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# Non-EU workers under a 'kafala' system on the edge of EU

→ the legislation put in place to protect the rights of non-EU workers went through successive liberalization in the name of protecting the investment of employers;

→ HOW LOBBY BUILD A 'KAFALA' SYSTEM IN ROMANIA ?

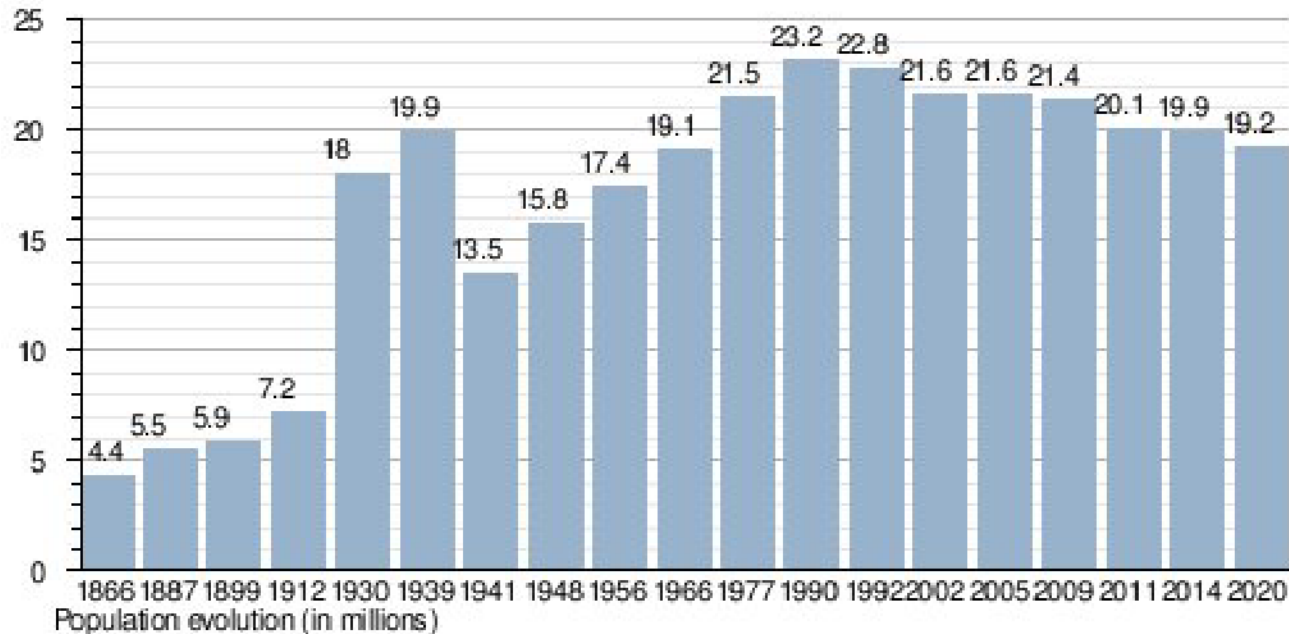
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## Massive exodus of Romanian workers

*In 2000, the population of Romania was 22.4 million. In 2023, 19.2 million people remain in the country. If we do the math, **3 million people** were lost in the last two decades. The Romanian diaspora had been growing on average by 7.3% every year between 2000 and 2015. Only the **Syrian diaspora** had been growing faster.*

*Statistics hide that most of those working on temporary basis in Western European countries are still registered as residing in Romania (e.g. including my mother, who has been working for 9 years in Italy).*

*The favorite destinations for Romanians are **Italy** (with over 1 million), **Germany** (650k), **Spain** (613k), the **UK** (almost 400k), and **Hungary** (214k, mostly Hungarian ethnics).*



Nowadays population is back to 1960's level, though the country didn't went through a war. The loss in population accelerated after Romania's accession to the EU (2007).

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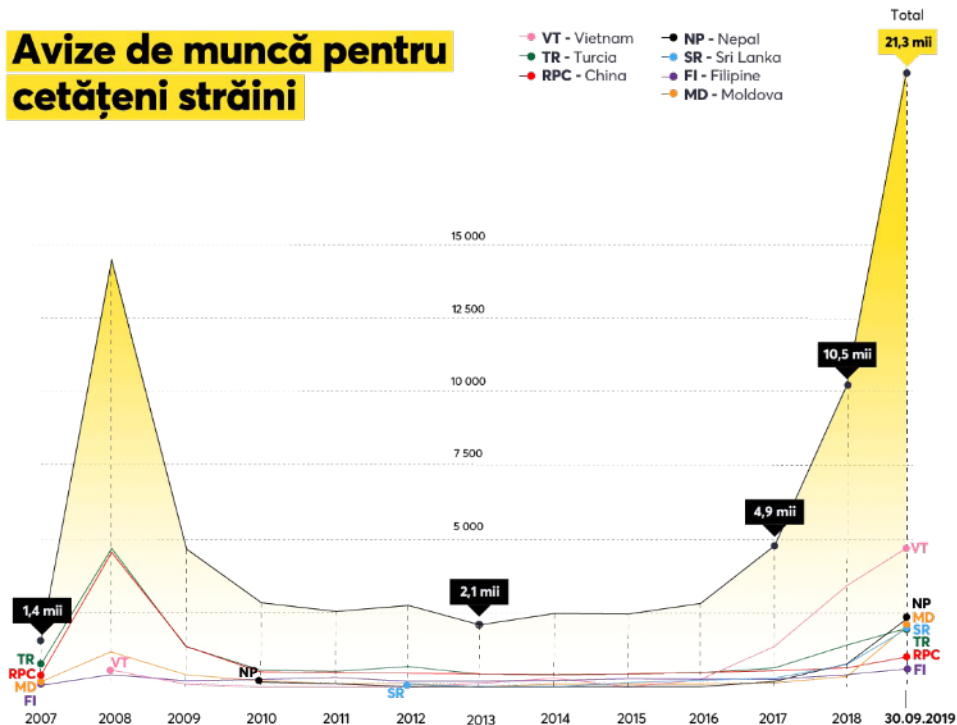
## Losing people, but growing economically

*The last two decades were not only defined by this significant population loss. Romanian entered the EU in 2007, and its economic growth has been one of the highest in the whole union since 2010. This economic growth continued even if the country lost large numbers of its workers.*

*However, this would have never happened if the country wouldn't have managed to overcome the critical moment reached in 2014, when EU finally lifted the last restriction on the free movements of workers from Romania and Bulgaria.*

*What happened next in Romania → every economic sector went through a workforce crisis, from the constructions, to the transportation sector, and then the hospitality industry. In response, more and more non-EU workers started to come, or, better say, be **IMPORTED**.*

## Avize de muncă pentru cetățeni străini



- the number of work permits awarded by Romania to non-EU workers increased dramatically after 2017;
- in 2022 and 2023, Romania awarded 100,000 work permits to non-EU workers, who usually come for a 2 year contract;
- nowadays, there are over 350,000 non-EU workers with a contract in Romania;

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# Lobby, and the liberalization of employment legislation

*In the early stages of the foreign laborers boom, the push for new legislation was clearly driven by the business sector, which persuaded the Government to double the threshold every year through an executive ordinance, which is vulnerable to little public scrutiny, as it doesn't necessitate longly debates in the Parliament.*

*This lobbying was recognized and even celebrated by the Government, which argued the necessity of every ordinance by saying that "it listed to the multiple requests coming from the businesses", while it was dublin the threshold every year, which went from 2.500 prior to 2017, to 5.000, and then 10.000 in 2018.*

*However, up to 2018, we could also see a cautious attitude of the political establishment in regards with giving in too much to the requests of the business sector in regards to liberalizing the law regulating non-EU labour in Romania. Though, with more and more loud voices from the business sector (especially from the textile and construction industries, which employed mostly workers on minimum was) repeating concerning numbers in regards to the scale of the labor shortage - 1 million people. In the summer of 2018, the Finance Minister was already echoing on prime-time the worries of the business sector in regards with the missing '1 million' workers. So, in late 2018, the Government passed another ordinance that made possible the employment on non-EU workers on minimum wage, which, at the time was **407 euros/month** after taxes.*

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*Right now, the legislation changes are being led by both the business sector, the newly established Association of Work Importers, and other labour unions, which provide no representation for non-EU workers.*

***IN LATE 2022**, the most important legislation change came in the form of another executive ordinance, which was passed by the Government “at the suggestion of employers and labour unions, and excluding the presence of NGOs. I called the ‘**kafala law**’ as it borrows from the restrictive labour legislation which put Middle Eastern countries on the world map of south-east Asian workers abuse.*

*The executive ordinance ties the visa of the foreign workers to their first employer only for the first year of their getting residence in Romania. Foreign workers can still leave, but their chances of future employment depend on the will of their former employer, which most of the time pay a sum of money to import those workers in their country (e.g. usually companies pay for the workers’ plane tickets, and for consultation services; however, the costs covered by foreign workers are 6 to 8 times bigger).*

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## Protecting workers, or putting them in danger?

While the business sector argues that the ‘kafala’ system protects the investment of local companies (i.e. 400 euros in legal fees, renting accommodation for workers, and catering contracts), the agencies say it actually protects the foreign workers, who would often change jobs and end up in illegal situations that would bring upon their deportation and a 6 months to 5 years interdiction to enter Romania. For foreign workers, most work abuse occurs in the first year of employment in Romania.

→ *Non-EU workers don't understand the bureaucratic system, don't know who to ask for help, and they usually don't speak either Romanian or English. Therefore, their only escape from an abusive employer remains somehow convincing them to get them fired or having an investigation brought up by the Labour Inspectorate.*



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*THOUGH, I have to point that the work of the Labour Inspectorate is notorious faulty, especially when it comes to non-EU workers who have no knowledge of English, and can't properly express their grievances to inspectors who themselves don't have a good command of English.*

*In the years that I've covered work abuse of non-EU workers in Romania, I've met many occasion when employers were priorly notified about a field inspection started by the Labour Inspectorate, so they had time to give back the passports they confiscated from their non-EU workers. Obviously, confiscated the workers' passports is just as illegal in Romania as it is the rest of the EU.*

*Moreover, their work is slow, and this builds frustration in non-EU workers, who are being pushed to take extreme situations for escaping an abusive employer, such as risking their VISA and paying for being trafficked to countries such as Germany, Poland, Italy or Portugal.*



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De [Adina Florea](#), [Eli Driu](#) (foto), Marți, 19 aprilie 2022, 18:00 . Ultimul update Miercuri, 20 aprilie 2022, 08:36

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De [Adina Florea](#), [Cristina Radu](#), [Răzvan Luțac](#), [Vlad Chirea](#) (foto), Duminică, 24 mai 2020, 23:20 . Ultimul update Duminică, 10 iulie 2022, 11:31

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## Romanian 'kafala' system condemned by IOM

*“The director of the local bureau of the International Organization for Migration condemned the executive ordinance as a violation of EU legislation, and pointed to creating discrimination between the EU and the non-EU workers employed in Romania.*

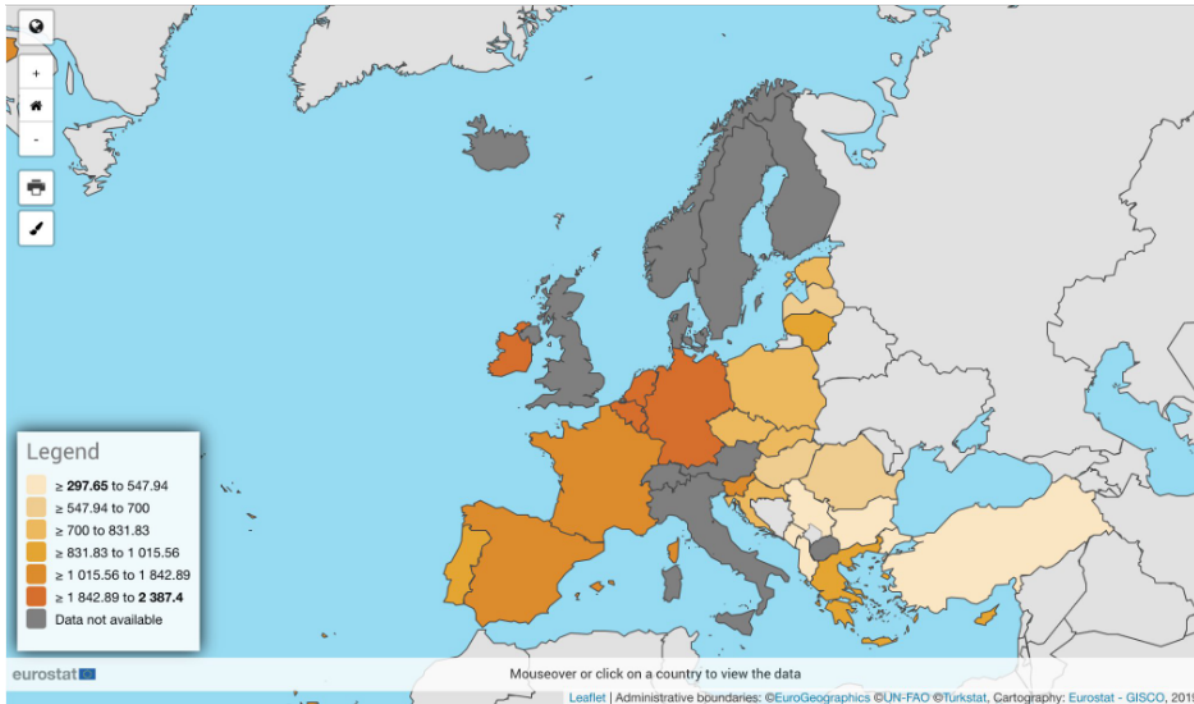
*However, this condemnation came only after he previously stated that is an understandable change in legislation, as it blocks companies from stealing foreign workers from other companies. The European Agency for Fundamental Rights reacted, by stating that EU countries shouldn't make foreign workers' VISA dependent to an employer, even if only for 1 year.*

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# EU minimum wage, a reason of East to West migration

*There are huge variations in the national minimum wages across the EU, with 399 euros/month in Bulgaria to 2,387 euros/month in Luxembourg. These sums are before tax, which also greatly differs across EU. However, the differences between minimum wage and liveable wage are smaller in the East and South of the EU.*

*And, with these in mind, the European Parliament, the Council and the Commission proclaimed from 2017 that they will work to deliver on Europe's promise of prosperity, progress, and make social Europe a reality for all, including through pushing for adequate minimum wages across the EU. And, in October 2022, the European Parliament and the Council adopted a directive on adequate minimum wages in the EU. They argued that competition in the internal market should be based on high social standard, including a high level of worker protection and the creation of quality jobs, while*



**Eurostat** documents the level of minimum wage across SEE countries, for more data access their [WEBSITE](#).

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# More Easterners live on minimum wage than Westerners

*As nice as the EU directive on minimum wage may sound, the rift between West and East is more nuanced.*

*Another thing that needs to be taken account is the number of those who are paid minimum wage, which are by far higher in Eastern, Central, and southern Europe. So, the new directive of minimum wage fails to respond to the mass exodus of workers from the East to the West of the EU.*

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De [Diana Meseșan](#), [Vlad Chirea](#) (foto), [Ion Mateș](#) (grafice), Luni, 21 noiembrie 2022, 06:55 . Ultimul update Vineri, 03 februarie 2023, 16:44



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 Fotografii De [Micoșă Ionel](#)



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