

REVIEW

"SOCIAL SECURITY LAW" - THE 9TH EDITION OF THE
UNIVERSITY LECTURE IN 2021

Ana ȘTEFĂNESCU*

This year, the 9th edition of the university lecture "Dreptul securității sociale"/"Social Security Law" signed by the prestigious university Professors Alexandru Țiclea and Laura Georgescu will be published by Universul Juridic Publishing House and, from a general point of view, it should be noted that the work proves its usefulness for a large number of specialists: Judges, lawyers, legal advisers, labour law experts, human resources inspectors, human resources managers or executives, mediators, social workers, various civil servants such as those in territorial labour inspectorates, health insurance funds, county employment agencies, county pension funds, county agencies for payments and social inspection, and those in the Ministry of Labour and Social Protection.

Indeed, given the very close link between labour law (mixed law - both private and public) and social security law (public law), the first branch of law mentioned is more closely known because it is more dynamic, spectacular but nevertheless remains unfamiliar and inapplicable without social security law; because of the link, they are also sometimes, from a doctrinal point of view, brought together under the name of "social law" and thus studied even as a subject. An important argument is that the social security legal relationships which today, together with social assistance legal relationships, form the subject of social security law, were part of labour law until 1990 and, although they have been separated, continue to be largely based on employment relationships.

At the same time, social security law has expanded enormously if we consider, for example, the benefits of the national social work system -

*Ph.D. , Associate Profesor at „Dunărea de Jos” University Galați. Member of the Editorial College at Wolters Kluwer Publishing House (Romania, Bucharest) - Romanian Labour Law Review. Member and secretary at Romanian Labor Law Association and member of U.N.E.L.M. email: ana.stefanescu@ugal.ro; Web: www.anastefanescu.ro.

particularly those related to preventing and combating poverty and the risk of social exclusion, social work for children and families, social work for the disabled and social work for the elderly.

Regarding the closer link with labour law, here are just two examples of the ignorance that can (negatively) influence not only the legal situation of employers but also that of employees:

1) according to labour law, on the date of the cumulative fulfilment of the standard age and the minimum contribution period for retirement, the existing individual employment contract ceases by operation of law, which means that the provisions of social security law on the unitary public pension system must also be known in order to identify the type of pension concerned for the establishment of the situation (continuation of work without a new contract falls within the scope of undeclared work);

2) the legislation on parental leave and monthly child-raising allowance (which is part of social security law) stipulates that the period of parental leave “constitutes seniority in work and employment and in specialisation and shall be taken into account in determining the rights to be granted in relation thereto” (which is not clear from the labour legislation - which is not so socially protective). The examples could continue with employers' obligations prior to the conclusion of the individual employment contract, as laid down in the legislation on unemployment insurance and employment incentives, and with the various financial benefits granted to those considered to be disadvantaged in the labour market and to their employers. Last but not least, we think it is worth mentioning that sometimes, due to the similarity of terminology, social security is “mistaken for” occupational safety and health; however, these are distinct issues - as legal relationships associated to occupational safety and health are related legal employment relationships.

Thus, the paper we are presenting sheds light on many aspects of social life, particularly in relation to subordinate/dependent and independent work, social risks and the social needs we may face.

The new edition of the university lecture "Social Security Law" by the prestigious university Professors Alexandru Țiclea and Laura Georgescu, an extensive lecture (approximately 500 pages), keeps up to date with the most important legislative changes and additions to the findings in the field, and it is only natural that these famous authors of labour law should facilitate a

PUBLIC ADMINISTRATION & REGIONAL STUDIES
14th Year, No. 2 - 2021
Galati University Press, ISSN 2065 -1759

systematic, comprehensive understanding of all the issues of interest in social life, by even addressing them in detail.

Unfortunately, in most cases, the curricula of undergraduate “Law”, “Public administration” and “Human resources” programmes allocate insufficient time even to the link between labour law and social security law (social law), very little time being devoted to the study of the national welfare system (from a legal perspective), not to mention certain special individual employment contracts (grafted onto the individual contract of employment at home) - the individual employment contract of the professional maternity assistant and the individual employment contract of the professional foster carer (for which we find details in social security law) - or the jurisdiction of social insurance, of insurance for accidents at work and occupational diseases and the jurisdiction of social work.

Reviewing the presentation of the paper as a whole, we will now detail that the paper is structured in fourteen chapters, as follows:

- ✓ Introduction to social security law;
- ✓ Social health insurance (including the European social health insurance card, the national social health insurance card, the various social health insurance leaves, including leaves and allowances for the prevention of illness and recovery of working capacity; maternity leave and maternity allowance/pay);
- ✓ Insurance against accidents at work and occupational diseases;
- ✓ Unemployment insurance and measures to prevent unemployment (in addition to the constant topics of the system, attention is also paid to days off for parents to supervise their children in the event of temporary closure of educational establishments; support measures for employees and employers in the context of the epidemiological situation caused by the spread of the SARSCoV-2 coronavirus and to stimulate employment growth);
- ✓ the unitary public pension system;
- ✓ Special pensions;
- ✓ Private pensions;
- ✓ Voluntary pensions;
- ✓ National social assistance system;

PUBLIC ADMINISTRATION & REGIONAL STUDIES
14th Year, No. 2 - 2021
Galati University Press, ISSN 2065 -1759

- ✓ Social welfare, social services and social canteens;
- ✓ Children's social assistance rights (we note approaches such as those relating to various allowances and the financial support granted to families to pay for nanny services; family environment and alternative care; protection of refugee children as well as children in case of armed conflict; protection of children from drug use; protection of children with parents working abroad);
- ✓ Social care for the elderly;
- ✓ Protection and promotion of the rights of people with disabilities (including accessibility for people with disabilities, vocational guidance and training, employment of people with disabilities);
- ✓ Social protection of veterans, invalids, orphans and war widows and of former political prisoners.

As can be seen, the approaches are wide-ranging but, fortunately, like the authors' other works, they are distinguished by explanations and comments that are as condensed and concise as possible, and the style is clear, flexible and easily understandable to all those who will read it, even to "non-legal practitioners".

We are therefore talking about a work that should not be missing especially from university libraries and to which reference should be made in particular for the development of important aspects of labour law that relate to social insurance and social work benefits.