*Annex 3 to Romania’s response to Joint questionnaire by Special Procedure mandate holders “Protecting human rights during and after the COVID-19 “*

*Supplementary information as regards social assistance personnel*

In addition to the measures mentioned in the text, Romania has also taken the following measures regarding social assistance personnel:

1. In the sanitary units and in the social assistance services, contractual medical personnel, auxiliary personnel, pharmacists, laboratory personnel and other necessary categories of contractual staff can be hired without a competition, for a fixed period of 6 months (art.16 from Annex no. 1 to the President of Romania’s Decree no. 195/2020 on establishing the state of emergency on the territory of Romania).

2. Payment, from EU funds, of the salaries, transportation, medical protection equipment, as well as other categories of expenses incurred by / for the personnel in the field of social assistance and communication, involved in supporting elderly people in isolation at home or with mobility restrictions, persons with disabilities and families who care for persons with disabilities, during the epidemic with COVID - 19 and other vulnerable groups identified (art. 7 of Emergency Ordinance of the Government no. 43/2020).

3. The local public administration authorities, in applying the provisions of art. 4 paragraph (4) lit. d) of the President's Decree no. 195/2020 regarding the establishment of a state of emergency on the territory of Romania, may:

a. contract or hire / employ specialists to provide social assistance, psychological counselling, legal counselling, by phone or other electronic means;

b. conclude volunteering contracts for the implementation of support services for isolated persons at home or those with movement restrictions;

c. identifies spaces for the isolation of homeless people, in case the rules for preventing infection with SARS-CoV-2 cannot be implemented in existing shelters) - art. XV of the GEO No.32 / 2020;

4. The social service centres that have subsidy agreements according to the Law no. 34/1998 with subsequent amendments, and which suspended their activity as a result of the measures to combat the spread of SARS-CoV-2, can still benefit from the subsidy granted from the state budget, for the payment of centres’ personnel’s salaries, through the budget of the Ministry of Labour and Social Protection, if they perform support activities for the local public administration authorities in implementing the measures provided for in art. 29 paragraph (2) of the annex no. 1 to the Decree no. 195/2020 regarding the establishment of the state of emergency on the territory of Romania, as well as of the information and counselling measures granted to these persons (art. XVI of the Emergency Ordinance of the Government no. 32/2020).

5. Granting food subsidy / allowance, according to art. 18 para. (1) of the Framework Law no. 153/2017, with subsequent amendments, in the monthly amount established according to art. 36 para.(6) of the Emergency Ordinance of the Government no. 114/2018 on the establishment of measures in the field of public investments and fiscal-budgetary measures, amendment and completion of normative acts and extension of deadlines, with subsequent amendments, to the staff/ personnel of the social assistance units, respectively public residential social services, as they are identified in the annex to the Government Decision no. 867/2015 for the approval of the Social Services Nomenclature, as well as of the framework - regulations for the organization and functioning of social services, with subsequent amendments, in application of measures for prevention, limitation and treatment of COVID-19 cases, during the emergency situation, regardless of the actual time worked.

6. Emergency Ordinance of the Government no.55 / 2020 regarding the establishment of social protection measures in the context of the epidemiological situation determined by the spread of SARS-CoV-2 coronavirus, establishes the financing source for the amounts necessary for the fulfilment by the local public administration authorities of the obligations provided for in art. 11 of the Military Ordinance no. 8/2020 on measures to prevent the spread of COVID-19, with subsequent amendments. These will be granted from the budgetary reserve fund at the disposal of the Government, by supplementing the amounts deducted from the value added tax (VAT) allocated for balancing the local budgets for 2020, in accordance with the provisions of art. 30 para. (3) of Law no. 500/2002 on public finances, with subsequent amendments. The nominal value of food subsidy/allowance and the accommodation subsidy/allowance borne from the amounts transferred from the reserve fund transferred amounts, as well as their settlement will be established by a Government decision.

Thus, in the Government meeting of April 23 2020, the Government Decision no. 329/2020 on supplementing local budgets to cover expenses for social services staff/personnel in preventive isolation at work, from the Budget Reserve Fund available to the Government, provided in the state budget for 2020 , as well as for the amendment of article 2 of the Government Decision no. 201/2020 on the approval of methodological norms for establishing quarantine expenditures and taking measures in the field of health, as well as for allocating an amount from the Budget Reserve Fund available to the Government, provided in the state budget for 2020, to supplement the budget of the Ministry of Health was approved and published in the Official Gazette of Romania no. 343 of April 28 this year.

This normative act finances the expenses with the food subsidy/ allowance and with the accommodation subsidy/allowance for the personnel of the public and private social services such as the residential care and assistance centres for the elderly, the residential centres for children and adults, with and without disabilities, as well as for other vulnerable categories in preventive isolation at work or in specially dedicated areas where people from outside don’t have access.

7. Establishment/Implementation of the preventive isolation measure at the workplace or in specially dedicated areas where persons from outside don’t have access, for the staff / personnel of the centres for a period of 14 days followed by a period of preventive isolation at home, for an equal period with that of preventive isolation at work, the presence of staff/personnel in the centre being done in shifts. The shifts are established by the head of centre, the designated substitute or the coordinator of the specialized staff (as the case may be, the director of the general directorate of social assistance and child protection / mayor / legal representative of the private provider) or, in exceptional cases, by the county committee for special emergency situations).

8. The obligation of the local public administration to identify and provide spaces for the accommodation of preventive - isolated staff/personnel at work, of the daily food necessary for them, as well as to ensure the transport of staff /personnel who are in preventive isolation at home, from work to home / residence and vice versa, if social service providers do not have their own resources.

9. Providing the necessary hygienic-sanitary and protective equipment to the staff/ personnel serving the centres, by the social service provider.

10. By way of exception from the legal provisions in force, in case of resignation of the employees of the centres, the notice period is 45 calendar days.

Moreover, in the same context, Romania has taken a set of measures related to the beneficiaries of social services, as follows:

1. Distribution, during the state of emergency, of hygiene products purchased by the Ministry of European Funds and remaining undistributed to the following categories of beneficiaries, in the following order:

a) persons in quarantine, isolation, self-isolation as a result of the application of the measures ordered by the military ordinances issued on the basis of Decree no. 195/2020 on the establishment of the state of emergency on the territory of Romania;

b) the elderly in the homes/residential centres for elderly;

c) children and adults with disabilities institutionalized in residential centres;

d) other persons in vulnerable situations, at the request of the local public administration authorities.

2. Prohibition of the cessation or suspension of the activity of social services such as residential centres for elderly care and assistance, residential centres for children and adults, with or without disabilities, as well as for other vulnerable categories, public and private. The transfer of the beneficiaries from the centre to the home, or as the case may be, to the residence of the relatives / supporters / legal representatives is made on the basis of a declaration on the own responsibility of the relatives / supporters / legal representatives.

3. Prohibiting visitors’ access in the residential centres.

4. Ensuring that the beneficiaries and all staff/personnel of the centres are tested at the headquarters of the social service by the public health departments in case of manifestation of specific symptoms COVID-19 or, as the case may be, or in case of information resulting from direct contact with an infected person among the beneficiaries or staff/personnel.

Regarding testing, according to the amendments to the document Case definitions for Acute Respiratory Syndrome with the new coronavirus (COVID-19) and testing algorithms, published on the website of the National Centre for Surveillance and Control of Communicable Diseases, care staff/personnel in elderly homes /residential centres is recommended to be tested twice a month. <http://www.cnscbt.ro/index.php/1665-definitii-de-caz-si-algoritm-de-testare/file>.

Also regarding equipment, at the recommendation of the Ministry of Economy, Energy and Business Environment (MEEMA), social service providers can also address the National Office for Centralized Procurement (ONAC), an institution authorized to purchase products for the accumulation, replenishment and refreshment of emergency medical stocks, as well as to the National Company UNIFARM - SA, an institution that carries out a social-sanitary activity, as an integral part of the health care system. We mention the fact that, according to MEEMA, the ROMARM National Company subordinated to MEEMA started the production of protection masks type 3PLY and N35 on April 15, 2020.

Considering the evolution of the pandemic situation on the Romanian territory in the current situation where COVID-19 is a severe health emergency and taking into account the fact that the most vulnerable are the elderly. For 65 years and over, by address no. 620 / DPSS / 26.03.2020, the Ministry of Labour and Social Protection has asked the Ministry of Health to:

- take all the necessary steps to ensure, for the residential centres for elderly, the materials and equipment for the protection and prevention of the new coronavirus infection (eg surgical masks, gloves, disposable robes, disinfectants and medicines used / usable in the treatment of COVID-19, etc.), at least by identifying possible sources for their acquisition,

- provide specialized medical support and access to the rapid testing of the personnel employed and / or, as the case may be, of the beneficiaries of social services, in order to prevent new coronavirus infection of the staff / beneficiaries of these centres.

By another address of the Ministry of Labour and Social Protection, the Ministry of Health was requested to facilitate the testing of beneficiaries on discharge from a hospital unit and return to residential centres, testing the staff/personnel of the centre after leaving the isolation period at home and entering the period of 14 days of isolation at work, as well as testing new beneficiaries upon admission to a residential centre.

Moreover, in this COVID -19 pandemic context, the Ministry of Labour and Social Protection had taken the following measures related to the implementation of the subsidies’ program:

1. The social services centres that have agreements for granting the subsidy under the conditions of Law no. 34/1998 with the subsequent amendments, and which suspended their activity as a result of measures to combat the spread of SARS-CoV-2, can still benefit from the subsidy granted from the state budget, through the budget of the Ministry of Labour and Social Protection, if it performs support activities for the local public administration authorities in implementing the measures provided for in art. 29 paragraph (2) of the annex no. 1 to the Decree no. 195/2020 regarding the establishment of the state of emergency in the territory of Romania, as well as the information and counselling measures granted to these persons. The subsidy is used to pay the salaries of the personnel of the social services centres (art. XVI of the Emergency Ordinance of the Government no. 32/2020).

2. Suspension of verification of the provision of social assistance services, as well as verification of the use of the subsidy, during the period of emergency.

During the state of emergency, the subsidy is granted on a monthly basis, based on the documents provided by law, as well as a declaration stating the provision of social assistance services according to the technical sheets of the social assistance units and the use of the subsidy exclusively for the social assistance services granted to the categories of assisted persons for whom the subsidy was approved (art. XIV of Emergency Ordinance of the Government no. 32/2020).

And also measures regarding accreditation of providers and licensing of social services:

a. The accreditation certificates of social service providers and the provisional and functioning social services licenses, whose validity expire during the emergency period, extend their validity until the end of the state of emergency (art. 40 of Annex no. 1 to the President of Romania’s Decree no. 195/2020 on establishing the state of emergency on the territory of Romania).

b. The monitoring reports provided in art. 30 paragraph (2) from the annex to the Government Decision no. 118/2014 for approving the Methodological Norms for applying the provisions of Law no. 197/2012 regarding the quality assurance in the field of social services, with subsequent amendments, drawn up before the establishment of the state of emergency by the President's Decree no. 195/2020 regarding the establishment of the state of emergency on the territory of Romania, remain valid after the cessation of the state of emergency and will be taken into account in the evaluation process for granting a new license for the social service (art.VIII of Emergency Ordinance of the Government no.30 / 2020 for the modification and completion of some normative acts, as well as for establishing measures in the field of social protection in the context of the epidemiological situation determined by the spread of SARS-CoV-2 - art.VIII of the Government Emergency Ordinance no.30 / 2020.

The Ministry of Labour and Social Protection has elaborated a series of recommendations addressed to the social service providers regarding the measures to prevent the transmission of COVID-19.

These can be consulted by accessing the following links (in Romanian):

<http://www.mmuncii.ro/j33/images/Documente/Familie/2020/http://www.mmuncii.ro/j33/images/Documente/Familie/2020/25032020recomandari_masuri_pentru_serviciile_pentru_PV_si_alte_SS_coronavirus.pdf>

<http://www.mmuncii.ro/j33/images/Documente/MMPS/Servicii_Sociale/MMPS-DPSS-COVID19_Recomandari_prevenirea-managementul-sit-genrate-de-pandemie.pdf>