the social economy projects developed, jobs were created mainly for the vulnerable groups.

The facilitation of insertion on the labour market is strongly stimulated by financing from the structural funds. The field of human capital development and promotion of social inclusion is the object of an operational program¹ funded by ESF, with a financial allocation of 3.47 billion €, amount distributed among seven priority axes. Of them, four priority axes² (each of them with several areas of intervention) aim the inclusion of the different categories of vulnerable groups on the labour market.

The stimulation of social entrepreneurship is one of EU prerogatives. Different types of intervention have been encouraged, the stress falling on research and dissemination of information about this sector, in the first stage. Subsequently, the program encouraged particularly the establishment of social economy organisations. From the beginning of the financing period until 2010, 84 social economy organisations have been established and 103 jobs were created (AM POSDRU, 2011, p. 83). This proves the incapacity of entrepreneurial activities development, since the average number of jobs created by a social economy organisation is of 1.22, under conditions of non-reimbursable financial assistance.

¹ Sectorial Operational Program Human Resources Development 2007-2013.

² Axis 2: Correlation of life-long education with the labour market; axis 4: Modernization of the public employment service; axis 5: Promotion of the active employment measures; axis 6: Promotion of social inclusion.

6. Conclusions

The social entrepreneurship is a challenge for our country, given the economic and social crisis, the extent of poverty and of social exclusion which affect important segments of the population, the official unemployment rate and the significant deficiencies in the supply of social services; at the same time it also is an opportunity which we cannot fail capitalising. The structural funds have a huge potential of promotion and stimulation of the entrepreneurial initiatives in the social sector, being a significant financial capital dedicated to the promotion and development of this sector.

The characteristics of the participation of the vulnerable groups on the labour market are: higher risk of exclusion from the labour market depending on the age; dependence of the people with disabilities on the system of social assistance as illustrated by very low employment rates; the complex causality of Roma exclusion from the labour market; the higher poverty risk for the families with many children and, paradoxically, the higher poverty risk of the employed people. Under these conditions, the development of the social entrepreneurship in Romania is a must. The role of this type of social intervention is not just to solve or diminish the structural dysfunctions of the labour market, but also the force of the message it conveys to the society and the economic sector regarding the potential of the categories disadvantaged on the labour market, thus contributing to the annihilation of the stereotypes of all kinds, appropriated both by the employees, by the candidates to an open job and by the employers.

Social entrepreneurship can be a lever supporting the economic growth and it will certainly be a major source of social value creation by the social inclusion of the vulnerable groups, by the development of the social capital in communities and by the regulation and legitimation of the entrepreneurial activities as distinct area, acknowledged and valued both on the free market, and through the social policies.

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SOCIAL ECONOMY: FORMS AND TYPES OF ORGANIZATION

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Daniel ARPINTE²

Abstract: This paper aims at presenting comparative central economic activities in the social economy of the regions Bucharest-Ilfov and South-East. The main directions of research are: Trends in NGO sector, human resources, professional training, economic activities, support of authorities in this respect and perspectives of development in the NGO sector. Development of economic activities in the NGO sector is necessary, because of their significant role in helping the disadvantaged. The study also based on data obtained from a qualitative and quantitative research, conducted in 2011 in the Bucharest-Ilfov and South-East but also in the South and South-West Oltenia Wallachia (the research was conducted in 2010)*.

Keywords: social economy, NGOs, professional training, human resource in the nongovernmental sector.

1. Introduction

This article uses quantitative and qualitative data obtained during the field survey carried out in 2011 within the project called "INTEGRAT – Resources for the socially excluded Roma women and groups", which covered the regions of development Bucharest-Ilfov (B-IF) and South-East (SE). In some situations, we also used data from South Muntenia and South-West Oltenia regions of development, where a similar survey was conducted in 2010.

The analysis was conducted in a sample of 229 non-governmental organisations (NGO), whose distribution was in agreement with the presence of the non-governmental sector estimated for the counties composing the two regions of

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* Abbreviations: FDSC – Fundația pentru Dezvoltarea Societății Civile; MMFPS – Ministry of Labor, Social Protection and Family; SE – Social Economy; B-IF – Bucharest-Ilfov; IQLR – Institute of Quality of Life Research; SE region – South-East region; CAR – Houses of Mutual Aid; EU – European Union; POSDRU – The Sectorial Operational Program for the Human Resources Development; SME – Small Medium Entreprises.

development (FDSC, MMFPS – database with the accredited suppliers of social services). For the analyses from this chapter we took into consideration the replies of 220 NGOs (118 from B-IF region and 102 from SE region). Most NGOs which responded to our questionnaire currently supply social services (76% in B-IF region and 83% in SE region), or used to supply social services in the past (1.7% in B-IF region and 6.9% in SE region).

As we mentioned in the chapter of methodology, the NGOs were identified in the database of MMPFS comprising the accredited suppliers of social services, completed with data from FDSC database. Because of the limitations due to the identification of the structures, we used the snowball method to expand the number of entities at the local level. Each representative of a local social economy organisation was asked to provide contact data of similar organisations active at the local level, so as to expand the initial database of such organisations.

The sample of managers consists of 216 respondents, 114 in B-IF and 102 in SE region of development. The total number of NGO staff involved in the survey was higher than the number of managers: 304 respondents, of which 188 in B-IF region and 116 in SE region.

Table 1
Main area of activity of the NGOs included in the sample

	B-IF	SE
Social services (social work)	76%	83%
Education and research	36%	13%
Health care services	25%	25%
Charity	9%	2%
International cooperation (including brotherhoods between localities)	9%	7%
Religion	8%	4%
Culture and media	8%	5%
Resources centre	7%	2%
Sport and leisure	7%	7%
Civil and politic lobby	5%	2%
Environmental protection	4%	4%
Other field	7%	1%
Total	100%	100%

Source: INTEGRAT database (IQLR), 2011.

The large share of NGO active in social services is explained by the purpose of our survey, which is why for the initial selection of the NGOs we used databases with the accredited suppliers of social services. Some of them recommended for our survey

several other NGOs, their local partners. Therefore, the final sample consisted of organisations supplying social services and organisations which have activities relevant for the disadvantaged groups.

2. Trends of the non-governmental sector in Bucharest-Ilfov and South-East

The NGOs had a legal framework as early as in 1924, but they didn't have such a spectacular evolution as the other types of organisations. Their decline started in 1938 and continued during the period of the communist regime. For the nongovernmental sector, 1990 was the start of a rapid development. Beyond the actual number of NGOs that were established for tax evasion purposes, the number of active organisations increased significantly (Arpinte, D.; Cace, S.; Cojocaru, Ş., (2010, p. 71).

The structure of incomes of the NGOs from B-IF and SE differs from that of the NGOs from South-Muntenia and South-West Oltenia, where the most important sources of income are the funds obtained from the proposals of financing and the direct demand to a supplier of funds. The largest share of the budget of the NGOs from B-IF and SE comes from sponsorships (about 25% for the NGOs from both regions). The second important source of financing (16%) for the NGOs active in Bucharest-Ilfov region of development comes from the budget of the demand for financing, while for the SE region of development, the corresponding proportion is of just 5.7%. The significant difference is explained by the profile of the organisations from the two regions. In B-IF, the organisations having more favourable conditions for access to European funds dominate, while the NGOs from SE region usually access sources from the local authorities or from sponsorships and membership fees. Almost two-thirds of the organisations from B-IF region supply services at the national level, while most organisations from SE region supply services at the local and county level.

Significant differences between B-IF and SE regions were also identified in terms of affiliation to a national union or federation. For both regions, the proportion of NGOs member on unions or federations is much lower than in the case of the CAR or cooperatives.

Table 2
Affiliation of the social economy organisations to unions or federations

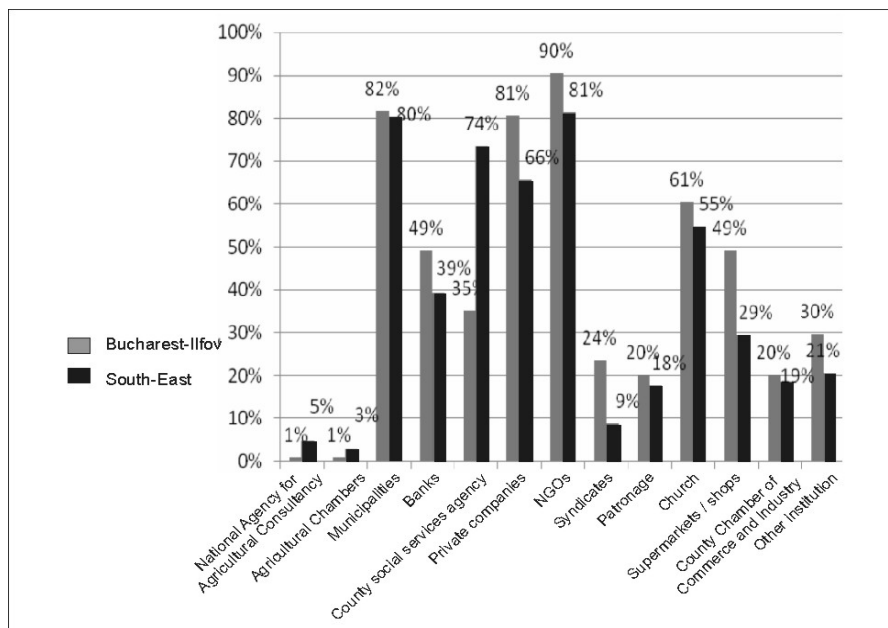
	NGO		CAR		COOP	
	B-IF	SE	B-IF	SE	B-IF	SE
Yes	54%	34%	82%	77%	76%	63%
No	44%	65%	18%	21%	22%	33%
NC/NR/NS	2%	1%	0%	3%	3%	4%
Total	100%	100%	100%	100%	100%	100%
Total (N)	118	102	49	179	37	196

Source: INTEGRAT database (IQLR), 2011

While in B-IF, more than 50% of the NGOs mentioned the status of union member, only a third of SE NGOs mentioned this situation. For the organisations member of a union or federation, the most important reasons for affiliation were the representation of NGO interests and the support of the useful legislation, for the NGOs active in B-IF region, while for the NGOs from SE region, the most important reasons are the facilitation of access to partnerships with other NGOs and facilitation of access to national and international sources of financing.

It is important that although the federations or unions are not perceived as being similarly important for the promotion of laws favourable to the non-governmental sector too, the NGOs have a sustained activity in law-making. Even the small organisations participate in an active manner to the promotion of legal provisions or amendments through individual initiatives next to other NGOs. Paradoxically, at the local level, the rate of participation is lower. Only few counties mentioned sporadic meetings of the organisations.

Graphic 1
Collaboration with other institutions



Source: INTEGRAT database (IQLR), 2011

Note: the percentages represent the total of the respondents replying „sometimes”, „rarely” or „often”. N = 114 for B-IF, N=102 for SE regions.

The collaboration with other institutions, as shown in Chart 1, is rather with other similar organisations, NGOs, then with town halls, private companies and with the Church. Among the institutions supporting most the activities conducted by NGOs are the town halls (18% in B-IF, N=109, 26% in SE, N=99), other NGOs (11% in Bucharest-Ilfov, 12% in SE), and the Church (8% in B-IF and 12% in SE). We may notice that the relations of collaboration of the NGOs outside the metropolitan area are focused more on the state institutions and on similar institutions. Most probably, the institutional relations of the NGOs are broader in B-IF.

When asked to assign the responsibility for NGOs support, the managers indicated primarily the MMPS (87% in B-IF and 90% in SE); the second option is the Ministry of Economy, Trade and the Business Environment (39% in B-IF and 40% in SE). The state institutions are also mentioned (25% in B-IF and 5% in SE). An interesting option, but diffuse in terms of placing the responsibility for support is the choice of the community as support for NGOs activity (76% in B-IF and 73% in SE). On the one hand, the community might consist of all the other actors mentioned previously next to the individual representatives (volunteers and other persons willing to support one way or another NGO activity). On the other hand, the fact that many answers were targeted the community level, an ambiguous construct, might show the incertitude of assigning a responsibility for support to a specific social actor.

The human resources of the NGOs from B-IF region are significantly higher than of the organisations from SE region (for instance, the average staff number is twice higher). Also, the profile of the NGOs involved in the survey is slightly different for the two regions (social work is better represented in SE region than in B-IF region). The specificity of social services supply leaves extremely few opportunities to create budget reserves to be used for own contribution of non-eligible costs for the projects with foreign funding. The data of IQLR (Institute of Quality of Life Research) research in 2008 on the capacity of the Romanian institutions active in the field of social inclusion to absorb and manage the structural funds support the problems raised by co-financing. 41% of the promoting organisations which implemented projects only in the field of social services have pointed the insufficient funds as weakness, compared to 29% of the NGOs which also implemented projects other than social services and 30% of the NGOs which implemented projects other than social services. The access to opportunities which can increase the odds of drawing resources from European funds is more easily for the NGOs from B-IF region than for those from SE region. The data of a study on the programs for the Roma communities (Cace et al., 2006), show that in Tulcea, Constanța and Galați, the NGOs are underrepresented in the distribution of the resources financing social services projects, while the NGOs from Bucharest draw significant resources. Otherwise, the evolution of the number of NGOs employees in the two regions supports the significant difference in NGO capacity. The average staff number of the NGOs from B-IF region increased by 4.6% in 2009 and by 31.4% in 2010 compared

to the previous year, while the average staff number of the NGOs from SE region decreased by 10% in 2009 and by 4% in 2010, compared to the previous year. Thus, while in 2008, the average staff number was two times higher in B-IF region than in SE region, in 2010 the difference was more than three times higher. The next section attempts to explain the causes of the high mobility of the staff from the non-governmental sector and the risks entailed by such mobility

Human resources in the non-governmental sector

In our survey, most of the managers from the analysed NGOs are young people below the age of 40 (58% in B-IF, N=114 and 30% in SE region, N=102). Also, the number of young employees, other than the managers, is high: 82% in B-IF and 63% in SE are aged below 40.

The high mobility noticed in the NGOs can be indicated by the rather recent experience of the responding managers, the average work history of them in the position of manager being 7 years in B-IF and 8 years in SE region.

The internal autonomy of the hierarchical organisation of the NGOs is suggested by the way in which the manager is appointed. Thus, 58% of the total 114 NGOs in B-IF appoint their manager by decision of the general meeting of the board of administration, 18% by decision of the president and 10% by competition for the job. The last option is the third of 6 possibilities, which may also show the opening towards membership renewal starting from the top.

The institutional capacity to ensure the staffing requirement is an indicator of the institutional performance. The evaluation of the managers regarding the adequacy or inadequacy of the staff number is relevant. Most managers, 78% in B-IF region and 80% in SE region, say that the number of the staff is adequate or satisfactory for the time being.

Table 3
Evaluation of staff number adequacy according to the range of NGO activity

	NGO / B-IF	NGO / SE
	Range of activity	Range of activity
	National	Local
Adequate number of staff	40%	50%
Inadequate number of staff	60%	45%
Total	100%	100%
Total (N)	67	64
NR	0%	5%

Source: INTEGRAT database (IQLR), 2011

Note: for the other three levels of NGO activity (local, county and national) there are fewer than 30 cases, so that the situation of intersection between the two variables cannot be expressed in percentages.

We notice a difference in the evaluation of the staff number depending on the level of activity. Thus, the NGOs active at the national level (in B-IF) are more often judging that the number of staff is not adequate, while most of the NGOs working at the local level (in SE region) consider that the number of staff is adequate. The possible explanation may be the higher pressure for performance of the NGOs with national range of activity (larger number of projects, therefore higher need for human resources). The justification of the managers for the insufficient number of staff focuses on the lack of funds both in B-IF (20 of 24 cases say this) and in SE (9 of 17 cases).

Table 4
Evaluation of NGO staff number adequacy in 2010

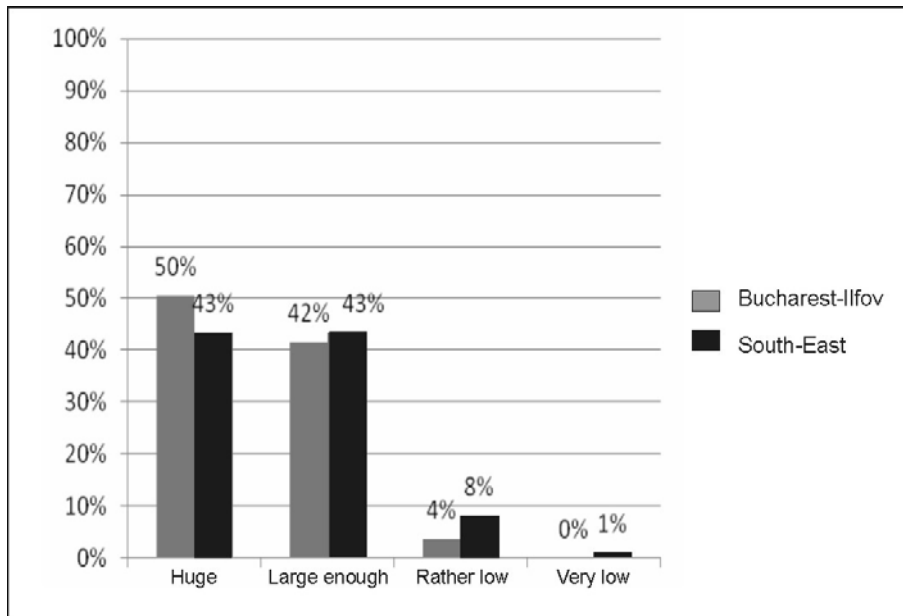
	NGO / B-IF		NGO / SE
	Less than 10 employees	10 or more employees	Less than 10 employees
Adequate number of staff	28%	47%	43%
Inadequate number of staff	69%	53%	52%
Total	100%	100%	100%
Total (N)	39	53	56
NR	3%	0%	5%

Source: INTEGRAT database (IQLR), 2011

The evaluation of the number of staff also differs with NGO size. One may notice that most of the total number of NGOs with a low number of employees (less than 10) stated that the number of staff is inadequate, the difference between them and the number of NGOs stating that the number of staff is adequate being very high (about 40), compared to the managers of the larger NGOs, where the difference between the evaluation of adequate or inadequate staffing is not that high (between 6% and 11%).

In terms of the employee motivation, most of the managers consider that the motivation and involvement of the employees are very high. Where the level of motivation is rated low, the most often indicated reasons pertain to the low financial satisfaction (10 of 13 cases) and to the lack of resources to perform their duties (5 of 13 cases).

Graphic 2
Level of motivation and involvement of NGO employees



Note: N (B-IF)=113, N(S-E)=99.

Source: INTEGRAT database (IQLR), 2011

The organisations active at the local level in the SE region have a higher percentage of managers who consider that staff motivation and involvement are lower (18%), compared to B-IF region (6% of the managers in this region consider that staff motivation is low). Also, the small NGOs (less than 10 employees) from SE region seem to have a low level of motivation (17% of the NGOs managers in this region provided this input, N=53). No differences were noticed between the young managers and the older ones (below and over 45) in B-IF region, while such differences were observed in SE region. Thus, more managers aged 45+ consider that the level of motivation is low (17%, N=53), than the managers under 45 (9%, N=45). A possible explanation may be the different project experience of the managers from the SE region (lower possibilities of access to funding, lower wages than in the area neighbouring the capital). We may also notice that in both regions the managers of the NGOs which stated that they benefit or benefited of mechanisms of support or of sources of financing from the central authorities or from the international bodies consider in a less degree that the level of staff motivation is low (5% in B-IF, N=77 and 11% in SE, N=65), compared to the managers of the NGOs which didn't benefit if such

support (11% in B-IF, N=35 and 9 of 28 cases in SE consider that there is a low level of staff motivation).

In the surveyed NGO environment, most of the employees, other than the managers, are women. Thus, 77% of the respondents in B-IF (N=188) and 79% of the respondents in SE (N=115) are women. Analysing comparatively the distribution of women and men in the managerial and employee positions, we may notice a slight gender misbalance: although women are preponderant in the NGO environment, and therefore in the managerial position, there are more employee women than manager women, related to the overall figures.

In terms of age distribution, most employees are young people below the age of 40, 82% in B-IF (N=188) and 63% in SE (N=116). Compared to B-IF, we may notice a higher proportion of employees aged 40+ in SE region (22% in SE compared to 9% in B-IF).

The positions held by the employees show the orientation of the NGOs towards the implementation of projects and programs: most positions are held by staff specialised in implementation (48% in B-IF and 53% in SE), followed by project coordination (18% in B-IF and 6% in SE) and project implementation assistance (13% in B-IF and 10% in SE). More in B-IF than in SE there is a higher proportion of project coordinators, but there are fewer action staff, which may show, on the one hand, a smaller structure of the NGOs in the Se region and less projects implemented in this region, on the other hand.

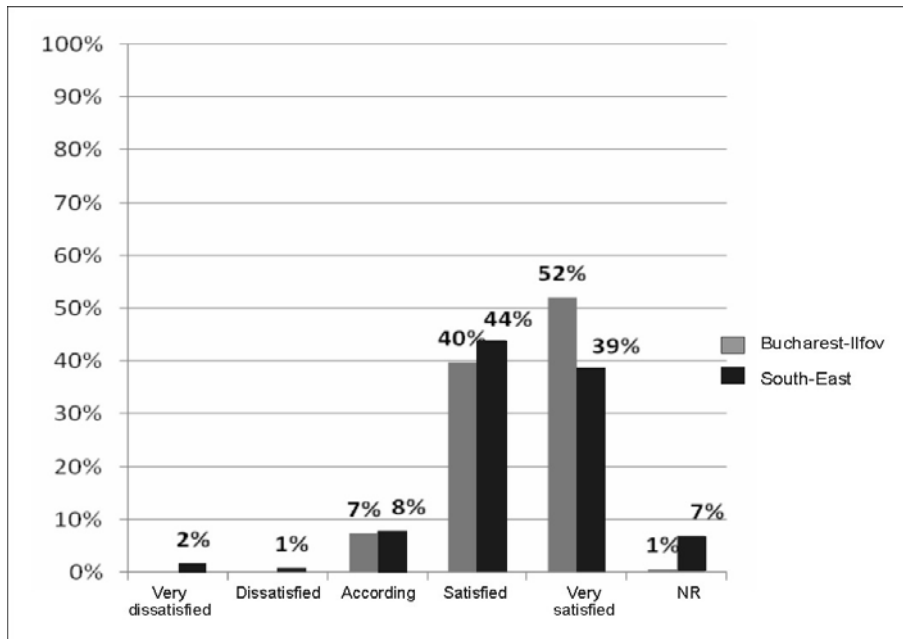
Table 5
Working time for NGOs employees

	B-IF	SE
Full time	85%	73%
Part time	10%	10%
Limited time	5%	14%
NR	1%	3%
Total	100%	100%
Total (N)	188	116

Source: INTEGRAT database (IQLR), 2011

Most employees follow the general trend of the 8 working hours per day. There are few part time employees, most of them under 40. However, there are more part time employees in the NGOs than in the other social economy organisations, CAR and cooperatives, which may show a higher dynamics of the staff in these organisations.

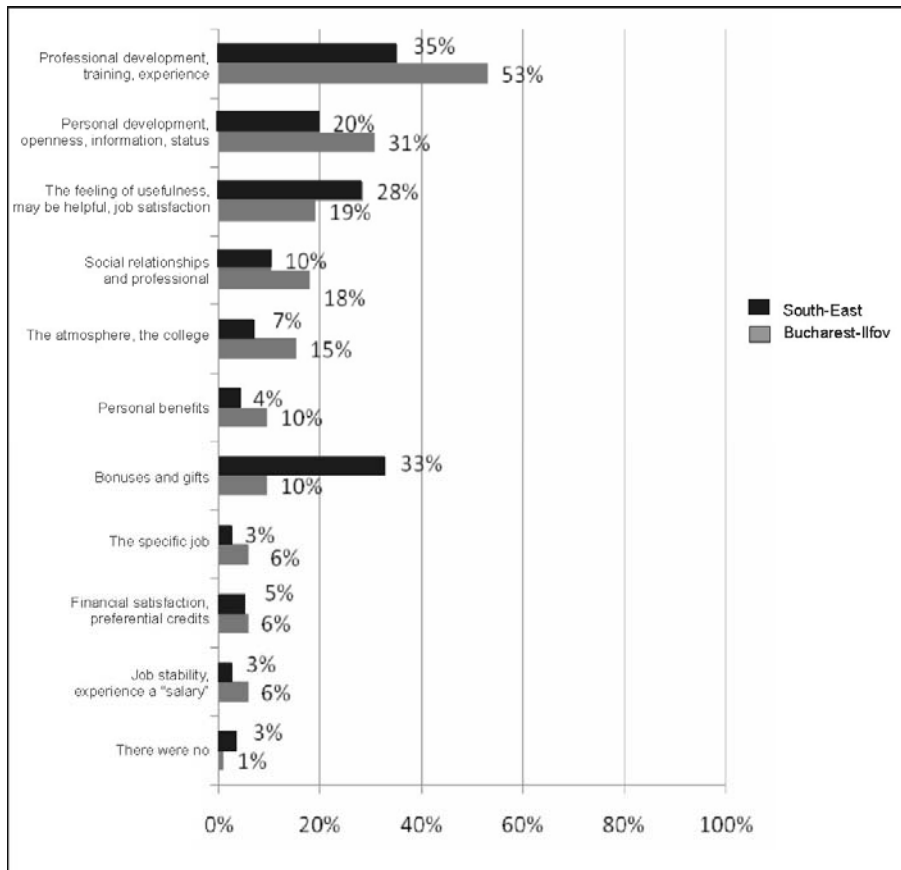
Graphic 3
Satisfaction with the job of NGO employees



Source: INTEGRAT database (IQLR), 2011.

Most of NGOs employees are very satisfied with their jobs in both regions (Chart 3). When asked about specific aspects, there are nuances of this satisfaction. Thus, when evaluating the support from the colleagues and management, most (over 90%) are satisfied and very satisfied with this support, both in B-IF and in SE regions. A slight difference can be noted when the employees are asked to evaluate the support from the partners, in terms of satisfaction with this support. In this case, 16% of the employees from B-IF and 18% of the employees from SE are little or very little satisfied with this support. The explanation can be, on the one hand, the lack of a direct contact of the employees with these partners at the individual level, the contact taking place rather at the institutional level. Thus, the relations with the partners are rather formal, which may be completed in the case of the relations with the colleagues and with the management by informal relations of support, which turn these evaluations more positive. On the other hand, because the partners don't belong to the same organisational culture, the higher social distance may determine a lower support for the employees of the surveyed NGOs and, implicitly, a lower level of employee satisfaction.

Graphic 4
The most important benefits obtained as NGO employee



N=188 (B-IF), N=116 (SE)

Source: INTEGRAT database (IQLR), 2011.

Among the most important benefits of NGO employees there seem to be the individual advantages, focusing either on the professional development, on the on-the-job experience and on formation by training, or on the personal development, on opening towards opportunities and on acquiring a social status. The bonuses and the presents are mentioned in a higher proportion in SE than in B-IF (33% compared to 10%). Job stability doesn't seem to be among the top options of NGO employees (Chart 4). The financial satisfaction also is low compared to the statements of the CAR and cooperative employees: 22% of CAR employees in B-IF and 35% of CAR employees in SE, 16% of cooperative employees in B-IF and 11% of cooperative

employees in SE selected the financial satisfaction and the preferential loans as benefits of their job.

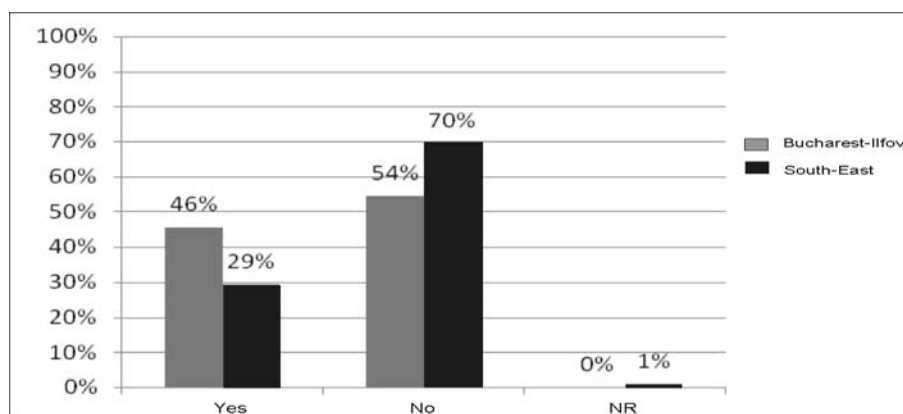
The sources of NGO employees' dissatisfaction vary quite a lot. Among the mentioned reasons are the failure in activity (10% in B-IF and 4% in SE), the stress, the large volume of work and the lack of time (11% in B-IF and 5% in SE), the lack of institutional support, the unlawful competition, the lack of solidarity (9% in B-IF and 5% in SE), the bureaucracy (9% in B-IF and 3% in SE), the wage and the material aspects (8% in B-IF and 5% in SE).

Regarding the plans for the future, most of NGO employees plan to preserve their job in 2011 (93% in B-IF and 91% in SE), and a low proportion plan to change their job, while remaining in this field (4% in B-IF and 3% in SE), or want to change both the job and the field of work (3% in B-IF and 3% in SE).

Continuous professional formation

The responding NGOs are less focused on the organisation of professional training courses, particularly in the SE region these concerns seem lower compared to B-IF region. The small NGOs (less than 10 employees) are less focused on the organisation of professional training courses than the larger NGOs (10 employees or more): in B-IF, 67% of the managers of small organisations reported that their organisation doesn't organise courses for professional formation, while 43% of the managers of larger organisations say the same thing.

Graphic 5
Organisation of courses for professional formation

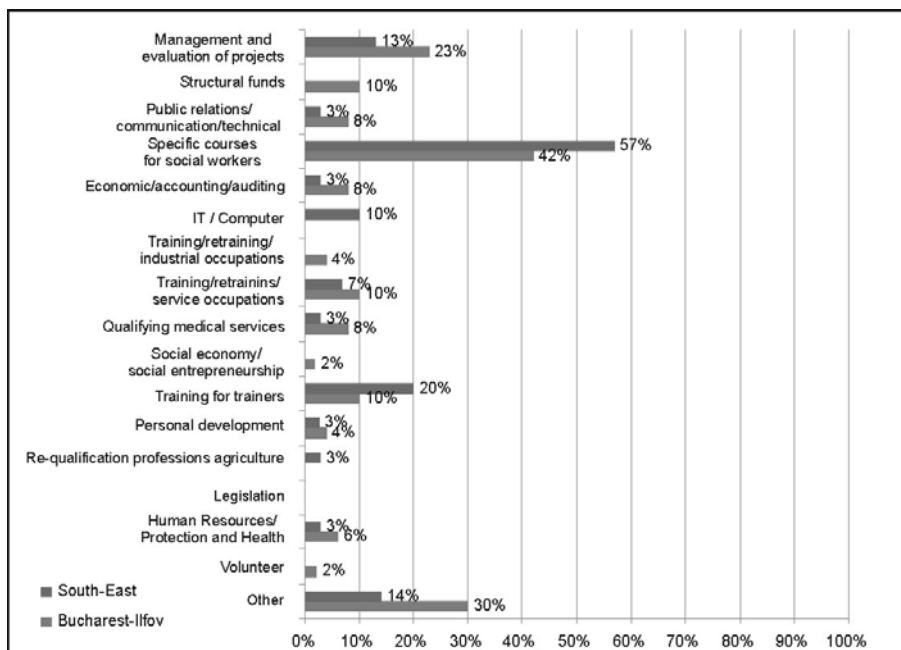


Source: INTEGRAT database (IQLR), 2011

The managers of the NGOs which benefited or benefit of support from the central authorities or from the international bodies stated more frequently that their NGO organised training courses (55% in B-IF, N=77 and 31% in SE, N=67), compared to the managers of NGOs which didn't benefit of such support (28% in B-IF, N=36 and 8 cases of 28 in SE region). The result is somehow intuitive, the formal support (financial or of a different kind) of these NGOs facilitate the diversification of their activities. It is also possible that the relation between these two variables is inverse, meaning that the organisation of training courses may determine a more frequent interaction with such institutions and, implicitly, a higher support from them.

Most of the training courses organised by NGOs are special courses for social workers, which shows the professional orientation of these organisations, of direct support for the disfavoured social categories. Thus, 42% of the NGOs from B-IF (N=52) and 57% of the NGOs from SE region (N=30) organised such training courses.

Graphic 6
Courses for professional formation organised by the NGOs



Source: INTEGRAT database (IQLR), 2011

Following are the courses of management, project management, project evaluation and implementation (23% in B-IF, 13% in SE) and the training courses for teachers (10% in N-IF and 20% in SE). The courses teaching different areas of the social economy, social entrepreneurship and social economy activities organised by NGOs are very few in both regions (2% in B-IF and none in SE). Where such courses are taught by NGOs, this is done in the metropolitan area, and none elsewhere in the country. The average duration of such training courses organised by NGOs is of 6 days (in B-IF).

The satisfaction with the thematic and duration of the training courses is very high (80% to 94%), while the manner of certification (acknowledgement) is less appreciated. The difference from the other dimensions of satisfaction with these training courses may show, on the one hand, a lack of formal certification of such training courses and, on the other hand, a limited certification and acknowledgement for professional development. The possibility of using the information acquired during the training courses also has slightly lower values of the satisfaction with the thematic and duration of the training courses, particularly in the SE region.

The previous data show somehow that the provision of formation courses is not a priority in NGOs activity, much less so in the SE region.

Table 6
Satisfaction with the formation courses

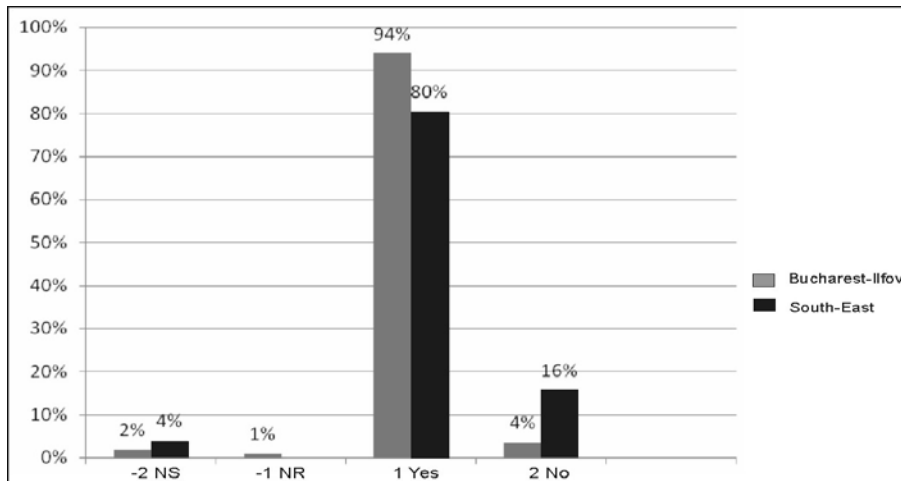
	B-IF	SE
Thematic of the formation courses	94%	80%
Duration of the formation	92%	80%
Certification (acknowledgement)	79%	73%
Possibility to use the acquired information	87%	73%
Total (N)	52	30

Source: INTEGRAT database (IQLR), 2011

Note: the percentages in this table refer to the respondents who stated to be satisfied and very satisfied and are related to the total number of managers in each type of organisation and region which had organised training courses for professional formation

As expected, most of NGOs managers are willing to attend free courses of professional formation; their proportion is higher in B-IF region than in SE region, as shown in Chart 7.

Graphic 7
Availability to participate in free course of professional formation

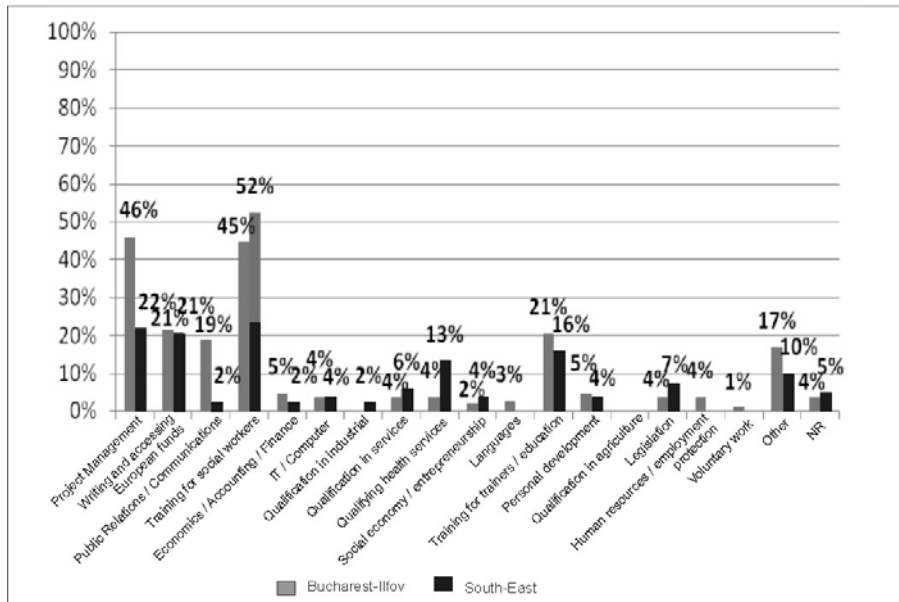


Source: INTEGRAT database (IQLR), 2011

The lower availability to participate in such training courses may be explained, on the one hand, by the necessity to travel to the location of such training courses in other area than the area where the particular NGO is located and, on the other hand, by the existence of an organisational culture less focused on the importance of such training courses. The younger managers (below 45) are more often willing to accept such training courses than the older managers (aged 45+), in both regions: 96% of the managers below 45 replied “yes” (N=76), compared to 89% of the managers aged 45+ (N=36) in B-IF region; in SE region, 85% of the managers below 45 replied “yes” (N=45), compared to 76% of the managers aged 45+ (N=55). The managers of the NGOs which benefited of support mechanisms from the central authorities or from the international mechanisms displayed a higher willingness to benefit of free training courses than the managers of the NGOs which didn't benefit of such mechanisms of support.

In terms of the future need of such training courses, the most demanded subjects for these formation courses are the specific training for social workers (45% in B-IF and 52% in SE), the management, project management, project evaluation and implementation (46% of the managers in B-IF and 22% of the managers in SE). Following are the courses teaching project writing and EU funds accessing (21% of the managers in B-IF and a similar percentage of the managers in SE).

Graphic 8
Future requirement for formation courses



Source: INTEGRAT database (IQLR), 2011

The courses for the formation of trainers also are among the top four options of the managers (21% in B-IF and 16% in SE region). In terms of the demand for training courses in social economy or social entrepreneurship matters, the demands are very low: only 2% of the NGO managers from B-IF considered that such training courses are necessary (N=107), while 4% of the managers from SE region (N=82) had the same opinion. The people demanding such courses are not much more numerous than the people who actually participated in social economy courses. On the one hand, the explanation for the lack of demand may be the lack of knowledge about the social economy sector. On the other hand, the people in SE region demanding such training courses are more numerous than the ones who actually organised such training courses; therefore we may consider that there is an incipient demand for such courses of formation, however quite low to enable us speak of a market of social economy training courses. If we expand the comparison to the other courses, we may notice that the NGO managers tend to consider as necessary the topics that have already been taught in previous trainings.

Most of the managers consider that the optimal duration of such courses is 3-4 days (49%, N=107) in B-IF, and one week or more (52%, N=82) in SE region.

The average budget for the period 2008-2009 increased in both regions, more in B-IF. Just a few NGOs from B-IF reported a reduction of the staff number and of the budget. The causes they indicated as reasons for such actions are the economic crisis and the lack of financing opportunities. The same factors were indicated in 2010 for South Muntenia and South-West Oltenia regions of development (lack of financing opportunities and the unfavourable economic environment).

The participation in courses of professional training seems to be important for the professional development of part of NGOs employees. The number of the staff who had already participated in training courses is about half of the total respondents (57% in B-IF and 53% in SE). Differences appear, however, in the participation according to the level of NGO activity. Thus, the employees of the NGOs active at the county level participate more in training courses than the staff of the NGOs active at the local level, the difference between the employees participating and the ones not participating being lower in the case of the local NGOs. Thus, 58% of the employees of the NGOs with local activity in B-IF attended training courses and 43% didn't participate, compared to 73% of the employees of the NGOs with county activity in B-IF who attended and 27% who didn't attend training courses. The employees of the larger NGOs (10 or more employees) declared more frequently their participation in training courses, compared to the employees of smaller NGOs (less than 10 employees).

Table 7
Participation of NGO employees in training courses function of manager age

	NGO / B-IF		NGO / SE	
	Age (manager)		Age (manager)	
	Below 45	45+	Below 45	45+
Yes	62%	52%	59%	48%
No	38%	48%	41%	52%
Total	100%	100%	100%	100%
Total (N)	112	52	49	64

Source: INTEGRAT database (IQLR), 2011

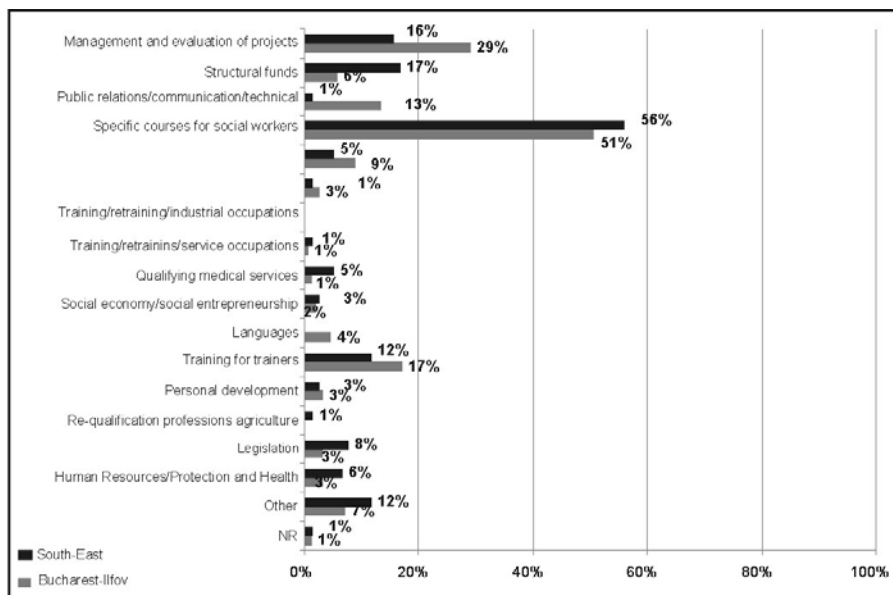
Table 7 shows the attendance of training courses of the employees from the NGOs where the managers have different ages. Thus, we may notice that the NGOs headed by young people aged below 45 declared more often their participation in training courses for professional formation.

The training courses most attended by the employees are: courses for the social workers (40% in B-IF, 35% in SE), management, project management, project implementation and evaluation (23% in B-IF, 23% in SE), training courses for trainers (18% in B-IF, 15% in SE), public relations, techniques of presentation or communication (11% in B-IF, 10% in SE), training to access structural funds (6% in B-IF, 8% in SE). The distribution of these training courses in the options of the employees is similar with the distribution of the courses organised by the NGOs, as it resulted from NGOs managers statements; this may also show that the source of employee formation is the employing NGO.

The duration of the formation courses within a year is similar with the duration of the training courses organised by the NGOs, according to the responses of the managers. Thus, the average duration of these training courses is of 6 days in a year in B-IF and 7 days in SE.

Most employees would like to attend in the future free training courses: 88% of the NGO employees in B-IF and 73% of the NGO employees in SE are willing to attend such courses.

Graphic 9
Required courses of professional formation



Source: INTEGRAT database (IQLR), 2011

The training courses which the employees consider as necessary are the same one which they already participated: courses for the social workers, management, project management, project implementation and evaluation, training courses for trainers (Chart 9). The social economy field is peripheral: only 2% of the respondent employees in B-IF (N=265) and 3% (N=159) in SE consider that training in social economy is necessary.

3. Economic activities

The proportion of the organisations which obtained income from economic activities is much higher in B-IF region (31%) than in SE region (19%), which has a profile closer to South Muntenia region, where 6.7% of the NGOs mentioned that they obtained economic incomes in 2009.

Table 8
Sources of NGOs income

Income source	B-IF	SE
Economic activities	31%	19%
Request for non-reimbursable financing	42%	18%
Direct request to a financer	36%	16%
Subsidies from public and local authorities	24%	30%
Sponsorships	60%	54%
Membership fees	23%	29%
2% campaign	54%	38%
Other source	4%	13%
Total (N)		

Source: INTEGRAT database (IQLR), 2011

While in the case of South Muntenia region, the economic activity was accomplished only within the organisation for all the NGOs included in the survey, in B-IF and SE regions there were some cases in which the economic incomes were generated by a commercial company. Most organisations which obtained incomes through a commercial company operate in the rural areas, the main income-generating activity being animal production. The proportion of the amounts obtained from economic activities averages 3.4% for the NGOs from B-IF and 1.1% for the NGOs from SE. Only 12.8% of NGOs representatives indicated that the current legislative framework encourages the NGOs to develop economic activities. The most frequently mentioned measure of support to develop economic activities refers to tax deductions for the organisations conducting economic activities (58%).

Table 9
Types of solutions to support the development of economic activities

	%
Tax exemption / benefits / bonuses	58
Revision of the legislative framework	29
Non-reimbursable financing / financial support / subsidies	21
Stimulate the public-private partnerships	10
Alleviate bureaucracy	10
Access to information / information campaigns	7
Subsidised credits / facilitate crediting	6
Consultancy	2
Interests / loans	2
Rents	1
Establishment of social enterprises	1

Source: INTEGRAT database (IQLR), 2011

The revision of the current legislative framework is mentioned by 28.8% of the responding NGOs (as a matter of fact the framework law for social economy is under discussions). Only a low proportion of the NGOs consider that the current legislative framework encourages much (9% in B-IF and 12% in SE) or very much the development of the social economy sector (3% in B-IF and 2% in SE) (Table 10).

Table 10
How much does the current legislative framework encourage the economic activities of the NGOs

	B-IF	SE
Very little	32%	24%
Little	35%	31%
Much	9%	12%
Very much	3%	2%
NS	21%	31%
Total	100%	100%
Total (N)	118	102

Source: INTEGRAT database (IQLR), 2011

On the other hand, the framework law on social economy cannot solve satisfactorily the identified problems regarding the development of the sector. Even if the law attempts to define the social economy sector and to promote support measures for

social economy structures, a wider set of normative must be adopted regarding the activity of the structures which have the potential to develop social economy activities. For instance, according to a union representative, in the current legislation there are several disagreements:

Another problem we had refers to the denominated legal entity. I mean we didn't know what legal form we must give to these entrepreneurial projects, because the Cooperative Law is ok, it is an old law. Only that it quite doesn't fit with POSDRU legislation (union representative).

The lack of regulation in this field also creates difficulties to the promoters who are running social economy projects. Contractually, the promoters assume results under conditions of incertitude because there are no legal provisions regarding the social economy structures. For instance the Syntegra "social economy enterprise" doesn't exist in the current legislation, but several promoters proposed, as result of implementing the projects financed with structural funds, to set up such enterprises. The identified solutions depend on the originality and resources of each individual promoter. Some established NGOs, others created commercial companies for the existing NGOs, which can conduct economic activities. In other situations, former promoters decided not to apply for new funds because of the incertitude of the results demanded by the financier. A conclusive experience in this direction is the following:

It seemed interesting and in relation with the objectives assumed by us, so that we said it would be ok to make a project on theme 6.1, while wondering that they give money from POSDRU for a project on theme 6.1, for these priority axes, but there is no correspondent in the legislation regarding the social economy. [...] Considering this, we decided not to make a strategic project because we were afraid of the legislative vacuum (union representative).

The incoherence of the fiscal support measures for the social economy has a negative impact on the developed initiatives. Although the NGOs ensure just a low proportion of their income from economic activities, they should be evaluated not just from the perspective of the generated incomes, but also in terms of the impact for the reintegration of the vulnerable groups. From this reason, the economic efficiency must not be the main criterion for the fiscal facilities or subsidies granted for social economy activities.

A social enterprise presumes significant costs for the maintenance of activity. Unlike a company where the purpose is to get maximal profit, in a social enterprise costs are necessary in order to train the employees, to establish special facilities for them or for complementary social services. It is difficult to estimate the costs required to support a social economy activity, because the targeted disadvantaged groups need

social services or other individualised forms of support. A standard cost is impossible to estimate under such situations.

This is one of our problems: we have rather high production costs. Each side adds something, this social side, the environment ... they increase the cost price (GO representative, Bucharest).

The case studies conducted at the NGOs from the counties in B-IF and SE regions show that the economic activities conducted nu the NGOs through commercial companies are treated by the Fiscal Code in the same way as a usual business, even if the revenue is used to finance social activities.

We have a tractor, a garden of 3000 m², greenhouse, animal houses and we raise chicks in the incubator, ducks, goats, pigs, we have 200 piglets. This micro-farm worked as a social enterprise, which must not be considered a SME, I mean making profit by all means, I need some profit to finance my activities and the remaining is covered by the social activity which I have. I employ young people, give them a professional direction, I help them the lead an independent life (NGO representative CT).

The lack of consistent reforms of fiscal support may deter the social economy initiatives addressed to some disadvantaged groups with high risk of social exclusion. The young people leaving the placement centres or the people with serious disabilities are among the most vulnerable categories because the current labour market has very few opportunities for their integration. Despite some facilities it is difficult to develop social services ensuring the necessary support for the target groups. This type of support in indispensable for the professional reintegration and it presumes that the economic activity develops the social and professional competencies. Under these conditions, the economic activity tends to become little efficient in terms of the profit that can be generated and, therefore, it is vulnerable in the competition with the common commercial enterprises which produce similar goods.

Staff employment is a problem an [...] the productivity of the person must be taken into consideration because it indeed is a lower activity, for instance the young people who are 18, until they are 20-24, they need at least one year of work when to learn how to colour, how to paint. Therefore, they need a longer period of training; they need a program adapted to their disability. They must not be overstressed and they have a lower productivity because of their disability and cannot produce more objects even if we had many orders. This is why each company has specific expenditures and these must be made lower and partnerships are needed to decrease the expenditure and to increase the income. I think that maybe in a few years we might be on zero (NGO representative, Bucharest).

This is why the social economy structures need differentiated support, not just by fiscal facilities or reductions, but also by subsidies which allow the provider of social services

to maintain the income-generating activity as a means of support for the vulnerable groups. The excessive taxation of the work, with no clear differentiation for the beneficiaries of social services will deter the initiatives of professional reintegration and will maintain the vulnerable groups in the area of the beneficiaries of free social services.

The legislative framework seems not to help, and not to hinder; the taxes for these young people are the same as for any person with no disability who is getting hired (NGO representative, Bucharest).

The current legal provisions relevant for the social economy area are difficult to apply. Most provisions are confusing or have demands which are difficult to observe. Most problems concern the legislation for the people with disabilities, where several facilities which existed for the past few years cannot be accessed. The lack of knowledge of the provisions or advantages which those facilities presume for the disadvantaged groups are the most often invoked reasons.

There is a facility, Law 448; regarding that article in which the employers with more than 50 employees must buy products...they have that alternative to employ people with disabilities. This is some kind of facility, we are trying to use it, but it is pretty hard. Very hard...with the market to sell our products (NGO representative, CT).

Several previous evaluations (such as protection of the victims of the traffic of people, the system of protecting the unaccompanied minor persons) show that the adoption of a framework law which regulates a specific field is not enough to ensure the coherence of its operation. Practically, the two types of social work services proved completely dysfunctional under the conditions in which the related legislation was not modified as necessary or as stipulated in the framework law. In the case of the social economy too, the framework law will initiate a process of development of the sector which must, however, be supported by the revision of the fiscal code and of the other regulations addressing the disadvantaged groups or the activity of the social economy organisations. This process is expected to be long, with little chance of direct support to the running social economy projects.

A major risk for the process of reviewing the legislation is the low willingness of the political decision-makers to create additional facilities because of the cut in the public social spending. Fiscal instability is another reason for worrying. The fiscal facilities or favourable provisions for the development of economic activities in support of the disfavoured groups, that can be used in the social economy sector change frequently, which may affect the sustainability of the social economy organisations. Given their specificity, they are expected to be more vulnerable to changes in the legislation or in their operational environment.

Another risk for the social economy legislation is the potential abuse of the facilities provided by the state. The NGOs stressed the need for strict control mechanisms because the possible abuses will affect the entire system. Some dysfunctional ties have been already detected in the existing organisations for the protection of the disabled people, situation which should be taken into consideration when elaborating the norms of application of the framework law for the social economy. The representative of an NGO explains:

Last year, in March, there were a total of 400 protected units nation-wide. After processing the data from the questionnaire we used, we noticed that many protected units were established as companies [and] are [protected units] only by their name (NGO representative, CT).

The main legislative modification proposed by NGOs representatives refer to the creation of fiscal facilities for the social economy sector. The proposal of framework law for the social economy has several provisions that may ensure facilities for the social economy sector, but their application depends on the way in which these modifications will be operated in the related normative acts. The most frequently mentioned is the fiscal code which doesn't stipulate enough support mechanisms for social economy activities:

But for the strict field of social economy, for certainly, because it is a field, a new field, although there are initiatives, or forms of social economy functioning in Romania for several years...support some forms...at least in the fiscal code...some facilities which allow this type of economy to be as competitive as possible on a market that can be rather tough (NGO representative, VN).

4. Support of the authorities for the non-governmental sector

In the previous section we have shown that the main functions of the state in relation with the non-governmental sector are the functions of regulation and support, which are fulfilled in a deficient way. The lack of reaction of the public authorities, while important resources are allocated from European funds, affects significantly the running projects or the initiatives previous to the opening of the financing lines for the social economy. The national legislation has several support provisions for the integration on the labour market of the people with disabilities or of the long-term unemployed, which might be used to generate income, but their application is difficult. The perception of social economy representatives also confirms the need of intervention from the public institutions (Table 11).

Table 11
*Responsible, much and very much, for the support
of social economy activities*

	NGO		CAR		COOP	
	B-IF	SE	B-IF	SE	B-IF	SE
Town hall	89%	90%	35%	21%	35%	38%
Government	88%	82%	31%	29%	41%	75%
County Council	82%	89%	27%	20%	16%	36%
National unions or federations	63%	52%	80%	79%	73%	69%
Other	31%	11%	2%	3%	0%	3%
Total (N)	118	102	49	179	37	196

Source: INTEGRAT database (IQLR), 2011

Between the three types of structures there is a significant difference in assigning the supporting role. The unions and federations have a lower role for the NGOs, while for the CAR and cooperatives they are more important. The NGOs developed a capacity to promote individually the interests of the sector or of the beneficiaries. We have also indicated situations in which even local organisations promoted or contributed to changes in the legislation, among which the protection of a specific target group. In the case of the people with disabilities the trend is stronger because of their (or their representatives – parents, tutors) higher level of participation in NGOs activity. The higher proportion of the NGOs indicating the government, the county council or the town hall as institutions which must support the social economy organisations is rather an effect of the lack of support.

5. Perspectives of the non-governmental sector development

For the two regions of development, the structure of the budget shows a high dependency on the European financing. The proportion of other sources of financing, particularly of those with economic activity is low. A rather low number of NGOs have shown that they generated own incomes. Under these conditions, we may estimate that the non-governmental sector is vulnerable, particularly in B-IF region, where the significant increase of the recent years was supported by the European funds that have been drawn. The steep evolution of the past years may affect the sustainability of the non-governmental sector development if no other alternatives to get incomes exist. The strong increase of organisation size in B-IF region may affect their capacity to adapt to the process of organisational development.

Table 12
Estimation of budget evolution for 2011

	B-IF	SE
NS	9%	21%
Will decrease	19%	12%
Will remain constant	38%	45%
Will increase	35%	23%
Total	100%	100%
Total (N)	118	102

Source: INTEGRAT database (IQLR), 2011

The structure of NGOs budgets show a rather unstable profile, since the budgets vary a lot from one year to the next one. The proportion of the stable financing sources is small, the project-based funding holding a significant share in the structure of incomes. The acting legislation provides no facilities for the employees of the social organisations, which is why the costs with human resources hold a significant proportion of the budget. Under the conditions in which an NGO finds resources from project funding, it is difficult to maintain the employees if the financing is not continuous. For instance, a representative of the non-governmental sector declared:

There is no legislation of real help, you cannot keep the specialists...this is the core problem; you have them and you lose them, you get a subsidy, you get some sponsorships, you have them for one more year, maybe, then no one knows...they were a lot of time in "unpaid leave" last year, in unemployment couple of months, because if you don't have stable financial resources you can't pay them...this is her main inconvenient of the lack of a continuous financing (NGO representative Vrancea).

The perception of NGO representatives from the four regions is in agreement with the previous evolution of the number of employees and of the budget. While the representatives of the NGOs from SE and South Muntenia regions of development contributed a rather prudent estimation of the employee number and budget evolution in the next year (2011 and 2010, respectively), the representatives of the NGOs from B-IF and South-West Oltenia contributed more optimistic estimations (Tables 12 and 13).

Table 13
Estimation of the employee number in 2011

	NGO		CAR		COOP	
	B-IF	SE	B-IF	SE	B-IF	SE
Will decrease	8%	3%	12%	8%	19%	21%
Will remain constant	50%	59%	59%	66%	70%	61%

	NGO		CAR		COOP	
	B-IF	SE	B-IF	SE	B-IF	SE
Will increase	36%	19%	6%	8%	5%	12%
NS/NR	7%	20%	22%	16%	5%	6%
Total	100%	100%	100%	100%	100%	100%
Total (N)	118	102	49	179	37	196

Source: INTEGRAT database (IQLR), 2011

6. Conclusions

Harmonizing the principles relations of NGOs with the social economy sector is a long process, it highlights the different trends of recognition and assimilation by each society. In Romania, it is obvious the revival of the non-governmental sector or "third sector", tracking a history of association observed in Romanian culture (Chipea, F.; Ștefănescu, F.; Bogodai, S.; Oșvat C., 2010, p. 93)

Compared to the CAR and to the cooperative societies, NGOs representatives provided a clearly positive estimation of the increasing number of employees. Both for the CAR and for the cooperatives, the difference between regions is in favour of SE region this time.

On the short term, the regional disparity, very strong in case of Bucharest-Ilfov region compared to other neighbouring regions, will remain or will even increase over the next period. According to the evolution of the budget and number of employees, B-IF region has a profile closer to South-West Oltenia region, but with a stronger increase. SE region, although reported a decrease of the employee number in 2009-2010, has similar characteristics with South Muntenia region, at least in terms of the annual variations of the number of employees and the average budget size. From this perspective, *on the long-term*, the NGO sector from South Muntenia and SE regions, although less developed than the NGO sector from South-West Oltenia, is more stable and less vulnerable to the factors that may influence NGO activity.

Compared to the other two types of social economy organisations, the cooperatives and the CAR, the NGOs have the best potential to develop economic activities which to generate the resources required to support directly the establishment and support of social services for the disadvantaged groups. Such conclusion is supported both by the perspective of more active measures of support for the vulnerable categories, and by the perspective of the requirement for non-governmental sector activity.

The social work system developed several support measures over the recent years, but the means-testing social benefits are predominant. The public social work system is underdeveloped, while the non-governmental sector is characterised by significant

regional disparities. The poorest regions have a low presence of the non-governmental sector. Several plans were discussed recently to reduce the costs with the social work system (for instance, the 2010 Code of social work, the Strategy for social work development and the 2011 draft law for social work). The common element of the two plans is the reduction of the budget effort, while not providing relevant alternatives for the support of the vulnerable categories of population.

The non-governmental system runs significant risks generated by the significant changes of the sources of financing. Previous studies (Arpinte and Baboi, 2009; Cace et al. 2006; Cace et al. 2010) prove the accentuation of risk factors for the NGOs which don't have the capacity to draw European funds. The NGOs currently implementing projects financed from structural funds (Arpinte and Baboi, 2009) also indicated several difficulties which decrease significantly the potential of these funds to support a sustainable process of organisational development.

The stimulation of economic activity development of the NGO sector is imperative, given the significant role which the NGOs have in providing support to the disadvantaged groups. There already is a significant volume of initiatives for income-generating activities, but they are insufficiently exploited or have low chances to become sustainable. The case studies conducted in the two regions identified economic activities which have an important role for the reintegration of the vulnerable groups, particularly of the people with disabilities and of the young people leaving the placement centres. The difficulties mentioned by the NGOs regarding the management of these activities and the current regulations deter such initiatives and block the attempts to develop the social economy sector.

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THE COOPERATIVE SOCIETIES IN THE EVOLVING REGIONS BUCHAREST-ILFOV

Flavius MIHALACHE¹

Abstract: *The present article talks about one of the main organizations of SE, the cooperative societies. So, the sections from this study are oriented towards the economical characteristics of the cooperatives, the analyze of the economical activities in the context of the financial crisis that started after the year 2008 and also on the social importance of this organization inside the SE. A special part is dedicated to the presenting and identifying of the main problems that the cooperative sector is dealing with in present, from this point of view being identified two major elements: the present legislation and the difficult economical context. The results of the research underline the fact that the cooperative societies from the mentioned regions are characterized both by a negative evolution and also by the impossibility of assuring their own survival by the classical economical activities, being this way obliged to ask support from other new income sources. The data that are used in the study come from the qualitative and quantitative research made in the year 2010 for 235 entities in the regions Bucharest-Ilfov and South-East*.*

Keywords: *cooperative societies, social economy, consumption cooperatives, craft cooperatives, agricultural cooperatives.*

1. The cooperative societies' profile

The cooperative represent altogether with the associations, foundations and CARs, one of the central dimensions of the SE field (CIRIEC, 2009, p. 7; Arpinte and colab., 2010, p. 139).

Cooperatives as organizational structures of social economy based on their specific forms of entrepreneurship with their own social and economic actors are focused to increase the quality of life of vulnerable people (Zamfir, E.; Fitzek, S., 2010, p. 4).

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* Abbreviations: SE – Social Economy; CAR – Houses of Mutual Aid; EU – European Union; B-IF – Bucharest-Ilfov; VMG – Guaranteed Minimum Income; MMFPS – Ministry of Labor, Social Protection and Family; SME – Small Medium Enterprises; SE region – South- East region.

At the same time, the cooperative societies represent the only SE form that benefits of an official recognition in the EU on the basis “of the European Status of the cooperatives” adapted in the year 2003 (MMFPS, 2010, p. 24). According to this document, the main objective of the cooperative consists of “the development of the economical and social activities of the members (...) with the purpose of goods providing or services or works making (...) to answer the needs of their members” (MMFPS, 2010, p. 24).

At the European level, the SE field is represented by two million entities where there work over 11 million persons, 70% of them activating in ONGs, 26% in cooperatives and 3% in mortalities (Arpinte and the al., 2010, p. 143).

The cooperatives’ activity in Romania registered after 1990 a strong stretch of the activity, on the basis of a dramatically lowering of the cooperatives’ number and of the personal employed by them.

The quantitative realized research in the Integrate-resources for the women and the Roma groups that are socially excluded project, concerning the characteristic organizations specifically to the SE field, active at the level of the development regions B-IF and SE supposed also the investigation of a small sample of cooperative societies. Its volume of 235 of these kind of entities and its way of selection, do not admit the extra polarization of the researches results for the entire formed population from the existing cooperatives at the level of the two developing regions, the results of this exploring act offering a particular image over the characteristic and the activated activities by this kind of organizations.

Table 1
*The cooperatives’ distribution included in the research
on developing regions*

Region/District	Frequency	Percentage
B-IF	39	16,6
Buchareşti	15	6,4
Ilfov	24	10,2
SE	196	83,4
Brăila	18	7,7
Buzău	55	23,4
Constanţa	46	19,6
Galaţi	27	11,5
Tulcea	18	7,7
Vrancea	32	13,6
Total	235	100,0

Source: The Integrate data base (ICCV), 2011.

The research data show that 61,4% from the investigated cooperatives in the two developing regions interviewed were created after 1990 while only 30, 6% of the total (72 units) represent cooperatives that were created in the period of the communist regime (table 2). At the same time, 37% of the investigated cooperatives (corresponding to a number of 87 units) were created after the year 2005, these entities being created in the years that followed of the law's 1/2005 adopting concerning the organizing and functioning of the cooperation. This supposes the existence of many kinds of cooperative societies: handcraft cooperative societies, consumption cooperative societies, prizing cooperative societies, farming cooperative societies, houses cooperative societies, fishing cooperative societies, transport cooperative societies, forests' cooperative societies, other forms cooperative societies (MMFPS, 2010, p. 41).

The 2005 regulation replaced the Law no.109/1996 concerning the organizing and the functioning of the consumption and accreditation cooperatives which at its turn took the place of the Law Regulation 67/1990 concerning the organizing of the consumption and accreditation (MMFPS, 2010, p. 33). From the point of view of the organizing form, 191 entities of the investigated ones were created as cooperative societies of the I degree, and 29 of them represent the II degree cooperatives¹.

Table 2

The distribution of the cooperatives' societies after the year of formation

Period	Frequency	Percentage
1848 - 1944	15	6,4
1945 - 1964	41	17,4
1965 - 1989	31	13,2
1990 - 1994	39	16,6
1995 - 1999	8	3,4
2000 - 2004	9	3,8
2005 - 2008	74	31,5
2009 - 2011	13	5,5
NR	3	1,3
Total	233	99,1
Missing	2	0,9

Source: The Integrate data base (ICCV), 2011.

¹ *Law no.1/2005 concerning the organization and the functioning of he cooperation asks the organization of two types of corporatist societies: I degree cooperatives, which are exclusively by the association of some physical persons and the II degree cooperatives which are created by the I degree cooperatives or physical or judicial persons.*

The statistical data at the national level, show that the highest level in the raw of the cooperative societies is of the consumption cooperatives (48%) and the handcraft cooperatives (41%), while the farming cooperatives hold 8% of the total and all the other cooperatives' types register 3% (MMFPS, 2010, p. 51). In the investigated sample in the developing regions B-IF and SE, the level of the cooperative handcraft and consumption societies is approximate equal (being in both cases around the value of 40%) and the farming cooperative societies represent 11% from the sample. The rest of 7% from the total of the cooperatives that made the researches objective is represented by other kinds of cooperative societies, from which most activate in the financial field or services.

Table 3
The type of the cooperates society

Cooperative's type	Frequency	Percentage
Handcrafts corporatist society	95	40 %
Consumption corporatist society	93	40 %
Farming cooperative society	26	11 %
Other forms	17	7 %
Total	233	98 %
NR, Missing	4	2 %
Total	235	100,0

Source: The Integrate data base (ICCV), 2011.

The main activity field of the investigated cooperatives is represented by the commerce (83 cases). In the services sector activates 56 cooperatives having activity objectives from the most different ones (financial activities, maintaining services, equipments repairing, spaces renting etc), while in the handcraft field of production and repairing there are registered 49 cooperatives. In the same time, 24 cooperatives from the investigated ones declared the agricultural field as representing the main activity sector.

For the both developing regions, the cooperatives that activate in the commercial field represent 35% from the total of the investigated ones while the activities from the production and repairing area represent 37% from the total, the rest of the cooperatives having as a main activity field in the services field (table 30). In the developing region B-IF is registered a bigger level of the cooperatives that have as main activity objective the commerce (almost half of the total) and a bigger percentage of the cooperatives that assure their incomes especially from the renting of the spaces (approximate 30% from the total of the cooperatives from that region).

In the case of the registered cooperatives in the SE region we meet a much equilibrated distribution as concerning their activity fields, where the handcraft sector holds a bigger level approximate 30% of the cooperatives from the SE region that participated to the research activate in the production or goods' repairing).

Table 4
The main activity fields of the cooperatives (the first mention)

Field	The number of he cooperative societies	%
Commerce	83	35%
Equipments	24	10%
Other services	21	9%
Handcraft activities	19	8%
Dressing, confections, textile industry	17	7%
Spaces renting	16	7%
Farming	25	11%
Financial activities	9	4%
Maintaining services	9	4%
Constructions	3	1%
Public distributing	1	0%
NR	8	4%
Total	235	100

Source: The Integrate data base (ICCV), 2011.

An interesting aspect that is underlined by the qualitative studies that were made before the quantitative research refers to the identification of a tendency in the cooperative societies to assure themselves new income sources by developing some convex activity fields with the basic ones. There are to be mentioned in this category especially the renting of the spaces that the societies have for x persons. In most of the cases the cooperative societies' surviving depends on this income source in the lack of some other economical activities. This reorientation process of the cooperative societies towards new activity fields and new sources of income appeared as an answer of these entities at the decline of the classical activities.

Over 60% from the cooperative societies included in the research from the SE developing region and 76% from the active ones in the region B-IF are members of a national union. In the vision of the cooperatives' represented, the most important functions of the national organisms are the ones of representation and promoting of the member cooperatives' interests.

Especially in the relation with the state or other organizations, the support of the cooperatives to keep their patrimony and the promoting of some normative papers that are useful for them.

The evolution of the total number of employees in the investigated cooperatives lowered between 2008-2010 with almost 9% to the value of 4448 persons, while the medium employees level that are necessary for a cooperative registered an easy going down from 20 to 19 persons (table 5). For the cooperative societies that were analyzed and are from the two regions, the data show contradictory opposing evolutions: while the number of the employees from the cooperatives that activate in the districts from the SE developing region lowered with approximate 700 persons, in B-IF the number of the work places in the cooperatives raised with over 150 jobs (table 5)

Table 5
The evolution of the employees' number in the investigated cooperatives

	2008	2009	2010
Total number of employees	4843	4581	4448
The number of the employees (level)	20,1	19,7	19,1
The total employed number in B-IF	507	639	761
The total number of SE employees	4336	3942	3687

Source: The Integrate data base (ICCV), 2011.

The cooperatives with the biggest number of employees are registered especially in the districts from the SE developing region, the biggest three cooperatives being registered in the Buzau and Vrancea districts (table 6). On the other hand, almost 60% of the cooperatives that made the researches objective have less than 10 employees and 3% of these do not have personalized staff. As concerning the types of cooperatives, at the level of the 2010, the most part of the employed personnel is registered in the case of the handcraft cooperatives that reunite over 71% from the total of the work places (3187 work places) while in the consumption cooperatives work only 17% from the total of the employed staff registered at the level of the cooperatives (765 persons). In the accreditation cooperatives there are to be found 3% from the total of the work places registered at the level of the inquired cooperatives, and in the agricultural cooperatives a little over 2%¹.

¹ The difference to 100% is given by the number of the work places from other types of cooperatives or by non answers.

Table 6
The cooperative societies with the biggest number of employees in 2010

The cooperative	Type	Town	Employees no.
Cooperative society Confex	SCM	Buzău	390
Cooperative society Confex	SCM	Râmnicu Sărat	170
The income	SCM	Focșani	160
The hygiene	SCM	Brăila	140
Eva Lux	SCM	Galați	140
Motor Service	SCM	București	107
The glass' technique	SCM	București	100
The hygiene	SCM	Tulcea	91
The gathering	SCM	Tulcea	90

Source: The Integrate data base (ICCV), 2011.

For the next period, the cooperatives' represented do not expect to significant changes of the employees' number in the units they are part of. Almost two thirds of them, declare that in the year 2011 do not predict a raise of the employees' number in the units that they represent while only 10% of the respondents consider such an evolution as being freezable.

As concerning the members' number for the main types of cooperative societies, the researchers results show that the sector of the handcraft cooperatives is the best represented. For the year 2010 the societies of the inquired handcraft cooperatives reported a total number of 3742 of cooperative members. The farming cooperative societies, although a little less significant as number in the comparative sample, the consumption cooperatives had for the same year a bigger number of members than the latter ones (2275 comparing with 2066 persons). Actually, the farming cooperatives represent if we take into account the medium members' number, the cooperation form with the biggest structure (in all a farming cooperative had in 2010, 87 members while the handcraft cooperatives and the consumption ones had 39 respectively 22 members).

2. The economical activities of the cooperative societies

The economical crisis that made its presence felt after the 2008 meant for most of the corporatist societies the lowering of the production and the orders which led to the lowering of the business' level and unemployment accentuating this way the decline of the corporatist movement. For many cooperative societies the survival became the main worry in this difficult period, when most of the societies faced restructurings of the activities or even with the closing of the units:

“We have to hold on in front (...), we have to survive! May It I’m wrong and this world to go in the right direction but for now (our strategy) is the survival.” (Tulcea, handcraft cooperative society)

‘The crisis affected us negatively badly because the production to what was left dropped enormously. As for example the furniture cooperative does not make any furniture. It was produced for the export but the wood got more expensive and all the pieces of the furniture did not correspond to the price and they had to stop the production. They all are in unemployment.’ (Galati, a handcraft cooperative society)

But the crisis’ effects weren’t the same strong for all the cooperation’s sectors. The results of the field research made in the developing regions B-IF and SE underlines the fact that, from this point of view, the most affected by the economical activity’s stopping were the consumption cooperatives, which business figures lowered substantially between 2008-2010 on the reason of low level orders. The total business figure for the 2010 year of the cooperative societies from this sector were situated to 90% from the value that was registered in the year 2008 which underlines a significant lowering of their activities.

In the case of the handcraft cooperative societies that answered to the questionnaire, the total business figure registered an easy lowering in the year 2009 and after, in the 2010 year registered a positive evolution. A similar path had the farming cooperatives for which the 2010 meant the recovery of their economical activity (table 7). This way, in the 2009 year was registered a minimum of the activity at the level of the cooperative societies, so as 2010 to bring an mild recovery somehow in opposition with the evolution at the macro level of the Romanian economy.

Table 7

The business figure of the investigated cooperatives

The cooperative	Type	Town	Employees no.
Cooperative society Confex	SCM	Buzău	390
Cooperative society Confex	SCM	Râmnicu Sărat	170
The income	SCM	Focșani	160
The hygiene	SCM	Brăila	140
Eva Lux	SCM	Galați	140
Motor Service	SCM	București	107
The glass’ technique	SCM	București	100
The hygiene	SCM	Tulcea	91
The gathering	SCM	Tulcea	90

Source: The Integrate data base (ICCV), 2011.

The research data show a dramatic lowering of the consumption cooperatives' benefits and of the handcraft ones too during 2008-2010. The total profit for the 2010 that was reported by the inquired consumption cooperatives is situated to a less than a third from the one registered in the 2008 while the handcraft cooperatives' profit lowered with more than 50%. But the agricultural cooperatives registered in exchange spectacular evolutions having at the end of the 2010 an almost double total profit comparing with the one registered in 2008. This good evolution made that in 2010 the total profit of the farming cooperatives included in the research to go over the consumption cooperatives one, even though, with two years before it represented only a little over 25% from the consumption cooperatives. The negative evolutions registered at the profitability level by the consumption and handcraft sectors offer an obvious image about the way in which the economical crisis from the last years influenced the cooperatives' activity. The profit resulted from the economical activities that were made by the cooperatives, in most of the cases, is shared with the cooperative members or is reinvested.

As concerning the evaluations of the present situation, over three quarters of the cooperative societies' represented that took part to the research consider that the main cause for the profit's lowering is represented by the economical problems that were caused by the economical crisis and the lowering of the orders for the offered products and the services. In the same time, the field legislation and the taxing system were mentioned as main causes for the profit's lowering in just few cases, which places the perceived factors of the economical problem years that the cooperatives passed through, almost exclusively at the level of the structural factors, macro-economical that influenced all the activity fields.

The inquired cooperatives' represented' expectations as concerning the profit's evolution for 2011 are uncertain. Almost half of the cooperatives' represented declared that they do not expect to essential changing of the cooperative societies' profit from which they are part comparing with the situation from 2010, while only 20% of them predict a positive evolution of the profit.

Table 8

The total profit and the medium profit of the investigated cooperatives

	2008	2009	2010
Consumption cooperatives – total profit	1648685	693251	526555
Consumption cooperatives – medium profit	17727	7454	5661
Handcrafts cooperatives – total profit	4562479	2438300	2170409
Handcrafts cooperatives – medium profit	48026	25666	22846
Farming cooperatives – total profit	356591	93837	639523
Farming cooperatives – medium profit	13715	3609	24597

Source: The Integrate data base (ICCV), 2011.

The data concerning the researched cooperatives' situation for the 2010 (table 35) illustrates that the highest level of the cooperatives that registered economical loses is to be found at the consumption cooperatives while no farming cooperative wasn't in such a situation. Anyway, the big number of non answers to this question do not allow us to have an exact image about the investigated cooperatives' situation.

Table 9

The situation of the cooperatives that participated to the research for the 2010 year

	Profit	Loses	Zero economical situation	Non-answer
Handcrafts cooperative society	39	7	0	47
Consumption cooperative society	44	19	8	22
Farming cooperative society	13	0	2	11
Total	96	26	10	80

Source: The Integrate data base (ICCV), 2011.

The most profitable ten cooperative societies from the ones included in the research gathered in the year 2010 a total profit of 2,7 million lei meaning 80% from the total registered profit by the analyzed cooperatives (3,3 million lei). From these ten ones, the most profitable, eight are handcraft cooperatives and one entity has the status of a farming cooperative, respectively consumption cooperative (table 35). The analyzed consumption cooperatives are generally small entities with low economical activities comparing with the handcraft cooperatives which are mostly entities with a wide organizing structure and a bigger number of employees and in some cases makes large, wide activities. These characteristics concerning the dimension and the developed activity's characteristics transpose at the level of the economical characteristics of the cooperatives in more reduced values for the general indices such as the business figures or the registered profit.

Table 10

The most profitable ten cooperative societies from the two developing regions in 2010

Name	Type	District
Enriched Cooperative Society	SCM	Buzău
The Farming Society Cereanim Smeeni	Farming cooperative society	Buzău
Unirea Cooperative Society	SCM	Tulcea
Clothes	SCM	Bucharest

Name	Type	District
Hygiene Cooperative Society	SCM	Tulcea
Studio Arhis	SCM	Constanța
Offers	SCM	Vrancea
The sports	SCM	Vrancea
Electro- household	SCM	Constanța
Pantelimon	Consumption cooperative society	Ilfov

Source: The Integrate data base (ICCV), 2011.

From the point of view of the economical activities' evolution, the cooperative societies crossed in the last two years, probably, the most improper period after 1990. On the basis of a negative evolution of the sector, the economical crisis that came in 2008 underlined the productivity problems' hardening, of the competitively and economical efficiency that the cooperative societies were registering. The period of the last three years meant this way a selection period of this type entities where their surviving was given by their capacity to adapt to the new relations and by the managerial sector abilities. The units that managed to register profit in this period (about 45% from the investigated ones in the developing regions of Bucharest-Ilfov and SE) are strong societies that found rapid solutions for the economical improper situation.

3. The sector of the social economy

The social role of the cooperatives and their place in the SE sector is to be felt in the organization characteristics, the activities' characteristics, the way the decisions are taken and the principles of distributing the profit (Kerlin, 2006, p. 249; Thomas, 2004, p. 245). Starting from this characteristic we may identify two main components that are at the basis of the social dimension of the Romanian cooperatives: the assurance of some benefits for the members and for the community and the occupation of the persons that come from disadvantaged groups.

The benefits for the cooperative members may be parted in two categories that are strongly correlated: the providing of a work place and financial benefits. The qualitative research period inside the project as well as the previous studies on the SE problem (Cace and colab., 2010) underlined the fact that for the most part of the handcraft and consumption cooperative societies, the member state is confronting with the employee one. In other words, the most part of the cooperative members work inside the cooperative, in some cases this professional blocking having an obvious social function. The most part of the handcraft and consumption cooperatives' members are older persons and they have qualifications that can't be valued any more on the work market in some other fields than the corporatist one. So, the cooperatives offer the work integration of some social categories which without these would be in risk situations for social exclusion.

As concerning the work registering , one of the most often mentioned functions in the characteristic literature for the cooperatives is exactly the one of facilitating the occupation of the persons that come from disadvantaged groups (Kerlin, 2006, p. 254; Spear and Bidet, 2005, p. 196). The encouragement of this social function is assured in most of the West European countries by means of the legislation and the institutionalized constitution that assures fiscal facilities for the organizations that assure the integrate in the work field of the persons from the risk categories (Spear and Bidet, 2005, p. 197). A model to mention more often, from this point of view in the characteristic literature is represented by the social cooperatives existent in Italy. The activity of the social sector cooperatives that was registered legally in 1991 is oriented on two big types of activities that are aside the ones that are offered by the public institutions: social services and training activities (Thomas, 2004, p. 248). This way, the Italian social cooperatives have a main part for *the welfare state* representing a real model in the context of the stretching tendency of the status implication in the direct providing of the services and the social benefits.

In Romania, the regulations concerning the integration in work of the disabled persons are mentioned in the Law 448/2006 concerning the protection and the promoting the rights of the disabled persons altogether with the after regulations and adding. This normative paper underlines the organizing of the *protected units* (organizations with a special status that have at least 30% disabled persons) and the obligation for the organizations with more than 50 employed persons to employ for at least 4% disabled persons, on the contrary, being mentioned the obligation of the payment from their part to the state budget of some money sums and the obligation of purchasing goods and services produced by the protected mentioned units.

Anyway, the real situation as concerning the integration in the work field of the persons that belong to some disadvantaged groups by means of the cooperatives is still dedicatory. The research data underline the fact that only 16 cooperatives from the total of 235 investigated in the two developing regions have among their employees disabled persons and only six of them have among they employees Roma ethnic persons and only in the case of four of them were employed young persons coming from the placing centers (table 37). Not even at the level of intent the situation is to be better. In only 19 of the analyzed cooperatives is intended the employment for the future of some disabled persons or VMG ex beneficiaries and in only 23 of them young persons originating from placing centers. According to the offered evaluations by the respondents, the main factors that facilitated the employment of the persons from vulnerable groups were represented by the competencies of the underlined persons and by the decisions taken in this sense at the level of the organization's management. According to the declarations of the respondents, the facilities offered by the state seem to represent a too weak support from this point of view. Starting from these data, we may conclude that in the two analyzed developing regions, the part of the

cooperative societies in the support of the integration on the work market of the persons from social risk categories is still reduced, which leads to the fact that one of the fundamental dimensions for the SE developed activities by cooperatives not to be correspondingly represented in the present activities of the researched units from the two developing regions that we refer to.

Table 11
The employment of the persons that belong to the vulnerable groups in cooperatives

	Organizations that have among their employees at least a person coming from the vulnerable groups	Organizations that intend to employ persons from the vulnerable groups
Disabled persons	16	19
Roma ethnic persons	6	17
Young coming from the placement centers	4	23
VMG beneficiaries	2	19
Persons that were imprisoned	2	11
Total (N)	235	235

Source: The Integrate data base (ICCV), 2011.

Less than 40% from the analyzed cooperative societies offered or continue to offer help for the persons in need (table 38). Most of the times, these support forms are addressed especially to the cooperative members or to their families and are given in special situations. Most of the help forms that the cooperatives offer are as emergency help of which the members may use in special situations such the payment of some medical services and burial services. There is to be noticed the very high percentage (58%) of the cooperatives' societies that do not offer no support form for the ones that are in a difficult situation.

Table 12
Does the cooperative society offer help forms for the persons in need?

	Frequency	Percentage
Yes, in present	56	23,8
Yes, it had these kind of activities in the past	37	15,7
It never offered	138	58,7
NR	4	1,8
Total	235	100,0

Source: The Integrate data base (ICCV), 2011.

Above the present activities made by the corporatist societies in their characteristics and field of activity, the social impact for the functioning of these entities is still very tight. This note remarked also by the research results underline once more the difficulties that this sector registers. The rise of the social impact of the cooperative societies can be realized only by the pre developing of the whole sector. Without an evolution of the corporatist sector activity we can't talk about the existence of a strong social part for the corporatist societies. This way the identified models at the European level such as the one of the social cooperatives that functions in Italy, may create real paths to follow.

4. Problems and ways of developing of the corporatist sector

Starting with the research built by means of the quantitative research, that illustrates the fact that the cooperatives sector is still looking for the part that it has to take in the ES sector, we will concentrate on the identification of the problems that the represented of the system consider as being responsible for the present situation and on the drawing of some links that they can fight the present situation.

The opinions of the cooperative societies' represented underline the lack of some adequate forms of support from the part of the state institutions for the developing of this sector. In the last years, 9% from the cooperatives benefited of different support ways: 10 got subventions from the state budget or from the local budget, 3 benefited of tax lowering and also another three benefited of no paying back the financial help (table 39). So, there is to be noticed the conclusion of the lack of some efficient support mechanisms to facilitate the developing of the cooperatives' sector in the conditions of the activity level lowering registered by them in the last activity years.

Table 13
*The support received by the cooperatives
between 2007-2010*

Financing type	No. cooperative societies
Subventions from the state budget	7
Subventions from the local budget	3
No pay back financing on the basis of the financing demand	3
A lowering of the taxes' and fees' payment	3
Free consultancy	3
Infrastructure works , the building's modernization	2

Source: The Integrate data base (ICCV), 2011.

In the vision of the represented of the cooperative societies that took part to the research, *the Government and the National Unions* represent the institutions from which there are expected help forms (table 13). The local public authorities, represented by the distinction councils and the Maries are less responsible for the offering of the best situation for the organizations' developing. From the cooperative investigated societies 78% wish to have low taxes and imposts', 71% of them consider to be necessary the giving of some fiscal facilities for the creation of new places of work and 64% consider that the offering of some subventions would encourage the developing of the organizations in this sector. In the same time, over 70% from the corporatist societies wish to get technical consultancy for the accessing of the non paying back funds. There is rounded a strong lack of financial autonomy of most of these entities in the conditions in which no more of two thirds of the cooperates sector represented sustain the necessity of the granting for giving some encouraging packages of financial kind for the organizations' activity.

Table 14

Who should help the organization (% cumulated for the answer types "in a big measure" and "in a small measure"

institution	percentage
Government	70%
Unions/the National Federations	69%
The district council	32%
The miry	37%

Source: The Integrate data base (ICCV), 2011.

Besides the received support from the state institutions, the legislation that paints the organizing frame and the cooperatives' activities represent the second point through which one may come with actively for he support of the corporatist sector's developing. The Law no. 1/2005 concerning the organizing and the functioning of the cooperative with the after changes and completions reorganized the activities plan of the cooperative societies but let some aspects unsolved such as the property right for the fields where the buildings are that the cooperatives hold. This aspect is to be noticed in the vision of the sector's represented as the main problem point of the law, not letting the corporatist societies to develop.

"In our Law, there is said that the fields that are given for use will be given for being registered which didn't happen (...). Here we have also fields that we use on which many have been throwing an eye ... persons that want to take them in different ways" (Vrancea, consumption corporatist society)

The new appeared legislative modifications as a result of the Law 1/2005 adopting created discontents and malfunctions in the developing of the cooperatives' functioning that had to reorganize themselves in the virtue of the normative act regulations. In the vision of some of the represented of the corporatist sector, the adopting of this law is responsible even for the going down of the corporatist societies:

"The cooperation's decline isn't something new, it is existent from before the crisis, from the moment when this damn law 1/2005 appeared. This law did nothing else but to part the movement, we were having some cohesion... there are also people that because the Law helped them to get some patrimony for themselves, were really glad of its existence (...) who respects the cooperation has very big restraints concerning the benefits than the Law 1/2005 brought." (Tulcea, handcraft corporatist society)

The adopting of the Law 1/2005 concerning the organizing and the functioning of the cooperation didn't manage to offer to the corporatist sector the necessary base for developing but it rather contributed to the maintaining a "preserving" state of things offering the necessary judicial help for functioning but not also the necessary "push" for the passing out from this going back situation. The points that are still left unsolved and that create discontent between the corporatist societies such as the judicial status of the fields that those hold buildings on and perform their activities, need quick qualifications for being possible the situation of the corporatist sector on stable fundamentals and for being possible the recovery of the whole sector.

5. Conclusions

The qualitative research results about the active corporatist societies at the level of the developing regions B-IF and SE create a general feeling of negative evolutions and underdeveloped. These affirmations confirm the conclusions of the previous studies about this field (Cace and colab. 2010; MMFPS, 2010) and give serious question marks concerning the medium and long term evolutions of this SE sector.

The corporatist sector that entered in a strong decline after 1990 doesn't manage yet to assure itself the surviving level by the developing of the classical economical activities, being forced to look for some other new sources of income, the surviving of the corporatist societies depending on their adapting and innovating capacity. The strategy that is followed by most of the corporatist societies is one of survival and points to the providing of the necessary resources for the continuing of the activities in the rough present economic context. According to the 2008 Annual SMEs Report, the most significant loss of employees for South West Oltenia region occurred in the craftsmen cooperatives, which lost 16% of their employees in 2006, about 8% in 2007 and 2008 and 11% in 2009 (Arpinte, D.; Cace, S.; Cojocar, Ș., 2010, p. 72).

In the conditions of the lowering number of the corporatist societies and of their members' number as well as the activities' restructuring, the sector's incomes are hard to be guessed. The main barriers from this point of view in the vision of the corporatist societies' represented that took part to the research are represented to the difficult economical context and by the field's legislation. From this point of view, the reviving of the corporatist societies can be realized only in the conditions of the raising of the economical activities started by them and of the legislative changing.

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THE CREATION OF SOCIAL ECONOMY TO THE DISABLED PERSONS FROM ROMANIA

Gabriela DIMA*

***Abstract:** Inside this article we intend to analyze the SE creation depending on the disabled persons' needs both from their own perspective as well as from the specialists' perspective that work with and for the disabled persons. The analysis will be done depending on the following variables: type and disability level, age, education and occupation.*

From the analysis of the obtained results from the realized research we notice a low addressability to the social services for the disabled persons in the evolving regions Bucharest-Ilfov and South-East that can be owed either to a weak evolution either to a formation lack concerning their existence. Also, the disabled persons from the analyzed group are interested especially by passive forms of social assistance, respectively material and financial help for emergency situations and present needs.

The disabled person has to be looked at as a whole, and the social services that are to be evolved have to cover all the needs' area. Just in the moment that all these needs will be satisfied the disabled person will integrate in a real way inside the community manifesting herself as an independent person.

***Keywords:** SE social economy, social services, disabled persons, community, employment..*

Inside this article is intended to analyze the SE demand depending on the personal needs of the disabled persons, both from their perspective and the specialists' one too that work with and for the disabled persons. The analysis will be done depending on the following situations: type and disability degree, age, education and occupation.

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1. European context

The last decades underlined an important change concerning the public policies for the disabled persons at the global level. The most used medical pattern in the European area till the 80s which put an accent on medical recovery and passive insurance of a minimum financial income was replaced by a paradigm based on the right to equal chances, nondiscrimination, social integration and participation.

The social pattern promoted by the groups for civil rights of the disabled persons is practically passing from exclusive concentration on the physical, intellectual or other possible kinds of the disabled persons limitations towards a critical analysis of the social and physical environment and of the limitations imposed by the society, the urban environment against some groups or persons categories ("*disabling society*") (Barnes, 2000, p. 41-457).

The new approach reached on the study table of the international organizations as well as of the national governments in a new form that admits the environment's importance in creating and promoting the equal chances. The UN organization adopted in 1993 *the standard rules concerning the chances equalization of the disabled persons*, together with an action plan. The UN Standard Rules are 22 as number and refer to the state's responsibilities, the main political lines for the disabled persons and to the suggestions for real actions. Although the Standard Rules do not have a law value, they are a political and moral obligation assumed by the international community's members

In the year 2006, UN launched a new stronger legal instrument – *The Convention concerning the Rights of the Disabled Persons* – an imperative international judicial treaty concerning the Human Rights. The signed states and the ones that will ratify this convention takes the engagement to evolve and implement national policies, laws and administrative measurements for the support of the rules from the convention, as well as to cancel the papers with law power of action, the customs and the practices that represent a discrimination (art. No.4). the convention mentions the right of the disabled persons to earn their living by a kind of work that they choose and accept freely, on the basis of the equal opportunities principles, of the equal treatment and non – discrimination as well as the support of this right by the national legislation. In the same time, The Convention banes the discrimination on the disability principle for any kind of work and offers protection for the persons that get a disability during their employment by regulations that refer to the work place keeping, vocational professional recovering and, when there is the situation the coming back to the work place. The UN Convention concerning the disabled persons was adopted in 2007 and ratified beginning with October 2010 by 17 member states among which tire was Romania also (November 2010). The Convention concerning the disabled persons rights became this way the first imperative regulation from the judicial point of view to which the EU and the member states are part of.

The European Council goes in the same direction by the Malaga Declaration in 2003 and the Action Plan 2006-2015.

The second conference of the responsible ministers with the integration policies for the disabled persons was organized by the European Council to Malaga in May 2003. The general idea of the conference was: *“the improvement of the life quality for the disabled persons: the intensification of a coherent policy with the purpose and by means of a total participation”*.

In fact there was suggested:

- *“the proposal of civic attitude and the whole participation by adopting legislative and political measurements with the purpose of mentioning the quality of chances for the disabled persons” and*
- *“The support of an innovative attitude for the services that are destined to help for the solving of the disabled persons’ needs”*.

There were discussed also some suggestions for the disabled women integration and of the persons with a high degree of addiction. The main objective of the Conference was that of defining the common principles for the development of the future policy concerning the disabled persons and the services they need.

The results of this debate led to the elaboration of *“The Ministry Declaration from Malaga Concerning the Disabled Persons: progresses on the way of whole participation as citizens”*. This initiative led to the elaboration of an ambitious European action plan, detailed but also flexible having as purpose the implementation at a national and international level of the underlined principles with the occasion of this Second European Conference – The Action Plan 2006 – 2015:

- The non discriminatory application of the human rights in a chances equality spirit for the persons with deficiencies in all the life’s areas;
- The avoidance of any discrimination on the criterion of the origin’s deficiency or of the disabled persons’ identity;
- A better access of the disabled persons to an independent life inside the community by a progressive adoption of the technological discoveries and by the Universal Plan, among all, about the building field, of the public services, of the communication systems and in the dwellings;
- The strengthening of the cooperation with and between the different governmental sectors; a special attention being given to the equity promoting in the providing of the essential services, the health caring and in the legislative field, as well as with the purpose of accentuating the collaboration between the local, regional and national responsible in this fields;

- To promote the services' quality;
- The acceptance of the disabled persons in all the social areas by education and friendly approaches in the benefit of these persons as citizens with total control over their lives;
- The support for the integration of the disabled persons in the work field, favoring the accomplishments of their qualities, especially the ones concerning their vocation, supporting the necessary needs and ease their access to this profession;
- The support of the fundamental and applied scientifically research especially in the field of the new information and of the communication technology;
- The implementing of the necessary means for a chances equilibrium between women and men;
- The implementing of programs for answering the personal disabled needs while growing older;
- The promoting of a positive image of the disabled persons;
- The involvement of the disabled persons in taking decisions that affect them personally;
- The involvement of the organizations that represent the disabled persons in the elaboration of the social policies.

The conference was organized inside the subscribed actions in the European Year of the Disabled Persons 2003, proclaimed by the European Union Council on 3 December 2001.

2. The national context

In Romania, after 1989 there reappeared a new social category into the attention of the public opinion: the one of the disabled persons. The communist regime promoted "their hiding" by their caring in specialized institutions.

In Romania, in 2000, overall share of public placement centers was 5.13% out of social care units and the private centers were 2.25% out of social care units, much lower than the system public protection (Bunea, G.V., 2011, p. 87).

The institutionalization was for a long time the most spread support form for the disabled persons and the possibilities of an independent life were almost absent for them.

A series of steps that refer to the support services diversity for the disabled adults and children were made beginning with 1999. In the year 2002 was adopted the law 519/2002 concerning the special protection and the work registration of the disabled persons. The law had some gaps and did not help sufficiently to the avoidance and elimination of the barriers from different social areas. The respective legislation didn't solve all the steps from the appearance and finding of the deficiency and not even in all the life's social fields, to help the promoting of equal chances for the disabled persons and their inclusion in the society.

The measurements for social protection (the prevention, the treatment, and readapting, teaching, training and social integration) were mentioned in the legislation without creating the necessary mechanisms for these to become functional. The policy in the disability field wasn't coherent, being still oriented on a medical pattern of approaching the disability and didn't concentrate on the chances balancing by creating the independence and self determination of the disabled persons.

The Romania's fundamental political option for the EU subscription as well as the complex process for the accomplishment of this wish determined the reconsideration of the social policies in the field. The new applied legislation beginning with 2007 (the law 448 from 18 December 2006 concerning the protection and the promoting of the disabled persons rights) is set with the European documents from the field but the major distinctive changes concerning the social integration of the disabled persons hasn't been settled yet. Actually, it is to be noticed the fact that the presence in the public spaces of the disabled persons is still low and difficult especially because of the lack of the access facilities in many of the public institutions, on the street and especially in the transport means. The integration of the disabled persons on the work market and inside the educational system is also insufficient. Even now, the most used term in the official documents for the disabled persons is the one of "handicapped persons", a term that is found in the Romanian Constitution at art. No. 46.

In spite of the use of the term handicap in the official papers, the represented of the civil society introduces step by step in the public discourse the term of disability, much better indulged at international level.

So, according to **The International Organization for the Disabled Persons (DPI)**, the disability is defined as being "*the result of the interaction between a person that has a disability and the barriers belonging to the social and behavioral environment against which it may hit*".¹

¹ <http://www.dpi.org/lang-en/documents/index?page=4>

The World Health Organization suggests the following disability definition; *“the disability is represented by any restriction or lack (resulted because of a disability) of the capacity (ability) to fulfill an activity in the way or at the level considered as being normal for a human being”*.

At the **EU** level, the disability is seen as a problem of the entire society. The present tendencies in the world impose the term of “disabled person” (by the society) instead of the one of “a person with disabilities”, just for underlining the fact that the disability isn’t one of the person’s attribute but an attribute of the relation person – environment. The undated environment is the one that “disables” a person because of the architectural barriers that are to be met.

According to the given statistics by the General Direction for the Disabled Persons Protection (DGPPH), the number of the disabled persons from Romania is ten times bigger between 1992 – 2010. But while the estimations of the international organisms (The Organization of the United Nations and the World Bank) show that, at the world level, in the year 2010, approximate 10% of the population is represented by disabled persons; in Romania this share is of 3%. The difference may be explained from one side by the adopted definitions and the **framing criterions** for a disability degree that are **more restrictive** in Romania than in other countries and on the other hand, by the families’ **underreporting**/individuals of the disabled situations (Preda, 2009, p. 40). An example of this kind is the non inclusion in the statistics of the disabled persons, of the invalidity retired persons. So, in our country, in 2009 were registered almost 900.000 persons that have a license for their impossibility of working, much more than the number of persons with disabilities reported by the publican institutions (Preda, 2009, p. 40).

According to the article no.2) of the law 448/2006 concerning the protection and the promoting of the rights of the disabled persons with the after completion and modifications *“the disabled persons are those persons to whom the social environment, undated to their physical, sensory, psychical, mental and/or associated deficiencies, stop totally or hardens their access for equal chances to the society’s life, needing protection actions for the support of their integration and social inclusion.”*

Table 1

The disabled persons according to their geographical distribution, gender, degree and disability type, DGPPH, December 2010

Disabled persons	Number	% from the population’s total
Total	689.680	3,21
<i>Development region</i>		
North - West	99.754	3.67

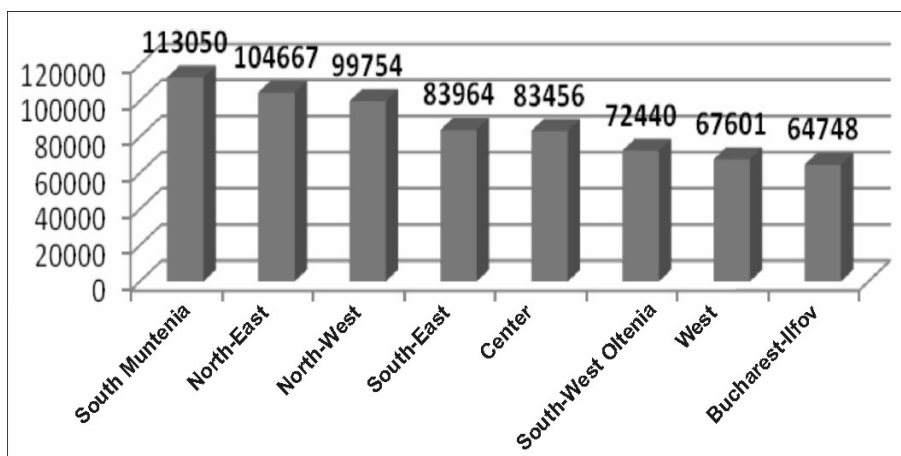
Disabled persons	Number	% from the population's total
West	67.601	3,52
South– Muntenia	113.050	3,46
Centre	83.456	3,31
South– West Oltenia	72.440	3,23
South-East	83.964	2,99
Bucharest -Ilfov	64.748	2,86
North-East	104.667	2,82
<i>Gender</i>		
Desabled persons	Number	% from the disabled persons
Women	374.127	54,25
Men	315.553	45,75
<i>Desability degree</i>		
Desabled persons	Number	% from the disabled persons
Accentuated	373.366	54,13
Bad	232.985	33,78
Medium	78.950	11,44
Easy	4.379	0,65
<i>Type of the disability</i>		
Disabled persons	Number	% from the disabled persons
Somatic	140.852	20,42
Physical	132.514	19,21
Visual	116.038	16,87
Mental	116.407	16,87
Psychical	92.491	13,41
Associated	54.699	7,93
Additive	23.157	3,35
Rare illnesses	6.598	0,95
HIV/AIDS	5.592	0,81
Deaf	514	0,5
Social	791	0,4

Source: DGPPH, 2010.

According to the last statistical bulletin publicized by DGPPH on 31 of December 2010, there were registered in Romania a number of 689.680 disabled persons, representing a percentage of 3,21% from the country's population. From these, 628.393 are adults representing a percentage of 91, 11%. From these, 87,9% have a bad or accentuated disability and, this is the reason why there is felt the supplementary need of support for participating with equal chances to the economical, social, cultural and educational life.

From the point of view of the share of the disabled persons inside a district from the disabled persons' total from Romania, at the end of the year 2010, the biggest values are registered in Bucharest (8,32%), Prahova district (4,92%), Arges district (3,99%) and Iasi district (3,81%). The smallest values of the disabled persons share are registered in the Harghita district (1,09%), Ilfov (1,07%) and Covasna district (0,60%). From the point of view of the disabled persons' share from the district from the total of the population of the district, the biggest values are to be registered in the districts Valcea (4,87%), Vrancea (5,91%) and Salaj (5,97%). The smallest values are in the districts Dolj (2,09%), Galati (1,92%) and Covasna (1,85%).

Graphic 1
The disabled person's according to the geographical distribution

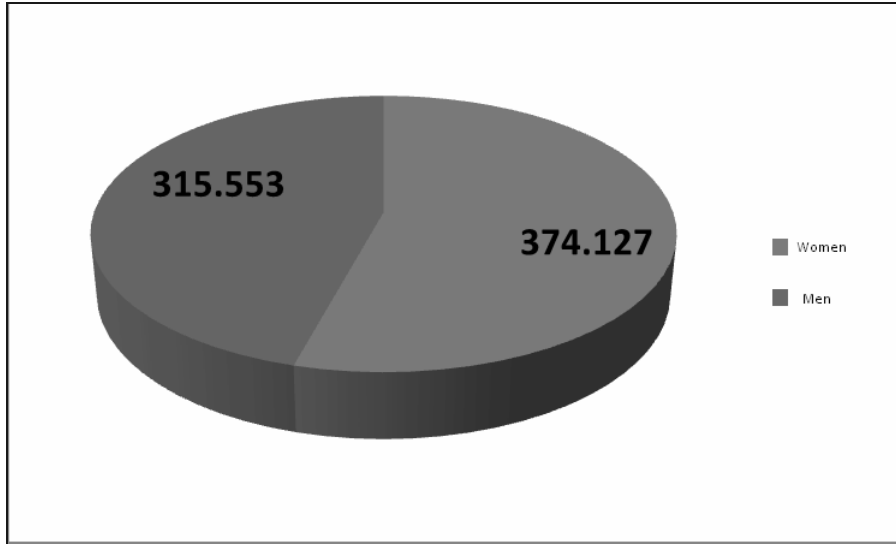


Source: DGPPH, 2010.

It is difficult to make a socio demographical profile of the disabled persons because the given statistics by DGPPH offer information which is strictly linked with the distribution on types and degrees disabilities, age, gender and region/district.

According to the DGPPH data, in the year 2010 over 50% from the total of the disabled persons from our country have an age between 50 and 79 years old and 31% have an age between 20-49. From all these, 54% are women and only 46% men.

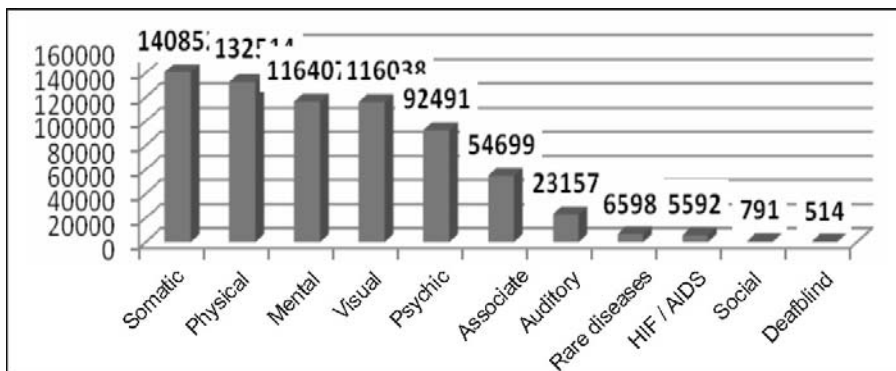
Graphic 2
Disability person's according to their gender



Source: DGPPH, 2010.

From the point of view of the disability types we meet the biggest level of it among the somatic diseases (20%), of the physical disabilities (19%), visual ones (17%), mental (17%) and psychical (13%).

Graphic 3
The disabled persons depending on the disability's type



Source: DGPPH, 2010.

According to the international studies there is to be noticed the fact that both in the EU and the United States of America, the disabled persons have a lower occupational level than the one of the persons that do not have any disability, but there are big variations between different countries. So, in Ireland, less than a third from the disabled persons has a place of work, while in Poland the percentage is even smaller: 20%. Their occupational level is significantly bigger in the Northern countries, getting to 52 – 54% in Finland and Denmark, 50% in Luxemburg and Switzerland or Norway, Great Britain and 45% in Netherlands (OECD, 2006).

At the national level according to the given data by DGPPH, on 31 December 2010 the total number of the employed disabled persons is of 28,420 representing 4, 6% from the total of the un institutional disabled adult persons and 7% from the persons' total with the age between 18 and 64 years old.

According to the law 448/2006 concerning the protection and the promoting of the disabled persons together with the after modifications and completions there are mentioned measurements for encouraging the disabled persons' employment by establishing the firms' imperativeness to have a percentage of 4% formed by disabled persons (the firms which have over 50 employees), by fiscal incentives and by employing in protected forms (protected workshops, protected units) who also benefit of fiscal facilities.

According to art. 78 line (2): "the authorities and the public institutions, judicial, public, private persons that have at least 50 employees have the obligation of employing disabled persons in a percentage of at least 4% from the total number of employees".

According to line no. (3) From the same article, the authorities and the public institutions, judicial, public and private persons that do not employ disabled persons in the conditions mentioned before may choose to fulfill one of the following obligations:

- To pay monthly to the state budget a sum of money representing 50% of the minimum gross base wages of the country multiplied with the number of work places where they didn't employ disabled persons;
- To buy products or services realized by the disabled person's activity employed in the authorized protected units in partnership forms, in an equivalent sum with the owed one to the state budget.

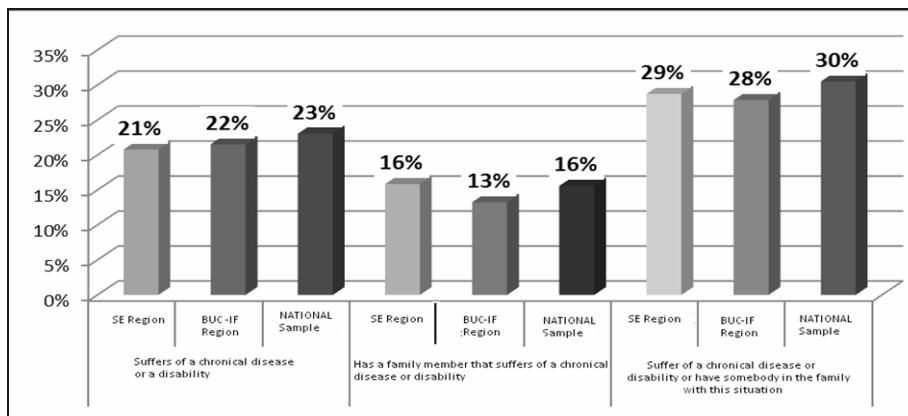
For the social protection of the adult disabled person's according to the Law's regulations no.448/2006 concerning the protection and the promoting of the rights of the disabled persons together with the after changes and completions, there were granted a series of social benefits:

- The monthly allowance no matter the incomes they realize, of 179 lei a month for the persons with a bad disability and of 147 lei a month for he persons with accentuated disabilities;
- Monthly complementary budget of 80 lei for the persons with bad disabilities, 60 lei for the accentuated disability persons as well as of 30 lei for the medium disabled persons;
- The bad visually disabled adults got for the companion's payment an equivalent insemination with the net wages of the beginner social assistant, with medium studies, from the units of social assistance from the budget sector;
- The adults and the children that are infected with HIV or AIDS infected benefit of the monthly allowance for food according to the regulations of the Law no.584/2002 both on the period they are hospitalized and also ambulatory.

In the whole Integrate research package, 23% from the respondents' total have a disability or suffer of a chronically disease and 30% from the total either were diagnosed with a chronically disease or disability, or they have someone in the family that is in this situation. Between the regions covered in this study the South-East evolving region and the Bucharest-Ifov one do not appear significant differences, the percentages being of 21% and respectively 22%.

Graphic 4

The percentage of the persons that have chronically illnesses/disabilities or have family members in this situation



Source: INTEGRAT, 2010.

This first indicator shows a significant presence of the disability at a national level and becomes as more important as Preda Marian was underlining (2009, p. 207), the disability's consequences are to be felt at many levels:

- At the **individual** level by lowering the opportunities of social integration;
- At the **family** level by the family's obligation of care, by reducing the family's incomes, of the participation on the work market, which rises the family's risks of getting to poverty and not the last, the badge the family confronts with from the others' part;
- At a **communitarian** level we deal with the higher risk of poverty inside the community, and on the other part with possible pressures inside the community determined by the associated badge of the disability.
- As concerning the occupational status we notice some significant differences between the respondents – disabled persons or that has chronically diseases and the other respondents from the national sample:
 - Only 5% of the disabled/chronically diseases persons are employed comparing with the sum of 30%, the national medium;
 - 78% of the persons that suffer of a disability/chronically disease are retired persons in the situation when in the national sample only 33% of the respondents are retired;
 - Only 1% of the respondents that have disabilities/chronically diseases are pupils or students comparing with 4% the national medium.

We may notice the fact that the disability is nationally associated without major differences between the regions included in the analyze with the incompetency of work.

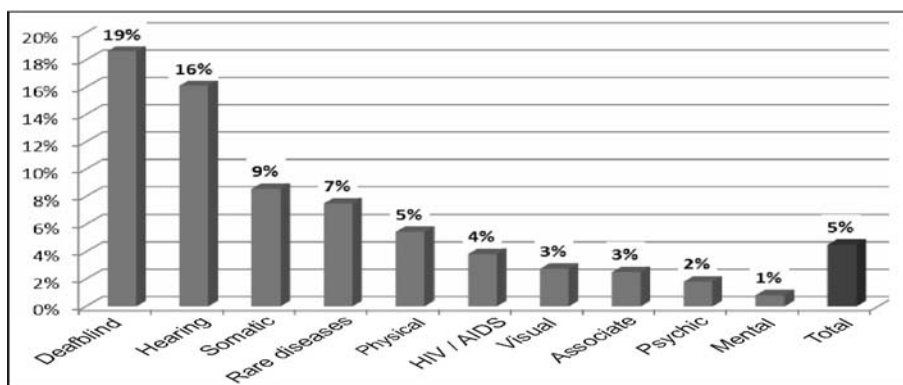
Table 2
Level of adult employees with each disability type

	Disabled adults' number	Employed disabled adults' number	% Disabled adults employed
Somatic	127.530	10.924	9%
Physical	125.995	6.885	5%
Additive	21.199	3.417	16%
Visual	112.604	3.097	3%
Psychic	80.954	1.466	2%
Associated	42.220	1.060	3%
Mental	105.700	867	1%
Rare Illnesses	5.571	417	7%
HIV / AIDS	5.400	207	4%
Deaf	429	80	19%
Total	627.602	28.420	5%

Source: DGPPH, 2010.

Inside the disability types we notice that the lowest rates of employment are to be found in the case of the mental disability persons (under 1%), physical (2%), associated (2%) and visual (3%). Percentages over the national averages are met in the case of the persons with physical disabilities (5%), somatic (8%) and additive (16%).

Graphic 5
Level of adult employees with each of the disabilities



Source: DGPPH, 2010.

As concerning the educational level of the disabled persons that have a place of work according to the DGPPH data, there is noticed a big number of the ones that have high school studies (31%) and superior studies (21%) followed by the gymnasium attendants (23%) and vocational schools (16%). The most frequent occupations are: unqualified worker (8, 79%) and qualified (8, 32%), medical nurse (4,57%) and teachers (4,26%). (The Academicals Society of Romania, 2009, p. 21-24).

Inside the Integrated research we notice that there are significant differences as concerning the educational level between the respondents that suffer of a disability or a chronically illness and the other respondents. In the first case, only 8% have superior studies comparing with 16% the national level.

Although the most majority of the disabled persons have finished the medium level a superior studies, the most frequent occupations are of unqualified and qualified workers or jobs that need a lower qualification. A first explanation would be the one that, most of the times, the disability appears later in life, after the studies' ending, a situation when the concerned persons either lost their place of work not being able to

accomplish the demands or they chose the social services offered by the national legislation. For sustaining this idea there are:

- From the total number of the persons that are not employed presently, 60% were previously employed; the situation is similar for all the respondents no matter the presence of a disability or not/chronically diseases;
- 45% of the ones that suffer of a chronically disease or disability blame the age as being the main reason that they can not find a place of work, which, correlated with the statistical data given by DGPPH, strengthens the idea that the disability is mostly acquired (the biggest number of the disabled persons is between the ages 50 -79 year old).

Differences are to be found when we discuss about the passed time from the last place of work loss: 5 year as a medium for all the respondents and 10 years for the persons that suffer of a chronically disease or disability. There are also signaled big differences between the two regions: in the South – East the disabled persons or with chronically disabilities lost their jobs for about 12 years before while in Bucharest-Ifov only for 4, 5 years behind. The explanation may be found in the different attitude of the target group members from the two regions concerning the quality of the unemployed person. So, in the development area Bucharest-Ifov 70% of the respondents that suffer of an illness or disability looked for a place of work in the last year comparing with just 35% from the ones that live in the development region from the South – East. It obvious that the involvement of the disabled person in this process underlines the wish of getting a job.

Another explanation comes from the fact that, as we previously said, the most part of the disabled adult persons have a big or accentuated disability. In those conditions, the accessibility of the physical, informational and communicative environment becomes a very important reason for performing a job. A first problem against employment is represented by the physical environment which is too little accessible in Romania. The only steps made in this direction are the platforms' arrangement, but, this also was built many times without observing the regulations.

The reality is that, the disabled persons have problems even since when getting out from the block of flats that do not have any access platforms, but, anyway, the biggest challenge is the work through the town; the pavements that are filled with oscillations of the level or un signaled and unprotected holes, the means of transport that are insufficient or improperly accessorized. Also, the access and the freedom of movement inside the buildings are still insufficiently accessorized.

On the other hand, for the badly and accentuated disabled persons there are needed some real accessories at the workplace, a situation for which the employer should be trained. The experience of the last years shows a very little attention given by the

employees to this problem choosing most of the times the 4% tax paying for the state budget than to employ disabled persons. In this situation, the work mediation services should be more present on the social services market from Romania.

Not in the least we have to underline that the subjects isolate themselves. In the Integrate research 50% of the respondents that have a disability or a chronically disease consider that the main reason that they didn't look for a place of work is because of their health problems that do not allow them to get a job at that moment comparing with 7% of the national level.

3. The disabled unemployed persons' profile

According to the data gathered during the Integreat research 97% of the disabled Romanian persons do not have a place of work. The present studies show that most of them live with their parents, are predominantly from the rural area or the small urban one and have as main income source the disability insemination or the invalidity pension (The Academicals Romanian Society, 2009, p. 25). From all these, 65% do not look for a place of work and 40% did not ever have a place of work? From the disabled persons that had a place of work 44% declare that they lost it because of the redundancies without being able actually to check if this happened because of the disability appearance and 50% consider that their health situation do not allow them to reemploy, keeping out of the work market for a long period of time. From the ones that are looking for a place of work according to a study made by the Academic Society from Romania in 2009, "surprisingly, only 0,5% look for a work place at hand or for an employer to assure them mobility or transport equipment to the work place." (The Romanian Academicals Society, 2009, p. 20)

In the same study made by the Academicals Society from Romania in the year 2009 there was drawn a profile of the disabled persons that have a work place. We are going to show below the results of this study:

- The additional income seems to be the main reason for looking for a place of work (45%);
- The persons that work are generally full time employees with a no limited period work contract;
- Little over 30% from the present employed persons have studies and 31% attended professional training classes;
- More than a half had a place of work before (56%) which they changed mainly (30%) because they got a better offer from the part of the present employer;
- Most of them tell the employer that they have a disability, but, the ones that do not do this invoke the discrimination in fixing the wages as first reason;

- The ones that look for a place of work (12,8%) are terribly discouraged by the actual crisis that in their opinion will limit their chances for finding a place of work (60%). They are anyway looking for a place of work by their own (41,7%) or ask the help of their friends or relatives (21,8%) rather than to AJOFM – National Agency for Labor (6%);
- The limit over the jobs' types that they can practice was identified as being the main reason that they couldn't find a place of work till present. (The Academicals Society from Romania, 2009, p. 24 – 25)

4. The social economy, an opportunity for the disabled persons' integration

The SE concept and the social enterprises appeared in the last years as a need to create a balance between the social policy of the welfare state where the persons that had a social need are supported by characteristically measures of social assistance (benefits or social services) and the capitalist rhetoric where the redistribution of the profit between the shareholders, the qualification and mobility of the workforce are the first for the social needs of the stakeholders. At the international level there are subscribed to the SE /social enterprises the following:

- The social services performing by ONGs or the social cooperatives type A (Italy's situation);
- Professional insertion or reinsertion services by ONGs, social cooperatives of type B (Italy), the social insertion cooperatives (Spain, France).

By a brief analysis of the present judicial field concerning the SE entities from Romania there are subscribed: the non – profit organizations and foundations or nonprofit organizations organized as CARs, the accreditation cooperatives, the first degree cooperative societies (Research report concerning the social economy in Romania from the compared European perspective, 2010). We may also mention although they haven't been legally mentioned yet, the social enterprises that appeared and will develop in the next years according the implementation of the financed projects by Social European Funds.

In more defined terms, activities of ONGs such as the protected workshops or the activities that offer incomes in the disadvantaged communities or the economical activities developed by the cooperative societies are subscribing to the social economy characteristics.

The results of the qualitative research made in the project Integrate underline the fact that the ES entities from our country rather focus on the qualification, insertion and professional reinsertion services, the area of the social services providing not being perceived as a field to subscribe to the ES activities. This is explained by the fact that

at this moment in Romania, there isn't any free market for the social services as there isn't any demand from the public authorities part. At the European level as there is the Italy's case, the public authority bid the social services so as in a natural way, the social services providers become SE entities.

Even this way, till the solving of these concepts we will analyze the need and the SE solicitations of the disabled persons not only from the point of view of the training and insertion services on the work market but also from the perspective of some other types of social services which are designed to them.

In the O.G. no. 68/2003 acceptance concerning the social services, with the after changes and completions, the social services *"represent the complex measurements and actions assembly realized to correspond to the social, individual or family and group individual needs, for the prevention and solving of some difficulty, vulnerability or addiction situations for preserving the autonomy and protection of the person, for the prevention of the social exclusion and dominance, for the promoting of the social inclusion and with the purpose of a better life quality."*

According to art. No. 34, OG no. 68/2003 at the national level, the main specialized social services for the disabled persons are:

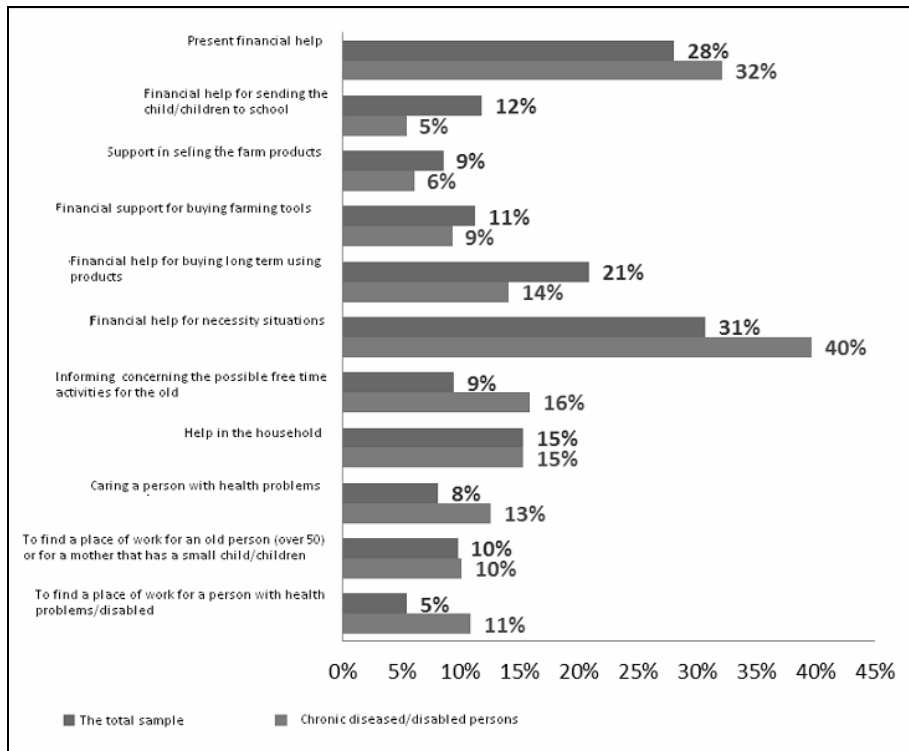
- Recovery and rehabilitation;
- Extracurricular informal education for children and adults, depending on the needs;
- support and assistance;
- support and orientation for the integration, rehabilitation and professional retraining;
- socially – medical care;
- social mediation
- Counseling in the institutionalized field, in information centers and counseling.

These services may be offered in residential system (care and assistance centers, recovery and rehabilitation centers, integration centers by occupational therapy methods, protected buildings⁰, or at the communitarian level (daily centers, information and counseling centers, home caring services, professional insertion and training services etc.).

Unfortunately, at the national level, from the total of the respondents that suffer of a chronically disease or disability, only 9% benefit by the disability financial help, 7% get home caring services, under 1% benefit by services in daily centers and 1% by characteristic recovery services for the disabled persons. We may estimate that the covering of the need for specialized social services for the disabled persons is still poor.

Graphic 6

The needs for help of the disabled persons comparing with the whole national sample



Source: INTEGRAT, 2010.

At the level of estimating the support needs, the disabled persons keep on the first place the financial help for the necessity situations (40% comparing with 31%, the national level), followed by: present financial help (32% comparing with 28% the national level), informing concerning free time activities for the old (16%), household help (15%), financial help for more expensive long term using products buying (14%), the caring of a person with health problems/disabilities (10% comparing with 5% the national level).

The biggest level of activity is represented in the financial help for emergency situations and the present spending (72%) which underlines the disabled persons' addiction with the passive social assistance forms. Only 10% from them wish to get help for finding a place of work which represent a very little trust in the existent

professional mediation services from the market but also an absent preoccupation of these persons for finding a place of work.

At the **society's** level the effects are visible from the economical point of view, at the level of the work market by the lowering of the employed persons' number and the growing number of the assisted ones.

5. The occupation of the disabled persons from the employers' point of view

The employers have positive attitudes concerning their integration concept on the work market but a little more constraint as concerning their employment (SAR, 2009, p. 42).

The reasons used by the Romanian employers in the previously mentioned research do not differ essentially from the ones of the other countries' employers (Hernandez B, 2008, p. 154-166). They are looking worried about the low productivity of the disabled persons, the bigger necessity of supervising, the bigger probability of the absences caused by the medical problems and the necessary costs for the adaptation of the work's place.

The employers that were interviewed in the study realized by The Academicals Romanian Society that had work experiences with disabled persons, declared themselves content with their performance, which they assessed as being equal with the one of the unadvisable employees. More than this, some of the employees declared that the disabled persons are more motivated.

Some of the interviewed employees (that employed or tried at a certain moment to employ disabled persons) mentioned the difficulty in getting to the disabled persons that had the necessary studies for the available jobs. Another problem mentioned by the employers was the need of arranging the place of work. Both at the European and national level, the legislation provide that the employer has to offer a reasonable arrangement of the work place to facilitate the right to work of the disabled persons. This supposes the possibility of changing the work schedule, equipment buying, devices and assistance technologies, the change of the work space and other similar measures. Some of the interviewed employers declared themselves dissatisfied for the fact that the whole costs of all these changes must be supported by the employers. Anyway, studies from the USA showed that 19% of the changes do not cost a thing, and about 70% of them have costs under 500\$ (Markel, K., Barclay, L., 2009, p. 305-318).

Also in this situation an efficient work mediation service would facilitate the informing process of the employers concerning the needs and the jobs accessibility for the disabled persons and the real costs of this procedure.

6. Conclusions

Even if there appeared important changes in the national legislation meaning the passing from a medical system of solving a disability to an integrative approach of the disability, at the level of the public perception these changes haven't yet produced. The role of the disabled persons in the social integration process stays as passive, dependent on the social services offered by the state.

From the analyses of the obtained results in the Integrate research we notice a low addressability of the social services for the disabled persons in the evolution regions from Bucharest-Ifov and the South-East that can be owed both to a low evolution, or a lack of formation concerning their existence.

Also, the disabled persons from the analyzed lot are interested especially by passive forms of social assistance, respectively material and financial help for emergency situations and present needs.

The level of occupation of the disabled persons from the both analyzed development situations is very low comparing with the general population. The causes are multiple. Some factors that depend especially on the medical aspects stop the disabled persons to look for a place of work. Others, such as education access, architectural accessibility, the opening and the flexibility of the work market, or the discrimination are factors that concern the environment and may create strong barriers for the disabled person's inclusion on the work market.

An important obstacle in the way of occupation that has to be taken into account when there are projected the development priorities of the social economy are represented by the lack of a professional qualification according with the needs from the work market.

Another cause that determines the professional lack of integration is the gravity of the disability, more exactly the level it affects the person's work capacity. The bigger the disability the more difficult the professional insertion is.

On the other hand, the family represents another factor in the employment way, more exactly the lack of information concerning the opportunities that are on the market and the specifically problem of employment for the disabled persons.

The specialized social services are insufficiently evolved so as they can't cover the need not even from the quantitative point of view as number of disabled persons that address to the ONGs or the decentralized services of the public authorities, but not even from the qualitative point of view as types, diversity and quality of the offered services.

The disabled person has to be looked at as to a whole and the social services that have to be evolved have to cover all the needs' area: health, a place to live, the arrangement of he personal life place, transport, access to the physical, informational and communicational, educational and educational formation environment, the spending of the free time, access to culture, sports and tourism.

Just in the moment when all these needs will be satisfied the disabled person will integrate in a real way in the community, manifesting as an independent person.

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