

From international and european obligations to national law: administrative capacity, legislative process and social actors in the implementation of ILO Convention no. 190 in Romania

*Cristina Casian**

Abstract

The implementation of international labour standards represents not only a normative exercise, but also a complex test of a state's administrative capacity, institutional coordination and respect for democratic legislative procedures. As a founding member of the International Labour Organization, Romania is bound by clear international obligations, including those arising from ILO Convention No. 190 on the elimination of violence and harassment in the world of work. At the same time, these obligations intersect with European Union labour law, particularly with directives and principles related to equality, dignity at work and occupational safety and health.

This paper analyses the process of implementing ILO Convention No. 190 in Romania from an administrative and governance perspective, focusing on the interaction between international commitments, European legal frameworks and national legislative mechanisms. It examines the role of public administration in coordinating working groups, drafting legislative proposals and ensuring compliance with procedural requirements, as well as the involvement of key social actors, including social partners, civil society organisations and parliamentary committees.

By assessing both formal legislative outcomes and procedural practices, the paper highlights the challenges faced in translating international and European obligations into effective national law. It argues that successful implementation depends not only on legal alignment, but also on genuine social dialogue, transparent decision-making and sustained administrative capacity. The findings contribute to a broader understanding of how international labour standards are operationalised within national public administrations.

Keywords: *administrative capacity; international labour standards; legislative process; social dialogue; violence and harassment at work*

Introduction

The implementation of international labour standards is often understood as a process of legislative alignment. However, such a perspective overlooks the structural complexity of translating international norms into effective national law.

* SNSPA / Faculty of Public Administration / Department of Law, Bucharest, Romania, Email: Cristina.casian@administratiepublica.eu

In practice, implementation is not limited to the adoption of legal provisions, but involves a broader process that tests the administrative capacity of the state, the coherence of institutional mechanisms, and the effectiveness of participatory governance.

This paper examines the implementation of the Violence and Harassment Convention, 2019 (No. 190) of the International Labour Organization (ILO) in Romania, from an administrative and governance perspective. It argues that implementation must be understood as a multidimensional process situated at the intersection of international obligations, European legal frameworks, and national institutional practices.

Convention No. 190 represents a significant development in international labour law, as it introduces a comprehensive and integrated framework for addressing violence and harassment in the world of work. It recognizes, for the first time, the right of every person to a world of work free from violence and harassment and establishes obligations not only in terms of sanctioning, but also prevention, protection and systemic intervention.

At the same time, the Convention must be implemented within an existing European legal framework, where harassment is primarily regulated as a form of discrimination. This creates a structural tension between two regulatory paradigms: one focused on equality and individual protection, and another focused on occupational risk prevention and organisational responsibility.

In Romania, the ratification of Convention No. 190 in 2024 triggered a complex legislative and administrative process, involving multiple institutional actors, social partners and civil society organisations. As highlighted in practice and in policy-oriented materials developed in this field, violence and harassment are not isolated incidents, but systemic phenomena, deeply connected to power relations, organisational culture and psychosocial risks at work.

The paper addresses the following research question: to what extent does the Romanian process of implementing Convention No. 190 reflect an effective integration of international and European obligations into national law, and what are the administrative and institutional limits of this process?

To answer this question, the paper analyses:

- the interaction between international and European legal frameworks,
- the national legislative reform and institutional architecture,
- the functioning of administrative processes and working groups,
- the role of social actors, and
- the risks of fragmented implementation, particularly in relation to occupational safety and health.

The paper argues that the effectiveness of implementation depends not only on normative alignment, but on the capacity of the state to ensure coherence, coordination and genuine participation throughout the legislative process.

1. International and european legal framework

1.1. ILO Convention No. 190 – conceptual shift

The adoption of Convention No. 190 marks a fundamental shift in the regulation of violence and harassment in the world of work. Unlike previous legal approaches, which focused primarily on sanctioning individual misconduct, the Convention introduces a comprehensive framework that emphasizes prevention, structural causes and systemic responses.

Violence and harassment are defined broadly, as a range of unacceptable behaviours that may result in physical, psychological, sexual or economic harm. This definition reflects an understanding of workplace violence as a complex phenomenon, influenced not only by individual behaviour, but also by organisational structures, power relations and working conditions¹.

Importantly, the Convention extends its scope beyond the traditional workplace. It covers all situations “in the course of, linked with or arising out of work”, including work-related travel, digital communication, commuting, and interactions with third parties. This reflects the reality of modern labour relations, where the boundaries of the workplace are increasingly blurred.

A central element of Convention No. 190 is the obligation to adopt an integrated and inclusive approach, combining legal, policy and institutional measures. In particular, the Convention requires states to ensure that employers take preventive measures, including risk assessment, the adoption of workplace policies and the provision of training.

This preventive logic aligns closely with occupational safety and health frameworks. As highlighted in policy-oriented materials developed at national level, violence and harassment are not merely interpersonal issues, but are closely linked to psychosocial risks, organisational culture and power imbalances in the workplace. The recognition of violence and harassment as workplace risks represents a major conceptual development. It shifts the focus from individual responsibility to organisational accountability and from reactive mechanisms to proactive prevention.

1.2. EU law vs. C190 – normative tension

At the level of the European Union, the regulation of harassment in employment relationships has developed predominantly within the framework of anti-discrimination law. The relevant European directives – particularly Directive 2000/43/EC, Directive 2000/78/EC and Directive 2006/54/EC² – define

¹ International Labour Organization, *Ending violence and harassment against women and men in the world of work*, ILO, Geneva, 2018, pp. 5–15

² Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ L 180, 19.7.2000, pp. 22–26; Directive 2000/78/EC establishing a

harassment as a form of discrimination, conditioning the legal qualification of such conduct on the existence of a protected ground.

This approach has been transposed into Romanian law through Government Ordinance No. 137/2000 and Law No. 202/2002³, which provide a functional framework for sanctioning discriminatory harassment and for institutional intervention, particularly through the National Council for Combating Discrimination.

However, this paradigm is structurally limited. By conditioning the existence of harassment on a discrimination ground, a significant proportion of abusive behaviours in the world of work remain outside the scope of legal protection. In practice, numerous situations of harassment—generated by factors such as abusive management styles, defective work organisation or power imbalances—cannot be legally classified, even though they produce identical effects on the health and dignity of workers.

Convention No. 190 intervenes precisely to address this limitation. It establishes an autonomous approach to violence and harassment, detached from the anti-discrimination logic and grounded in the concepts of occupational risk and systemic phenomenon. Violence and harassment are no longer treated exclusively as individual misconduct, but as manifestations of structural dysfunctions within the working environment.

The difference between the two approaches is not merely one of nuance, but one of legal paradigm.

European Union law remains centred on individual protection and on the *ex post* sanctioning of discriminatory conduct. By contrast, Convention No. 190 imposes a preventive logic, which entails interventions in the organisation of work, risk assessment and the systemic responsibility of the employer.

This divergence generates a real normative tension in the process of national implementation, which states cannot avoid simply by invoking the need for legislative coherence.

In Romania, this tension has been addressed largely through a defensive approach, aimed at avoiding the perceived risk of “normative parallelism”. The argument that amending the Labour Code would be sufficient for the implementation of Convention No. 190 reflects a restrictive interpretation of the international obligations it has undertaken.

Such an approach is problematic from several perspectives.

Firstly, it disregards the integrated nature of the Convention, which requires simultaneous interventions across multiple areas, including occupational safety

general framework for equal treatment in employment and occupation, OJ L 303, 2.12.2000, pp. 16–22; Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), OJ L 204, 26.7.2006, pp. 23–36

³ Government Ordinance No. 137/2000 on the prevention and sanctioning of all forms of discrimination (Romania); Law No. 202/2002 on equal opportunities and equal treatment between women and men (Romania).

and health. Limiting implementation to the Labour Code reduces the phenomenon to a disciplinary and contractual dimension, effectively stripping the essential preventive component of its substance.

Secondly, this legislative option risks leading to a formal but ineffective implementation. In the absence of integrating violence and harassment into risk assessment systems and occupational safety and health policies, the obligations set out in the Convention cannot be effectively fulfilled.

Thirdly, this restrictive approach may even raise issues of compliance with Romania's international obligations. Convention No. 190 does not grant states unlimited discretion in choosing implementation instruments, but requires concrete results, including with regard to prevention and the management of psychosocial risks⁴.

Therefore, the central issue is not the existence of normative parallelism, but the absence of effective integration between the two legal paradigms.

In the absence of such integration, there is a risk that the implementation of Convention No. 190 will remain fragmented and fail to produce concrete effects in the world of work. Moreover, there is a growing risk of "apparent compliance", whereby international obligations are formally reflected in legislation but are not translated into effective mechanisms of prevention and protection.

This situation highlights a structural limitation of administrative capacity: the difficulty of transforming a complex international obligation into a functional and coherent legal framework.

2. National legal framework and legislative reform in Romania

2.1. *Pre-existing legal framework (fragmentation)*

The national legal framework governing the prevention and combating of violence and harassment in the world of work is the result of a gradual legislative evolution, in which the relevant regulations have been adopted in different contexts and with distinct objectives. Although this framework appears to provide multiple instruments of protection, its analysis reveals structural fragmentation and a lack of coherence between the various areas of regulation.

At the constitutional level, the right to work, the social protection of labour and human dignity are enshrined as fundamental principles⁵, providing a general normative basis for protection against violence and harassment.

⁴ ILO Convention No. 190 concerning the elimination of violence and harassment in the world of work, 2019, Art. 9(a)–(b), which requires employers to adopt and implement workplace policies on violence and harassment and to take into account violence and harassment, as well as associated psychosocial risks, in the management of occupational safety and health.

⁵ Constitution of Romania, Art. 1(3) (human dignity as a fundamental value of the state), Art. 16(1) (equality in rights), Art. 41 (right to work and protection of labour), and Art. 47(1) (right to a decent standard of living and social protection).

At the infraconstitutional level, the Labour Code establishes the employer's obligation to ensure appropriate working conditions and to respect the dignity of employees⁶; however, these provisions are general in nature and are not accompanied by specific mechanisms for preventing or managing situations of violence and harassment. The regulation remains, in essence, centred on the individual employment relationship and on disciplinary mechanisms, which limits its capacity to address the phenomenon in its systemic dimension.

Legislation on equal opportunities and non-discrimination – particularly Government Ordinance No. 137/2000 and Law No. 202/2002 – provides a more detailed framework for sanctioning harassment, but only insofar as it is linked to a protected ground. While this approach is aligned with European Union law, it reproduces its limitations, excluding from the scope of protection those situations of harassment that cannot be subsumed under a protected criterion.

In parallel, Law No. 319/2006 on occupational safety and health establishes the general obligation of the employer to prevent occupational risks and to ensure a safe working environment⁷. However, in its current form, this law does not expressly regulate violence and harassment as occupational risks and does not impose explicit obligations regarding the assessment of psychosocial risks or the adoption of specific preventive measures.

This gap is essential. In the absence of an explicit recognition of violence and harassment as occupational risks, the occupational safety and health system cannot function as a concrete instrument of prevention, but remains limited to addressing traditional physical risks.

From an institutional perspective, protection is distributed among several authorities – primarily the Labour Inspectorate, the National Council for Combating Discrimination and the courts – each having distinct but limited competences. This distribution leads to a fragmented approach, in which intervention mechanisms are activated predominantly in a reactive manner, through individual complaints, while prevention remains insufficiently developed.

Overall, the existing legal framework provides partial and uneven protection, incapable of meeting the requirements of an integrated approach, as mandated by Convention No. 190.

2.2. Legislative reform after ratification

The ratification of Convention No. 190 by Law No. 69/2024 generated the obligation for the Romanian State to adapt the national legislative framework in

⁶ Law No. 53/2003 – Labour Code, Art. 39(1)(e) (employee's right to dignity at work) and Art. 40(2)(b) and (c) (employer's obligation to ensure working conditions and to comply with legal provisions regarding occupational safety and health).

⁷ Law No. 319/2006 on occupational safety and health, Art. 6(1) (general obligation of the employer to ensure the safety and health of workers in all aspects related to work) and Art. 7(1) (general principles of prevention, including the obligation to prevent occupational risks).

order to ensure compliance with the international standards it has undertaken to implement. This process was rightly conceived as a complex and multidimensional one, initiated through the establishment of an inter-institutional working group that brought together representatives of public authorities, social partners and non-governmental organisations.

The outcome of this process consisted of the drafting of three distinct legislative proposals:

- a draft law amending the Labour Code⁸,
- a draft law amending the legislation on occupational safety and health⁹,
- a draft law concerning the organisation and functioning of the Labour Inspectorate¹⁰.

This tripartite approach reflects, at least at a conceptual level, the requirement of an integrated implementation of Convention No. 190. The amendment of the Labour Code aims to expressly define and prohibit violence and harassment in employment relationships, while the amendment of occupational safety and health legislation seeks to integrate these phenomena into the logic of prevention and the management of occupational risks¹¹.

The draft amendment to Law No. 319/2006 introduces concrete obligations for employers, such as the adoption of internal policies on violence and harassment, the establishment of confidential reporting mechanisms, the identification and assessment of risks, including those arising from third parties, and the provision of worker training.

These measures directly correspond to the requirements of Convention No. 190 and Recommendation No. 206 and reflect a shift in paradigm towards a preventive and systemic approach.

However, the analysis of the legislative process reveals a major problem: the lack of coherence between the three initiatives.

Although the proposals pursue a common objective, they are not sufficiently correlated from a normative perspective. Differences arise both at the level of definitions and scope of application, and, most notably, at the level of the sanctioning regime.

An illustrative example is the significant discrepancy between the sanctions provided for in the draft normative acts. For comparable acts, the level of fines varies considerably, without a clear justification in terms of severity or impact, which creates risks of inconsistent application and undermines the predictability of the law.

⁸ https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?nr=82&an=2026

⁹ https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?nr=83&an=2026

¹⁰ https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?nr=81&an=2026

¹¹ European Agency for Safety and Health at Work (EU-OSHA), *Work-related psychosocial risks and their management: An analysis of the findings of the European Survey of Enterprises on New and Emerging Risks (ESENER)*, Publications Office of the European Union, Luxembourg, 2010, pp. 21–35

This lack of correlation does not represent merely a technical imperfection, but reflects a limitation of administrative capacity in managing a complex legislative process involving multiple areas of regulation and numerous institutional actors.

Moreover, during the interministerial approval stage, some of the draft laws underwent significant modifications, without faithfully reflecting the outcomes of the discussions held within the working groups. This development raises legitimate questions regarding the effective nature of social actors' participation and the degree of institutional ownership of the solutions resulting from the consultative process.

Furthermore, in the public and political debate, a tendency towards excessive simplification of the implementation process has emerged, through the argument that amending the Labour Code alone would be sufficient to ensure compliance with Convention No. 190.

Such a position disregards the integrated nature of the obligations undertaken and risks leading to an incomplete implementation, in which the essential preventive dimension is marginalised¹².

3. Administrative capacity and legislative process

3.1. *Working groups and coordination challenges*

The process of implementing Convention No. 190 in Romania provides a relevant example of how the administrative capacity of the State influences the normative outcome. Beyond the content of the legislative proposals, the manner in which they were elaborated highlights both institutional openness to participation and the functional limits of administrative mechanisms.

The implementation of the Convention was initiated through the establishment of working groups coordinated at the governmental level, under the auspices of the Ministry of Labour. These groups brought together a significant number of participants—approximately 49 members—including representatives of public administration, social partners, non-governmental organisations, academia and independent experts.

From a formal perspective, this structure reflects an inclusive and participatory approach, in line with the requirements of Convention No. 190 regarding the consultation of key actors. In practice, however, the size and heterogeneity of the group generated significant coordination difficulties.

The working process was characterised by fragmentation and the absence of a clear decision-making framework. Discussions took place predominantly in an online format, through successive meetings and exchanges of proposals on draft legislative texts. Participants were required to formulate specific observations and

¹² European Court of Human Rights, *C. v. Romania*, Application no. 47358/20, Judgment of 30 August 2022

to respond to the proposals of others, in the absence of an effective mechanism for synthesising and integrating these contributions.

Although this working model theoretically allows for broad participation, it presents evident limitations in terms of the efficiency of the final outcome. The lack of effective coordination leads to the accumulation of partial, and at times divergent, solutions, without systemic integration. This situation highlights a first limitation of administrative capacity: the difficulty of transforming broad participation into a coherent decision-making process.

3.2. Fragmentation of legislative proposals

The effects of coordination limitations are directly reflected in the legislative outcome. Although the drafting process aimed at an integrated implementation of Convention No. 190, the concrete result consists of three distinct legislative initiatives that are insufficiently correlated with one another.

The fragmentation is not only institutional, but also normative. This lack of coherence reflects a deeper problem: the absence of a unified vision regarding the implementation of the Convention.

Instead of an integrated normative framework, capable of ensuring both prevention and sanctioning, the result is a set of partial legislative interventions that risk operating in parallel, without genuine articulation.

From this perspective, legislative fragmentation becomes an indicator of the limits of administrative capacity, particularly with regard to inter-institutional coordination and the integration of public policies.

3.3. Parliamentary process and procedural limits

The difficulties of the implementation process do not end at the administrative level but are further amplified at the parliamentary stage, where additional procedural constraints come into play.

An illustrative example is the trajectory of one of the legislative proposals in the Senate. Although a series of amendments were formulated and adopted following committee debates, the outcome of the plenary vote resulted in the rejection of the proposal.

This situation was not determined by explicit political opposition. On the contrary, the voting results indicate majority support: 66 votes in favour, one against, and 38 abstentions. Nevertheless, the proposal was rejected because, as an organic law, it did not obtain the required majority relative to the number of members present.

The consequences of such a situation are significant from the perspective of implementation.

The rejection of the proposal leads to the loss of the entire previous process: debates, amendments, negotiations and compromises achieved within the

committees. The process must be resumed in the decision-making chamber, which entails reformulating amendments, identifying new supporters and reopening institutional dialogue.

In the absence of mandatory procedural deadlines for such situations, implementation may be significantly delayed, without the existence of effective corrective mechanisms.

This stage highlights another dimension of administrative capacity: the dependence of the implementation process on the effective functioning of democratic and procedural mechanisms.

4. Violence and Harassment as an OSH issue – a missing link

4.1. Why OSH matters

One of the most significant contributions of Convention No. 190 lies in changing the way violence and harassment are understood in labour law¹³. While traditional approaches have predominantly treated them as individual manifestations, subject to disciplinary, and in certain cases, administrative or criminal sanctions, the Convention introduces a different perspective: that of integrating these phenomena into the sphere of occupational risks.

This shift is not merely theoretical, but has direct implications for the way in which the State and employers must intervene. Violence and harassment can no longer be treated exclusively as isolated misconduct, but must be analysed in connection with the organisation of work, organisational culture, power relations and working conditions.

In this respect, the inclusion of psychological and economic harm, alongside physical or sexual harm, significantly broadens the scope of the phenomenon and reflects the reality of the contemporary working environment, in which the effects of violence and harassment go beyond the strictly interpersonal dimension.

This approach is consistent with developments in the field of occupational safety and health, where the notion of occupational risk is no longer limited to physical risks, but increasingly includes psychosocial risks¹⁴.

Therefore, the recognition of violence and harassment as occupational risks entails a paradigm shift: from reaction to prevention, and from individual responsibility to organisational responsibility¹⁵.

¹³ Duncan Chappell and Vittorio Di Martino, *Violence at Work*, 3rd edition, International Labour Office, Geneva, 2006, pp. 1–5

¹⁴ International Labour Organization, *Violence and harassment in the world of work: A guide on Convention No. 190 and Recommendation No. 206*, ILO, Geneva, 2021, pp. 59–61

¹⁵ International Labour Organization, *Psychosocial risks, stress and violence in the world of work*, ILO, Geneva, 2016, pp. 7–18; European Commission, *Strategic Framework on Health and Safety at Work 2021–2027*, European Commission, Brussels, 2021, pp. 10–11

4.2. Psychosocial risks and prevention logic

The integration of violence and harassment within the framework of occupational safety and health is of particular importance, as it allows for addressing the structural causes of these phenomena.

Psychosocial risks—such as excessive workload, lack of control over work, conflictual relationships, abusive management styles or job insecurity—can generate or exacerbate situations of violence and harassment. At the same time, such behaviours contribute to the aggravation of psychosocial risks, creating a vicious cycle with direct effects on workers' health.

This bidirectional relationship transforms violence and harassment into a systemic issue, which cannot be effectively addressed through reactive mechanisms based exclusively on individual complaints.

The occupational safety and health framework, by contrast, provides the necessary tools for early and structural intervention. These include:

- the identification and assessment of risks, including psychosocial risks,
- the involvement of workers and their representatives in the decision-making process,
- the adoption of clear and comprehensive internal policies,
- the development of prevention and continuous monitoring mechanisms.

As also evidenced by the analysis carried out at national level, the effective prevention of violence and harassment requires the integration of these elements into everyday organisational practices, rather than treating them as isolated or exceptional interventions.

This logic is explicitly enshrined in Convention No. 190 and Recommendation No. 206, which impose concrete prevention obligations on both States and employers, including through the integration of risks related to violence and harassment into occupational safety and health management systems.

4.3. The risk of incomplete transposition

Despite this conceptual evolution, the national legal framework remains, to a large extent, anchored in a traditional approach that does not genuinely integrate violence and harassment into the occupational safety and health system.

As previously shown, the current OSH legislation does not expressly regulate these phenomena as occupational risks and does not impose clear obligations regarding the assessment and prevention of psychosocial risks. In the absence of such provisions, employers are not required to adopt systemic measures, and intervention remains primarily reactive.

In this context, the draft amendment to OSH legislation represents an essential component of the process of implementing Convention No. 190. The removal or rejection of this component would lead to a partial implementation, limited to the formal legal dimension, without producing real changes in the working environment.

However, public and institutional debates have revealed a tendency to minimise the role of occupational safety and health in this process, based on the argument that regulation within the Labour Code would be sufficient.

Such an approach is not only insufficient, but contrary to the logic of Convention No. 190.

Reducing implementation to the level of the individual employment relationship and disciplinary mechanisms excludes precisely the preventive dimension that constitutes the core of this Convention. In the absence of integration into OSH, violence and harassment continue to be treated as exceptions, rather than as risks inherent to the organisation of work.

This situation creates the risk of a formal but ineffective implementation, in which international obligations are reflected at the normative level without being translated into concrete mechanisms of prevention and protection.

4.4. Implications for administrative capacity

The issue of integrating violence and harassment into the occupational safety and health system is not exclusively a legal one, but reflects a broader limitation of administrative capacity.

The effective implementation of Convention No. 190 requires not only legislative amendments, but also the development of institutional mechanisms capable of addressing complex and interdisciplinary risks. This entails:

- training labour inspectors in the field of psychosocial risks,
- developing methodologies for assessing these risks,
- strengthening the role of occupational safety and health committees,
- ensuring the active involvement of social partners in prevention.

In the absence of these elements, administrative capacity remains limited to the application of formal rules, without the ability to intervene on the structural causes of the phenomenon.

Therefore, the integration of violence and harassment within the occupational safety and health framework also represents a test of the State's capacity to translate international standards into effective public policies.

5. Role of social actors and the limits of social dialogue

5.1. Participation vs. influence

A central element of the process of implementing Convention No. 190 in Romania is the involvement of social actors – particularly trade unions, employers' organisations and non-governmental organisations – both at the administrative and legislative stages¹⁶.

¹⁶ International Labour Organization, *Social dialogue and tripartism*, ILO, Geneva, 2013, pp. 10–20

Their participation took place within the working groups established at the governmental level, as well as subsequently, through the submission of opinions, observations and amendment proposals within the parliamentary legislative procedure. This process corresponds to the requirements of Convention No. 190, which emphasises the obligation of States to consult representative organisations of workers and employers and to ensure their participation in the development and implementation of relevant policies¹⁷.

Moreover, the involvement of social actors reflects an evolution of labour law towards participatory mechanisms, in which the protection of workers is not ensured exclusively through State intervention, but also through the direct contribution of social partners.

However, the concrete analysis of the process reveals a significant gap between formal participation and the effective capacity to influence the legislative outcome.

5.2. Memorandums and advocacy

A relevant moment in this regard is represented by the subsequent interventions of social actors, who highlighted the major risks generated by the evolution of the legislative process.

In the context in which the possibility of rejecting the draft amendment to occupational safety and health legislation emerged, social partners and non-governmental organisations drafted and submitted memoranda both to the Ministry of Justice and within the legislative process, calling for the preservation of the integrated nature of the reform.

These interventions were not merely consultative in nature, but represented reactions to what was perceived as a problematic development of the implementation process.

The arguments put forward in these memoranda are essential for understanding the existing tensions:

- the implementation of Convention No. 190 cannot be achieved solely through amendments to the Labour Code,
- the exclusion of the occupational safety and health component would lead to incomplete implementation,
- prevention cannot be ensured in the absence of integrating psychosocial risks within the OSH framework,
- a fragmented approach is contrary to the international obligations it has undertaken.

¹⁷ ILO Convention No. 190 concerning the elimination of violence and harassment in the world of work, 2019, Art. 4(2), requiring Member States to adopt an inclusive, integrated and gender-responsive approach in consultation with representative employers' and workers' organizations, including through their participation in the design and implementation of relevant measures.

These positions highlight that social actors did not contest the necessity of the reform, but rather the direction in which it risked evolving.

In this sense, their interventions reflect both a consultative and a corrective role, aimed at maintaining the coherence of the implementation process.

5.3. Formal vs. substantive social dialogue

The situation analysed highlights a structural problem of social dialogue: the gap between the existence of consultation mechanisms and their effectiveness.

Although social actors were consistently involved in the process, their influence on the final outcome was limited by several factors:

- changes introduced during the interministerial approval stage,
- the lack of correlation between the results of the working groups and the final form of the draft laws,
- procedural constraints at the parliamentary stage,
- political choices that excessively simplified and restricted the implementation process.

In the field of violence and harassment in the world of work, the role of social actors is essential, as they are directly involved in identifying risks, developing preventive measures and supporting victims.

Reducing this role to formal participation affects not only the legitimacy of the legislative process, but also the effectiveness of implementation.

Conclusions

The analysis of the process of implementing Convention No. 190 in Romania highlights a complex reality: the existence of a normative commitment, accompanied by significant difficulties in transforming it into a functional framework.

Romania has gone through the essential stages of assuming its international obligations: the ratification of the Convention, the establishment of working groups and the initiation of legislative proposals in the field. From this perspective, the process can be characterised as active and open to the participation of social actors.

However, the analysis reveals a series of structural limitations.

Firstly, implementation is marked by normative and institutional fragmentation. Although the initial approach was an integrated one, the legislative outcome reflects partial interventions that are insufficiently correlated with one another, thereby affecting the coherence of the legal framework.

Secondly, the process highlights limitations of administrative capacity, particularly with regard to inter-institutional coordination and the management of complex participatory processes. Broad participation was not accompanied by effective mechanisms for integrating contributions, which led to fragmented and, at times, contradictory outcomes.

Thirdly, the debate on implementation has been influenced by a tendency towards excessive simplification, by reducing the obligations undertaken to

punctual amendments of the Labour Code. This approach disregards the systemic nature of Convention No. 190 and risks leading to incomplete implementation.

In particular, the absence or marginalisation of the occupational safety and health component represents a major vulnerability. Without integrating violence and harassment into the logic of occupational risk prevention, intervention remains predominantly reactive and limited to sanctioning individual situations.

Under these conditions, there is a risk of apparent compliance, whereby international obligations are reflected at the normative level but are not translated into effective mechanisms of prevention and protection.

Therefore, the implementation of Convention No. 190 cannot be assessed solely on the basis of the existence of legal norms, but must be analysed in relation to the State's capacity to ensure coherence, coordination and effectiveness in their application.

At the time of writing this article, the three legislative initiatives analysed are undergoing parliamentary procedure before the decision-making chamber of the Romanian Parliament. They are to be placed on the agenda of the Committee on Labour, Family and Social Protection for debate and the preparation of a report, and subsequently submitted to a plenary vote. This stage is decisive for shaping the final normative framework for the implementation of Convention No. 190, as it provides the opportunity to correct the dysfunctions identified in the earlier phases of the legislative process. At the same time, it reflects the dependence of the implementation of international obligations not only on the initial normative will, but also on the effective functioning of parliamentary mechanisms and the capacity of institutional actors to ensure the coherence and completion of the reform.

De lege ferenda

Building on the conclusions formulated, a reorientation of the implementation process is required, towards strengthening its integrated and functional character.

Firstly, the explicit recognition of violence and harassment as occupational risks within occupational safety and health legislation is necessary. This intervention is not optional, but constitutes an essential condition for ensuring compliance with Convention No. 190. Integration into the OSH framework enables a shift from a reactive approach to a preventive one, based on the identification and management of structural causes.

Secondly, an effective correlation of legislative interventions is required, so that the amendments to the Labour Code, OSH legislation and the institutional framework operate as a unified system. In the absence of such correlation, there is a risk of inconsistent application and unequal protection.

Social dialogue must move beyond its formal dimension and become an instrument for influencing public policies. This entails not only consulting social actors, but also effectively integrating their contributions into the decision-making process.

Finally, a shift in perspective is necessary in the way the phenomenon is approached. Violence and harassment cannot be treated as isolated incidents or as mere disciplinary misconduct, but must be understood as indicators of dysfunctions within the working environment.

The implementation of Convention No. 190 represents an opportunity to modernise labour law and public policies through the integration of a preventive, participatory approach oriented towards the effective protection of workers.

Bibliography

Books and Reports

Chappell, Duncan and Di Martino, Vittorio, *Violence at Work*, 3rd edition, International Labour Office, Geneva, 2006, pp. 1–5.

European Agency for Safety and Health at Work (EU-OSHA), *Work-related psychosocial risks and their management: An analysis of the findings of the European Survey of Enterprises on New and Emerging Risks (ESENER)*, Publications Office of the European Union, Luxembourg, 2010, pp. 21–35.

European Commission, *Strategic Framework on Health and Safety at Work 2021–2027*, European Commission, Brussels, 2021, pp. 10–11.

International Labour Organization, *Ending violence and harassment against women and men in the world of work*, ILO, Geneva, 2018, pp. 5–15.

International Labour Organization, *Psychosocial risks, stress and violence in the world of work*, ILO, Geneva, 2016, pp. 7–18.

International Labour Organization, *Social dialogue and tripartism*, ILO, Geneva, 2013, pp. 10–20.

International Labour Organization, *Violence and harassment in the world of work: A guide on Convention No. 190 and Recommendation No. 206*, ILO, Geneva, 2021, pp. 59–61.

Legislation and International Instruments

Constitution of Romania.

Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ L 180, 19.7.2000, pp. 22–26.

Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, OJ L 303, 2.12.2000, pp. 16–22.

Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), OJ L 204, 26.7.2006, pp. 23–36.

Government Ordinance No. 137/2000 on the prevention and sanctioning of all forms of discrimination (Romania).

ILO Convention No. 190 concerning the elimination of violence and harassment in the world of work, 2019.

Law No. 53/2003 – Labour Code (Romania).

Law No. 202/2002 on equal opportunities and equal treatment between women and men (Romania).

Law No. 319/2006 on occupational safety and health (Romania).

Case Law

European Court of Human Rights, *C. v. Romania*, Application no. 47358/20, Judgment of 30 August 2022.

Online Sources

Chamber of Deputies, Romania, Legislative Proposal no. 81/2026, available at: https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?nr=81&an=2026

Chamber of Deputies, Romania, Legislative Proposal no. 82/2026, available at: https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?nr=82&an=2026

Chamber of Deputies, Romania, Legislative Proposal no. 83/2026, available at: https://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?nr=83&an=2026