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MATERNITY/PATERNITY LEAVE, PARENTAL LEAVE FOR CHILD CARE – LEGISLATION, CHILD PSYCHOLOGY, HARMONIOUS DEVELOPMENT

Raluca Laura Dornean PĂUNESCU*

Abstract

For parents, the meaning of life is represented by children, because they are the reason they love and are loved. Being a parent is like a mission in space, full of challenges and experiments that imply time spent with the children.

In this study, we intend to defer the normative framework applicable to maternity/paternity leave, parental leave for child care, and to observe the differences between these types of legal institutions and the conditions for granting, the duration and the amount of the allowances.

In addition, we considered it appropriate to address this research in an interdisciplinary manner and to highlight aspects of child psychology in order to understand the overwhelming importance of these types of leave and the effective involvement of parents in the lives of their children.

Keywords:

Maternity/paternity leave; parental leave for child care; child psychology.

1. Maternity leave

Emergency Ordinance no. 158/2005 regarding the leaves and the social insurance benefits², effective from January 1, 2006, *ab initio* disposes

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² Published in the Official Monitor, Part I no. 1074 of November 29, 2005, being amended by the following acts: OG 1/2006; OG 35/2006; L 399/2006; OUG 91/2006; OUG 36/2010; OUG 117/2010; OUG 68/2014; L 183/2015; OUG 99/2017; OUG 8/2018; L 302/2018. <https://lege5.ro/App/Document/haytcmrz/ordonanta-de-urgenta-nr-158-2005-privind-concediile-si-indemnizatiile-de-asigurari-sociale-de-sanatate> – consulted at 13.09.2019.

the general conditions to benefit from medical leave and health insurance benefits, establishing in art. 1 paragraph 1 the fact that the persons insured for leaves and social insurance benefits in the social insurance system have the right to medical leave and social insurance benefits, during the period when they have their domicile or residence on the territory of Romania, if:

A. earns income from carrying out an activity based on an individual employment contract, an office report, detachment document or a special status provided by law, as well as other income assimilated to salaries, in compliance with the provisions of the European legislation applicable in the field of social security, as well as the agreements regarding the social security systems to which Romania is a party;

B. realizes in Romania the income stipulated in letter. A, from employers from states that do not fall under the European legislation applicable in the field of social security, as well as the agreements regarding the social security systems to which Romania is a party;

C. benefit from unemployment benefit, according to the law.³

It is very important to specify that according to art. 1 paragraph 2 of the O.U.G. no. 185/2005 can be insured in the system of social health insurance, in order to benefit from holidays and indemnities of social health insurance, natural persons, other than those provided in par. (1), based on an insurance contract for holidays and health insurance benefits.

Further, art. 2 of the O.U.G. no. 185/2005 establishes the types of medical leave and the social health insurance allowances⁴, to which the

³According to art. 3 of the O.U.G. 185/2005:

(1) The right to leave and social insurance benefits, to which the insured persons provided for in art. 1 paragraph (1) lit. A and B is subject, is conditioned by the payment of the insurance contribution for work, intended to support these allowances, regulated by the Fiscal Code.

(2) The persons provided for in art. 1 paragraph (1) lit. C are insured in the social health insurance system for holidays and health insurance benefits without payment of a contribution.

(3) The right to leave and social insurance benefits, to which the persons provided for in art. 1 paragraph (2) is subject, is conditioned by the payment of a contribution for the insurance for holidays and allowances in the 1% quota, applied on the chosen monthly income entered in the insurance contract, which is made income to the budget of the National Health Insurance Fund.

⁴ Art. 2 of the O.U.G. 185/2005 provides in the first paragraph the following:

(1) The medical leave and the social health insurance allowances, to which the insured persons are entitled, under the conditions of this emergency ordinance, are:

a) medical leave and allowances for temporary incapacity for work, caused by common illnesses or accidents outside work;
b) medical leave and allowances for the prevention of illnesses and the recovery of the work

insured have the right, among which is the medical leave and indemnity for maternity and the whole chapter IV of this normative act regulates the period of the maternity leave as well as the calculation of the maternity allowance.

Specifically, according to art. 23 of the aforementioned ordinance, insured women are entitled to leave for pregnancy⁵ and praise⁶, over a period of 126 calendar days⁷, period in which they receive maternity allowance, respectively:

1. pregnancy leave, which is granted for a period of 63 days before birth,
2. childbed leave, which is granted for a period of 63 days after birth.

The ordinance establishes that these holidays can be compensated between them, according to the recommendation of the doctor and the option of the beneficiary, so that the minimum mandatory duration of the leave of absence is 42 calendar days.

Based on the univocal and clear character of the previous provisions, prenatal leave (pregnancy leave) is optional, being left to the option of the insured woman as well as to the recommendation of the treating physician, as opposed to postnatal leave (child bed leave), which is mandatory for a period of 42 calendar days from the birth of the child.

Regarding the monthly gross amount of the maternity allowance, it is 85% of the calculation base established according to art. 10 of the ordinance⁸, and the maternity allowance is fully supported from the budget of the Single National Health Insurance Fund.⁹

capacity, exclusively for situations resulting from work accidents or occupational diseases;

c) medical leave and maternity allowances;

d) medical leave and allowances for the care of the sick child;

e) medical leave and maternal risk allowances.

⁵PREGNANCY, pregnancy, s. F. 5. Status of the pregnant woman; period when a woman is pregnant; pregnancy. <https://dexonline.ro/definitie/pregina> - accessed on 09.09.2019.

⁶CHILDBEDs. F. while the woman is at confinement; CHILDBEDf. 1) Physiological state of a woman in the first six weeks after birth; state of confinement. ◊ ~ physiological state of an abnormality that evolves normally. ~ pathological condition of an abnormally evolving lesion. 2) Period of time as a woman is at confinement. <https://dexonline.ro/definitie/1%C4%83uzie> - consulted on 09.09.2019.

⁷Romania complies with Recommendation no. 191 of the IOM (International Labor Organization), which encourages the ILO member states to increase the maternity leave period to at least 18 weeks, the minimum IOM standards being 14 weeks..

⁸Art. 10 of the O.U.G. no. 185/2005 disposes the following:

(1) For the persons provided for in art. 1 paragraph (1) lit. A and B, the basis for calculating the allowances provided for in art. 2 is determined as the average of the gross monthly incomes from the last 6 months out of the 12 months from which the contribution period is constituted, up to the limit of 12 gross minimum wages per country per month, based on

In order to benefit from holidays and social health insurance benefits, the persons mentioned in art. 1 must cumulatively fulfill the following conditions:

a) to fulfill the minimum contribution period provided by the emergency ordinance, respectively 6 months performed in the last 12 months prior to the month for which the medical leave is granted.¹⁰

which the insurance contribution for work is calculated. (2) For the persons provided for in art. 1 paragraph (1) lit. C, the basis for calculating the allowances provided for in art. 2 is determined as the average of the gross monthly incomes representing unemployment benefit, from the last 6 months out of the 12 months from which the contribution period is constituted, up to the limit of 12 gross minimum wages per country per month.

(3) For the persons provided for in art. 1 paragraph (2), the basis for calculating the allowances provided for in art. 2 is determined as the average of the insured income, entered in the insurance contract, from the last 6 months of the 12 months from which the contribution period is constituted, up to the limit of 12 gross minimum wages per country per month..

⁹ Worldwide, the types of financing of cash benefits during maternity leave can be:

- national social security system - social insurance related to employment (contributory system);
- the employer, through the direct payment of the maternity allowances;
- or a combination of the two. Studies show that employer accountability systems run counter to the interests of employed women, as a result of creating a possible source of discrimination against women. Specifically, employers can be reserved for hiring / maintaining / promoting pregnant workers / women with children, or they can find reasons to lay off pregnant employees / young mothers, in order to avoid maternity allowance expenses. In many cases, this results in the non-employment of women of childbearing age. States promoting the employer accountability system are supported by the ILO in the process of progressive transition to social security systems, as this is a priority for the technical assistance provided by the ILO.

¹⁰ According to art. 7 paragraph (2) of the O.U.G. no. 185/2005:

It is assimilated to the contribution period in the health insurance system periods when:

- a) the insured person benefits from the leave and allowances provided by this emergency ordinance;
- b) benefited from an invalidity pension;
- c) attended the day courses of the university education, organized according to the law, during the normal duration of the respective studies, provided that they graduated with a degree or diploma exam organized in the first session. The proof of graduation of the day courses of the university education is done with the diplomas issued by the authorized institutions, according to the law. Proof of the normal duration of the respective studies is done with the diploma of graduation, the enrollment sheet or with the certificate issued by the higher education institution;
- d) benefited from a monthly allowance for the period of the accommodation leave, according to Law no. 273/2004 regarding the adoption procedure, republished, of the allowance for the raising of the child according to the Government Emergency Ordinance no. 111/2010 regarding the leave and the monthly allowance for the raising of children, approved with modifications by Law no. 132/2011, as subsequently amended and

b) to present the certificate from the payer of allowances from which the number of days of temporary incapacity for work leave taken during the last 12 months, except for the medical-surgical emergencies or the infectious diseases of group A.

In the same register, we add that the insured persons benefits from leave and allowances, based on the medical certificate issued by the attending physician, according to the regulations in force, the attending physician being any doctor in contractual relation with the health insurance houses, as well as any other doctor with authorization of free valid practice, family doctor or specialist, who signs an agreement in this respect with the health insurance houses, under the conditions of this emergency ordinance.

Certificates of medical leave can be completed both on paper and electronically, being transmitted by doctors on paper or by electronic means of remote transmission to employers / entitled persons, as the case may be, the latter being signed by doctors with electronic signatures qualified. Doctors have the obligation to complete the medical leave certificates in compliance with the Instructions on the use and the way of completing the medical leave certificates, approved by common order of the Minister of Health and the President of National Health Insurance House.

Related to the normative provisions mentioned above, the legal nature of the maternity leave is that of right granted to the future mothers, recognized by the normative acts in force, respectively art. 2 paragraph 1 letter c) of the Emergency Ordinance no. 158/2005 regarding the holidays and indemnities of social health insurance, as well as tangentially through the Constitution of Romania¹¹, the Labour Code¹², Emergency Ordinance no. 96/2003 regarding the protection of motherhood at work places¹³.

supplemented.

(3) The periods provided for in par. (2) it is assimilated to the contribution period only if during these periods the insured person has not completed contribution periods within the meaning of the provisions of this emergency ordinance.

By way of derogation from the provisions of art. 7, until July 1, 2018, the minimum insurance period for granting the rights provided in art. 2 paragraph (1) lit. a) -d) is one month accomplished in the last 12 months prior to the month for which the medical leave is granted..

¹¹ Art. 26 of the Romanian Constitution, marginally entitled Intimate, family and private life, provides:

(1) The public authorities respect and protect the intimate, family and private life.

(2) The natural person has the right to dispose of himself, if he does not violate the rights and freedoms of others, public order or good morals.
<https://lege5.ro/App/Document/gq4deojv/constitutia-romaniei-republicata-in-2003> - accessed on 13.09.2019.

¹² Relevant provisions of the Labor Code regulate the following:

At the international level, the International Labor Organization has exposed since the establishment (1919) various concerns in the field of maternity protection¹⁴, which, together with child protection, is a major concern, respectively:

- to protect the health of the mother, as well as the health of the newborn;
 - to allow women to successfully combine the role of production and reproduction;
 - to promote the principle of equal opportunities and treatment between women and men, respectively to prevent unequal treatment in the workplace¹⁵.
-

Art. 50 The individual employment contract is legally suspended in the following situations:
a) maternity leave;

Art. 60 para. (1) The dismissal of the employees cannot be arranged: d) during the maternity leave;

Art. 145 par. (4) When establishing the duration of the annual rest leave, the periods of temporary incapacity for work and those related to the maternity leave, the maternal risk leave and the leave for the care of the sick child shall be considered periods of activity performed. <https://lege5.ro/App/Document/gi2tknjxgq/codul-muncii-din-2003> - accessed on 13.09.2019.

¹³Published in the Official Monitor, Part I no. 750 of October 27, 2003. According to art. 2 of this normative act, the terms and expressions below are defined as follows:

d) the employee that has recently given birth is the woman who has resumed her activity after the leave of childbed and asks the employer in writing the protection measures provided by law, attaching a medical document issued by the family doctor, but not later than 6 months from on the date of birth;

e) the breastfeeding employee is the woman who, when resuming the activity after the leave of childbed, breastfeeds her child and notifies the employer in writing about the presumed beginning and end of the breastfeeding period, attaching medical documents issued by the family doctor for this purpose;

g) childbed leave is the 42-day leave that the mother employee has to perform after birth, within the leave for pregnancy and childbed leave with a total duration of 126 days, which the employees benefit under the law; <https://lege5.ro/App/Document/gq3tgmbw/ordonanta-de-urgenta-nr-96-2003-privind-protectia-maternitatii-la-locurile-de-munca> - accessed on 13.09.2019.

¹⁴ IOM report Maternity and paternity at work. International Law and Practice - Gender, Equality and Diversity Branch, Conditions of Work and Equality Department, International Labor Office, https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-budapest/documents/publication/wcms_409460.pdf - accessed 09.09.2019.

ILO: Maternity and paternity at work: Law and practice across the world (Geneva, 2014), source available on the web page: www.ilo.org/maternityprotection.

¹⁵ United Nations (UN): Men in families and family policies in a changing world (New York, 2011) <https://www.un.org/esa/socdev/family/docs/men-in-families.pdf> - accessed 13/09/2019;

M. O'Brien: "Fitting fathers into work-family policies: International challenges in turbulent times", in International Journal of Sociology and Social Policy (2013, Vol.33, No. 9/10), pp.

To this end, the International Labor Organization has adopted conventions in the field of maternity protection, the most recent being Convention no.183 / 2000 on maternity protection¹⁶. It regulates different protective measures for pregnant women and for women who have recently given birth, such as:

- prevention of exposure to risks to health and safety during pregnancy and after,
- the right to paid maternity leave,
- providing medical care services to the mother and child,
- pauses paid for breastfeeding,
- protection against discrimination and dismissal in relation to motherhood¹⁷,
- the guarantee of returning to work after maternity leave.

According to a generally accepted position, maternity in safe and healthy conditions is the very basis of life. At the same time, motherhood is essential for respecting gender equality in the workplace, respectively increasing productivity among women. In the corollary, maternity protection is a fundamental right of work, enshrined in the most important universal treaties on human rights. At present, most countries have adopted normative acts regarding maternity protection at work.

From a psychological point of view, the duration of maternity leave is essential and vital in order to allow mothers to recover after pregnancy

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[https://www.researchgate.net/publication/259062760_O'Brien_Margaret_2013_Fitting_Fathers_into_work-](https://www.researchgate.net/publication/259062760_O'Brien_Margaret_2013_Fitting_Fathers_into_work-family_policies_international_challenges_in_turbulent_times_International_Journal_of_Sociology_and_Social_Policy_33_9.09-109)

[family_policies_international_challenges_in_turbulent_times_International_Journal_of_Sociology_and_Social_Policy_33_9.09-109.](https://www.researchgate.net/publication/259062760_O'Brien_Margaret_2013_Fitting_Fathers_into_work-family_policies_international_challenges_in_turbulent_times_International_Journal_of_Sociology_and_Social_Policy_33_9.09-109)

ILO: Maternity and paternity at work: Law and practice across the world (Geneva, 2014) with J. Ghosh: "Financial crises and their gendered employment impact. Emerging trends and past experiences ", in R. Antonopoulos (ed.): Gender perspectives and the gender impacts of the global economic crisis (Routledge, 2014);

ILO: Work – life balance. Governing Body GB.312 / POL / 4, 312th Session (Geneva, 2011), https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_163642.pdf - accessed on 13.09.2019.

¹⁶ <https://lege5.ro/App/Document/gi2dgmjq/conventia-nr-183-2000-privind-revizuirea-conventiei-revizuita-asupra-protectiei-maternitatii-din-1952-adoptata-la-cea-de-a-88-a-sesiunea-a-conferintei-generale-a-organizatiei-internationale-a-muncii-Convention-No-183-2000-on-review-convention-Revised-on-protection-maternity-of-1952-adopted-to-one-of-a-88th-session-a-conference-general-a-labour-international-organization>.

¹⁷The period of maternity leave that meets the conditions of the ILO standards regarding the right to maternity leave is at least 14 weeks, meaning that, at present, most countries respect this duration, as provided for in Convention No. 183/2000. The United States offers maternity leave, but does not have general legal provisions regarding the allocation of cash benefits for maternity leave.

and childbirth, as well as to return to the apt workplace, but also having the opportunity to properly care for their children. In the event that the duration of the maternity leave would be short, mothers would not feel ready to return to work, with the risk of giving up work.

2. Paternal leave

According to art. 1 of the Law on parental leave no. 210/1999¹⁸, parental leave is granted under the conditions provided by law, in order to ensure the effective participation of the father in the care of the newborn.

The law stipulates that if the holder of the right to parental leave is insured within the state social insurance system, he has the right to a paid parental leave of 5 working days¹⁹.

Essentially, the paternity leave is granted on request, in the first 8 weeks after the child's birth, justified with his birth certificate, which results the petitioner's father's quality and the allowance for the paternal leave is paid from the unit's salary fund and is equal to the salary corresponding to the respective period, not being supported by the state social insurance budget.

If the father of the newborn child has obtained the certificate of graduation of the childcare course, the duration of the parental leave is increased by 10 working days, but the father can benefit from this provision only once.²⁰

From a psychological point of view, it tends to be more involved in raising and educating children from the father, since the paternity leave is a short period of leave granted to the father, immediately after the birth of the child, in order for the father to help care for the mother and the child.

¹⁸ Published in the Official Monitor, Part I no. 654 of December 31, 1999, <https://lege5.ro/App/Document/giytqnjt/legea-concediului-paternal-nr-210-1999> - accessed on 13.09.2019.

¹⁹ Countries such as Finland, Iceland, Lithuania, Portugal and Slovenia offer holidays in excess of two weeks. From a practical point of view, in all countries offering paternity leave, fathers decide whether or not they want to benefit from this right. In Chile, Italy and Portugal paternity leave is mandatory.

²⁰ We propose by law the abolition of this legislative norm, since in the case where the parents have the second / third child at a large time from the birth of the first child, a reminder of the notions taught in the kindergarten is welcome, being very important and the help that the father can offer to the mother in the first days after birth, as well as the strong bond that can be formed between the father and the child, meaning that the increase with 10 working days of the duration of the paternal term should not be a singular benefit.

Thus, the father can take on the family responsibilities more closely and can be actively involved in the physical and emotional development of the child. However, the research²¹ shows that while today's fathers may be more involved in childcare, the number of hours they spend at work remains the same before and after having children. Fathers are more likely to choose flexible work or work from home, rather than reducing working hours to devoting themselves to raising and caring for their child.

In a recent study²², it has been found that parents who benefit from maternity and paternity leave are much more attached to their young children, an aspect that can have a positive influence on gender equality both at home and at work, and may indicate changes in social and perceptions regarding the roles of parents and gender stereotypes that are dominant in our society.

In the corollary, the father's involvement in raising and caring, respectively the education of infants and young children, has a positive effect on the child's development..

3. Parental leave for child care

According to art. 12 of the Emergency Ordinance no. 111/2010 regarding the leave and the monthly allowance for raising children²³, the rights to the foster and child care leave are granted if the applicant cumulatively fulfills the following conditions:

- a) is a Romanian citizen, a foreign citizen or a stateless person;
- b) has, according to the law, the domicile or residence on the territory of Romania;
- c) resides in Romania together with the child / children for whom he / she requests the rights and takes care of the child's care and care.

Therefore, the leave for raising the child up to 2 years, respectively 3 years, in the case of the disabled child is optionally granted, at the request of

²¹ Jennifer Baxter, Fathers and work: A statistical overview, Research summary, May 2019 - <https://aifs.gov.au/aifs-conference/fathers-and-work> - accessed 09/13/2019.

²² Huerta, M. et al. (2013), *Fathers' Leave, Fathers' Involvement and Child Development: Are They Related? Evidence from Four OECD Countries*, OECD Social, Employment and Migration Working Papers, No. 140, OECD Publishing. <http://dx.doi.org/10.1787/5k4dlw9w6czq-en>
http://dl.kli.re.kr/dl_image/IMG/03/000000012763/SERVICE/000000012763_01.PDF - consultat la 13.09.2019.

²³Published in the Official Gazette, Part I no. 830 of December 10, 2010 <https://lege5.ro/App/Document/geztmbwgi/ordonanta-de-urgenta-nr-111-2010-private-country-and-indemnification-lunara-for-create-copies-> consulted at 13.09 .2019.

any parent of the child, and the monthly allowance benefits any of the natural parents of the child, if he meets the conditions foreseen by the emergency ordinance.

Specifically, the persons who, during the last 2 years prior to the date of birth of the child, have achieved for at least 12 months income from wages and assimilated to wages, income from independent activities, income from intellectual property rights, income from agricultural activities, forestry and fish farming. , subject to income tax according to the provisions of Law no. 227/2015 regarding the Fiscal Code, with the subsequent amendments and completions, hereinafter referred to as income subject to tax, benefit from leave for raising the child up to 2 years, respectively 3 years, in the case of the disabled child, as well as a monthly allowance.

The amount of the monthly allowance is 85% of the average of the net income realized in the last 12 months of the last 2 years before the date of the child's birth. The minimum amount of the monthly allowance may not be less than the amount resulting from applying a multiplication coefficient of 2.5 to the value of the reference social indicator, and its maximum amount may not exceed the value of 8,500 lei.

The 12 months can also be constituted entirely from the periods in which the persons were in one or more of the following situations:

- a) have benefited from unemployment benefit, established according to the law, or have completed periods of contribution in the public pension system, under the conditions provided by the normative acts of special character that regulate the collective redundancies;
- b) they were in the records of the county agencies for employment, respectively of the municipality of Bucharest, in order to grant the unemployment allowance;
- c) have benefited from holidays and social health insurance benefits provided by the Government Emergency Ordinance no. 158/2005 regarding the holidays and the social health insurance allowances, approved with modifications and completions by Law no. 399/2006, as subsequently amended and supplemented;
- d) have benefited from medical leave and allowances for the prevention of illnesses and the recovery of work capacity, exclusively for situations resulting from work-related injuries or occupational diseases, based on Law no. 346/2002 regarding insurance for occupational accidents and occupational diseases, republished;
- e) have received an invalidity pension, according to the law;
- f) is in the period of temporary interruption of the activity, at the initiative of the employer, without ceasing the employment relationship, for economic, technological, structural or similar reasons, according to the law;

- g) benefited from leave and monthly allowance for child rearing;
- h) have received monthly leave and allowance for raising or, as the case may be, for the care of the disabled child;
- i) benefited from leave without pay for the raising of the child;
- j) is within the period of 3 months from the termination of a fixed-term employment contract and the beginning of another fixed-term employment contract, as defined by Law no. 53/2003 - Labor Code, as subsequently amended and supplemented;
- k) accompanied by the spouse sent on a permanent mission abroad;
- l) they performed or performed the military service on a voluntary basis, were concentrated, mobilized or imprisoned;
- m) attends, without interruption, the day courses of pre-university education, including in the "Second Chance" program, or, as the case may be, university at the level of the undergraduate or master's degree studies, as well as of the post-university education at the master's level, organized according to the law, at home or abroad, in an area recognized by the Ministry of Education, Research, Youth and Sport, except for the discontinuation of courses for medical reasons;
- n) have the quality of doctoral student, under the conditions provided by the Law of national education no. 1/2011, as subsequently amended and supplemented;
- o) is in the period between the conclusion of a form of pre-university education and the beginning, in the same calendar year, of another form of pre-university education, day courses, organized according to the law, attended without interruption;
- p) is in the period between graduating the day courses of the pre-university education, organized according to the law, and the beginning of the university education, day courses, in the same calendar year;
- q) is in the period between the conclusion of a form of university education, day courses, with or without a license or diploma examination, and the beginning, in the same calendar year, of another form of university education, day courses, organized according to the law, frequented without interruption;
- r) is in the period between the conclusion of a form of university education, at the level of the undergraduate or master's degree studies, as well as of the post-university education at the level of the masters, day courses, and the beginning, in the same calendar year, of another forms of university education at the level of the undergraduate or master's degree studies, day courses, organized according to the law, attended without interruption;
- s) is in the period between the completion of a form of post-university education, day courses, and the beginning, in the same calendar year, of

another form of post-university education, day courses, organized according to the law, attended without interruption;

t) is within 60 days from the completion of the compulsory education courses or, as the case may be, from the graduation of the day courses of the pre-university, university education at the level of the undergraduate or master's and post-university studies at the master's level, organized according to the law, with or without graduation examination, in order to employ or, as the case may be, the unemployment rate, calculated starting with the date of the 1 month following the completion of the studies;

u) benefited from unpaid leave to participate in training and professional development courses at the initiative of the employer or to which he gave his consent, organized according to the law;

v) is in the period between the graduation of the day courses of the higher medical education, organized according to the law, with the license exam organized in the first session, and the beginning of the first residence after graduation.

A careful and corroborated reading of the aforementioned ordinance leads to the observation that if a person concurrently obtains from several sources income taxable, all the monthly income collected by it will be taken into account.

Moreover, for the month of the child's birth, the due income for that month is taken into account, namely the income that the person would have received if he / she worked during the whole month or the cumulation between the income related to the days worked with the maternity allowance.

It is necessary to add that the right to parental leave is granted on a non-transferable basis to the persons whose children are born starting March 1, 2012, if both persons in the respective family fulfill the conditions for granting it, as follows :

a) at least one month of the total period of the child-raising leave is allocated to one of the persons who did not request this right, called in the social environment as the FATHER'S MOON;

b) in the situation in which the person mentioned in letter a) does not claim the right to leave, the other parent cannot benefit from the right to leave instead, in which case the person who initially applied for leave and child-raising allowance can opt for leave without pay or, as the case may be, for making income subject to tax.

With regard to the protection of parents who benefit from the right to leave for child rearing, art. 25 para. 2 of the O.U.G. no. 111/2010 establishes that it is forbidden for the employer to order the termination of employment or service relationships in the case:

a) the employee / employee who is, as the case may be, on leave for raising the child up to 2 years old, respectively 3 years, in the case of the disabled child²⁴.

In the same sense, art. 51. of the Labor Code states the following: The individual employment contract may be suspended on the employee's initiative, in the following situations:

a) leave to raise the child up to 2 years or, in the case of the disabled child, up to the age of 3 years.

From a psychological point of view, too long periods of medical leave or the complete leave of absence for the raising and care of the child that most women benefit from, can diminish their attachment to career / work and the possibility to advance in paid positions, what results in wage stagnation / decline.

In the same sense, given that in general, women are most likely to apply for and benefit from parental leave after maternity leave, especially if both parents benefit from this right, a reduction in the number of parents can be reduced. the insertion of women in the labor market and the exacerbation of gender inequalities in the workplace, as well as inequitable division of labor at home. Thus, in order to stimulate men to apply for and benefit from child-rearing and child-care leave, it should include granting compulsory allowances and providing adequate incentives and compensation during leave.

In the corollary, childcare and childcare leave offers clear advantages for both employers and families, an aspect observed through various researches that found that employees can increase their morale, productivity and work attachment once new parents (especially mothers) they return to work. Furthermore, the leave offers economic security to families during

²⁴ An evaluation of the countries of the European Union has revealed a considerable level of discrimination on the basis of maternity in its Member States, observing different tactics of applying pressure on pregnant mothers / women who have recently become mothers to determine, through harassment, to grant themselves , respectively to submit applications for resignation, which have been reported in Romania, Spain and Lithuania. In Croatia, Greece, Italy and Portugal are reported practices of using "incomplete dismissal applications", represented by undated dismissal letters, which the workers were obliged to sign at the employment stage, and subsequently used to be dismissed in an indirect way if they were pregnant. ILO: Maternity and paternity at work: Law and practice across the world (Geneva, 2014), available source on the web page: www.ilo.org/maternityprotection beside the Madrina Foundation: The crisis in Spain marginalizes at work more than 9 women every hour midwives, Press Release (Madrid, 2010); S. Koukoulis-piliotopoulos: "The Country Report for Greece" in the Analysis of European Gender Equality Law (2012, No.2, pp. 79-85).

significant life events and gives employees who are facing such events the peace of mind that they are not in danger of losing their jobs.

Studies also indicate the positive effect on the health of the child and the mother, reducing the infant mortality rate and stress / depression for mothers. Moreover, leave can also promote gender equality, given the importance of the time both parents spend with their children.²⁵

Conclusions

Childhood is a carousel with emotions, which implies that physical, intellectual and emotional development, as well as early education are the concern of both parents, as both cognitive intelligence and emotional intelligence are essential in the smooth and healthy growth of children. Infants and young children are much happier if they enjoy family life, especially in the first 2 years of life, together with one of the parents, discovering in a positive way their identity and personality, the environment, movement, communication and creativity. .

Maternity leave plays a very important role for both the physical and mental health of the mother and the baby and the paternity leave favors an intense connection between the father and the newborn.

Regarding the leave for the growth and care of the child, it denotes a special significance in the psychological, behavioral and social development, which implies a positive evolution of competence, trust, connectivity, character and compassion.

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