



**Fédération Européenne  
des Médecins Salariés**  
European Federation  
of Salaried Doctors

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# CAMERA FEDERATIVĂ A SINDICATELOR MEDICILOR DIN ROMÂNIA

înființată din 1990 ca

SINDICATUL INDEPENDENT AL MEDICILOR DIN ROMÂNIA

## ROMANIAN FEDERATIVE TRADE UNION

## CHAMBER OF PHYSICIANS

Established from 1990 as

INDEPENDENT TRADE UNION OF DOCTORS FROM ROMANIA



Fédération Européenne  
des Médecins Salariés  
European Federation  
of Salaried Doctors

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Afiliată la (affiliated to) Confederația Sindicală Națională "Cartel Alfa", membră a (member of)

ITUC International Trade Union Confederation CSI Confédération Syndicale Internationale IGB Internationaler Gewerkschaftsbund și

Confédération Européenne du Travail

Membră a (Member of) Forumului Civic Românesc, a AGORA și CNS.SAN.ASIST (Alfa-SAS)

Afiliată la (affiliated to) FEMS (Fédération Européenne de Médecins Salariés – European Federation of Salarized Doctors)

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Nr. 43 from 8.12.2013

**For General Assembly in Gorizia, May 2014**

**CFSMR/RFTUCP ask for a FEMS Memorandum**

**How to gain representativeness for signing directly a collective contract**

In Romania, only the "representative" trade unions have the right to sign a collective bargain/contract. The Law nr. 62 per 2011 says what means "representative. There are 3 levels: a. institution (hospital), for single trade union, b. sector or branch (health care system), for federations, c. national, for confederations.

At the hospital level, for being representative, you have to have 50% of the employees. All knows that doctors, in a hospital, represent only between 10-15% of employees. Therefore, our trade unions affiliated to our federation, have no possibility to be individually representative at their hospital level.

At the system level, you have to have 7% of all the employees of the system. The health care system have around 300 000 personnel. Therefore, for being representative at the branch/sector level, you have to have 21 000 members. Doctors are very hard to coagulate, to syndicate. We have around 3000 members.

Therefore, our main problem in the system and among other trade unions, is that, according to Romanian laws, we have no representativity to sign a collective contract. And, in the future, the problem is hardly to be solved.

From our colleagues here in FEMS, we know that is not only our situation.

For this reason, we ask FEMS to adopt a memorandum for changing, at the European level, the possibility to gain representativeness. Our main solution lies in the fact that there are, in European Union, so called “regulated professions”<sup>1</sup> [Directive 2005/36/EC]. For these regulated professions it is possible to obtain another kind of representativeness: the so called “representativeness inside the profession”, not for all the employees.

That means that a trade union of doctors could obtain the representativity accordingly to the number of doctors, and not to the number of all the employees in the system.

Thus, we ask FEMS to produce a memorandum in which the representativity of a trade union of doctors:

- at the hospital should be 50% from all the doctors registered in the hospital;
- at the system level should be 10-20% from all the doctors registered at both College of Physician (or Ordre de Mediciens or equivalent) and College of Dental Physicians (or Ordre de Dental Doctors or equivalent).

We ask FEMS to lodge this memorandum to The European Commission (Bruxelles), to The European Parliament (Strasbourg) and to The European Court of Justice (Luxemburg).

President ad interim,

Department of education, and relationship with mass media,

Dr. Zagyya Pirooska

Vicepresident, Dr. Dan Perețianu



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<sup>1</sup> The regulated professions are those professions which have internal bodies for jurisdiction, given to them by the State. These professions are: doctors, nurses responsible for general care, dental practitioners, veterinary surgeons, midwives, pharmacists and architects.

*Dr Enrico Reginato, President*

Bruxelles 16th December 2013

Guvernul Romaniei  
Piata Victoriei, nr. 1,  
cod 011791, sector 1,  
Bucuresti, Romania

Ministerul Muncii  
Str. Dem Dobrescu, nr. 2,  
cod 10076, sector 1,  
Bucuresti, Romania

Parlamentul Romaniei  
Comisiilor de Munca si Protectie Sociala  
Palatul Parlamentului,  
str. Izvor nr 2,  
cod - 050563, sector 5,  
Bucuresti, Romania

Our Romanian delegates inform FEMS that, in Romania, only the “representative” trade unions have the right to sign a collective bargain/contract and, at the hospital level, to be representative, a trade union must have 50% of the employees. As doctors, in a hospital, represent 10-15% of employees, therefore, doctors’ trade unions have no possibility to be representative at hospital level.

Healthcare has the mission to protect People, not different from any other public institutions like the Army, Police or Fire Brigade, and the protection activity is performed daily in any part of the country, for emergencies and for routine activity.

It is, unfortunately, a frequent behavior, in many EU member States, to consider Healthcare System, first of all, if not exclusively, from the economical point of view; it is one of the first sectors to undergo restrictions in period of crisis like the present one, in spite of the recommendations of the EU Commission not to cut resources.

Cut of resources reflects into a worsening of the quality of assistance and low quality means more costs for the State and for the citizens.



*Dr Enrico Reginato, President*

Healthcare systems are often directed by professionals with a curriculum in the field of Economy and Management, nominated by the Political power, and the exclusion of health professionals from the direction is often a mistake and cause of mismanagement. On the other side, exclusion of health professionals, doctors on first line, produces frequent phenomenon of burnout, with disaffection to the profession and consequent lower attention and higher risk of malpractice.

In Romania the situation is still worse: doctors are not only excluded from the management of the healthcare system, but are currently in a situation of working conditions among the worst in EU, with unacceptably low salaries. Of course such a heavy situation can impact on the patients with the need of out of pocket payment of medical performances.

Doctors are the most important professional figure in healthcare, impossible to substitute and have the highest grade of responsibility towards citizen, but they are not even entitled to discuss their working conditions, as their trade unions are not considered "representative" inside the wider area of non-doctor workers.

FEMS represents most of EU medical trade unions and, on its very long experience, considers the Romanian situation of doctors, not only unacceptable, but also contrary to the real interests of the Government, that has the responsibility of assuring people the highest possible level of medical assistance.

Some EU Member States, in the past, took the decision of a common work contract of doctors and other healthcare workers, but soon the negative effects became evident and they returned back to separate contracts. Therefore we invite the Rumanian Government to follow that example.

I remind that, in EU, there is a negative trend of doctors' demography and lack of doctors is growing also in Member States where the working conditions are better, if not absolutely good. The free circulation of workers and, recently, of patients, could produce a migration of doctors towards Countries with better working conditions, and Romania could be one of the EU Countries with highest number of migrating doctors, if their working conditions don't improve.

We suggest, therefore, on our experience, that doctors' trade unions be independent from other components to discuss their working conditions in a separate contract and that their working conditions and salaries be improved and get nearer to the average EU doctors.