

**ADAPTATION OF LABOR LAW RULES TO THE DYNAMICS OF
LEGAL WORK RELATIONS WITHIN THE CURRENT EUROPEAN
CONTEXT
-Summary-**

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PART I

SCIENTIFIC, PROFESSIONAL AND ACADEMIC ACHIEVEMENTS

1. Scientific achievements;

General framework of the scientific research

1.1. Doctoral thesis:

In 2007 I publicly presented my doctoral thesis entitled "Harmonisation of national law with EU labor law", under the guidance of PhD Professor Alexandru Țiclea, manager of doctoral studies at the doctoral school of law within OIDUS - Police Academy "Al. I. Cuza".

Following the public presentation of the doctoral thesis, I was awarded the title of PhD in **law**, on the order of the Ministry of Education and Research no. 1398 on 10.15.2007, and the doctoral thesis "Harmonization of national law with EU labor law" was the first comparative study between the national legislation within the labor and social protection law and the corresponding European legislation, both for the Romanian pre-accession to the European Union and also for the following period, in order to align the national rules with the EU ones in this field.

1.2. Publication of books and articles:

After being awarded the PhD title in 2007 and until now I presented/published scientific papers in Romanian and in English, both in the country and abroad.

In the period 2007-2016, I published 20 papers, 13 of them as single author and 7 as co-author, together with one or more authors or under the guidance of prestigious authors in the researched field.

The published papers were scientific contributions in the fields: Labor law – national and European; Civil law; Intellectual property law or Civil procedural law.

The monographs, university courses or collections of test cases for understanding the legal institutions of civil procedural law by the students, were published in the most prestigious publishers in the legal field in Romania, such as: Legal universe; Lumina LEX; or C.H.Beck.

In the same period, I designed, developed and published a total of 34 articles as author or co-author, which have been published in the content of prestigious

journals in the law field or in the volume of several national and international sessions of scientific communications, whose volumes have been edited and printed by publishers in the legal reference field such as: Rosetti Publishing; Lumina Lex; Legal Universe Publishing or ProUniversitaria Publishing, journals whose value has allowed them international recognition through their indexing in international databases.

The scientific studies or research that I developed have also been published in journals that have an online appearance and also enjoy international scientific recognition and value by being indexed in internationally recognized databases.

1.3. Activity of scientific research

The membership which I acquired during the research projects, allowed me to translate theoretical concepts into practice in order to cover the needs in different areas of the legal life and to complement the legal rules in this regard, and also to implement the European Union regulations in specific areas of national law, especially in labor and social security law.

The professional-academic results of my own legal research have also resulted in the initiation and coordination of a masters program on human rights and fundamental freedoms with tracking the correlation between the European and international legislation and national law, specific to the employees in national security field, entitled "**Human rights in order and public safety institutions**", conducted by the Centre for Human Rights and Postgraduate Studies within The Police Academy "Alexandru Ioan Cuza".

1.4. Participation in national and international conferences

In the period 2007-2016 I presented numerous scientific communications in several **national scientific conferences** held in the Police Academy, National University of Defense "Carol I" Bucharest, Legal Research Institute of the Romanian Academy, "Valahia" University of Targoviste, "Titu Maiorescu" University, University of Pitesti, Transilvania University of Brasov, etc.

I participated in **international conferences held in the country**, in partnership with universities abroad, such as: "Administrative and Juridical Sciences", The 17th International Conference "The Knowledge-Based Organization", 24 to 26 November 2011, "Nicolae Bălcescu" Land Forces Academy; International Conference "Knowledge-based Society. Norms, values and contemporary landmarks", 8th edition, Faculty of Law and Social-Political Sciences, "Valahia" University of Targoviste, May 31- June 1, 2012; International Conference "Knowledge-based Society. Norms, values and contemporary landmarks", 9th edition, Faculty of Law and Social-Political Sciences, "Valahia" University of Targoviste, 7 to 9 June 2013; International Conference "Knowledge-based Society. Norms, values and contemporary landmarks", 10th edition, Faculty of Law and Social-Political Sciences, "Valahia" University of Targoviste, 6 to 7

June 2014; 2013 International Conference, University of Pitesti, but also in the scientific communications sessions organized by the National University of Defense "Carol I" Bucharest organized annually during the period 2007-2014.

2. Professional achievements

2.1. Professional prestige

The monographs, courses, university courses, collections of test cases or other developed and published scientific papers have won professional recognition and appreciation from lawyers and professional specialists, be they academics or practitioners in the field of labor law, civil procedure law and civil law and also intellectual and industrial property rights law.

In line with the above mentioned, I point out the fact that the papers published by the undersigned as sole author or co-author **were cited or indicated as bibliographic material in works published by authors recognized in the field of legal sciences** both nationally and internationally, for example:

- PhD. Prof. Ion Traian Stefanescu;
- PhD. Prof. Alexandru Ticlea;
- PhD. Prof. Vlad Barbu;
- PhD. Prof. Dan Top;
- PhD. Prof. Alexandru Atanasiu;
- PhD. Prof. Magda Volonciu;
- PhD. Prof. Luminița Dima;
- PhD. Prof. Oana Cazan etc.

Also in support of the scientific recognition of the works developed and published by the undersigned, both as a single author and also as co-author or under the guidance of another author, these were an appreciated and reference bibliographic material for the preparation of doctoral theses, and also dissertation works developed by master students and diploma works by students or even grants within the Romanian Academy.

The scientific studies and research developed by the undersigned are also present online and can be found and consulted both on websites in the country and also foreign websites, or journals appearing in electronic format and are indexed in several databases recognized in the legal field both nationally and internationally.

2.2. Member of organizations / professional boards

I am a member of several professional organizations or editorial boards, as follows:

- Member of the Reserve Corps of Senior Civil Servants;
- Member of the Lawyers Union of Romania - Bucharest Bar Association (Lawyer suspended);
- Member of the National Policemen Corps - where I was vice-president of the branch Police Academy "Al. I. Cuza" until 2014;

- Member of the **editorial board** of the **Journal of Social Law. Labor and social security law**;
- Member of the **scientific board** of the **Journal "Valahia University Law Study"**;
- Member of the **scientific board** of the **Journal of Public Security Studies**;
- Member of the **scientific board** of the **Journal "Human Rights in Law Enforcement"**;
- Member of the **International Policemen Association**;

3. Academic Achievements

3.1. Teaching activity

3.1.1. Occupied teaching positions

I have a total length of over 15 years in teaching activity, as follows:

- 2000-2002 - instructor for the student subunits of the Police Academy "Al. I. Cuza";
- University teacher - between 2002 and 2016 - occupying the posts of junior assistant, assistant, lecturer and associate professor in the subjects "labor and social security law", "civil procedural law" and "intellectual property law".

3.1.2. Conducted activities and methodology used

As a university teacher I conducted the following activities, as listed in the job description:

- lectures carried out in the daily courses for the two certified subjects and also for the subjects related to those out of the big family of Private Law, based on the needs of the faculty and the department they belong;
- seminars, in which I focused on the practical side, for a better understanding by the students of the information submitted in lectures, elaborating in this regard collections of test cases for seminars and exams or guides for the workers in human resources;
- theoretical analysis and practical experiments during several roundtables that I organized on different legal topics and subjects from which pertinent and real lessons can be drawn that may become legislation drafts;
- demonstration trials for civil cases based on real facts, from which the students could understand the role of the rules of civil procedure law in the legal and social values system of our country;
- lectures in several master courses, such as "Private law for business", "Human Resources Management", "Fraud Investigations Management" for the subject "Labor and social security law", "Copyright in business environment" and also other subjects in the private law family according to personal skills and competencies;

-training and educational activities carried out as mentor of the group, for example: practical activities in courts; organization of demonstration trials; themed tours; video analysis of legal operations (development of certain trials; witness depositions, questioning in the civil lawsuit, etc).

- mentoring activities for doctoral and master students in drafting the dissertation and diploma works;

- participating in reviewing doctoral theses, as a member of the Chair of civil law/ private law department, prior to and also during the presentation of doctoral theses in the chair on the previous legislation / procedure until Law No.1 / 2011 National education law came into effect. During the public presentation of doctoral theses I asked the doctoral candidates questions while they were publicly presenting and I brought up particular situations of fact and law that they should take into account when publishing the doctoral thesis.

3.1.3. Documentation in the field

I was constantly concerned with knowing the legislative changes in the domain of the law areas that I have taught students or master students, to achieve their proper preparation and training on the regulations applicable to the law areas where I develop teaching activities;

- I studied current publications of authors from national and international specialty literature on labor and social security law, civil procedural law, intellectual property law and civil law;

- I developed an intense journalistic activity in private law in general and labor law and also in civil procedural law / civil law (intellectual and industrial property rights, etc.) in particular;

- I have provided students / master students actual case files that I encountered in the practical activity that I made, over several years as legal advisor within the management, as director of the legal department, in several ministries of the Romanian Government and the General Secretariat of the Government.

3.1.4. Coordinator for the postgraduate course "Human rights in institutions of public order and safety"

The personal work and effort reflected in the professional-academic results of my own legal research, also materialized in the initiation of a program of postgraduate course in human rights and fundamental freedoms thereof, during the time they hold a position within the institutions of public order and safety. In this regard, I coordinated the postgraduate course "**Human rights in institutions of public order and safety**".

3.2. Functions and university degrees

From 2000 to date I have conducted tutoring / teaching activities in the Police Academy "Alexandru Ioan Cuza", in several structures; either as an instructor for student subunits or as a titular teacher, as follows:

- 2000 - 2002 - **instructor for police student subunits and tutor;**
- 2002 - 2016 - **graduate assistant, assistant, lecturer, associate professor;**
- 2002 - 2004 – **graduate assistant;**
- 2004 - 2007 - **assistant professor;**
- 2007 - 2015 - **lecturer;**
- 2015 - present- **associate professor;**

The activity of coordination, guidance and leadership has taken a new valence when during secondment from 2013 until 2015, I served as Director of the Legal Department of the Ministry of Agriculture and Rural Development, and later in 2016 as Director of the Legal Department of the Ministry of Environment, Water and Forests and as an expert in the Prime Minister's Office, where I currently work simultaneously with the teaching activities I develop within the Police Academy "Al. I. Cuza" or other universities where I participate as a guest or associate teacher.

PART II

PLANS OF PROFESSIONAL, SCIENTIFIC AND ACADEMIC CAREER EVOLUTION AND DEVELOPMENT

1. Scientific career development

Scientific research activity is an essential component not only for the development of the teaching career but also for answering the real needs of high quality professional training of students and master students.

The didactic, pedagogical and scientific career involves a constant concern in research in the sphere of activity, which must be reflected in the teaching and training activity of students, MA students and PhD students.

The research areas in which I was involved until now, such as those of: labor and social security law, civil procedural law, intellectual property law and also civil law will continue to be a priority henceforth. Consistency in research, which I had as a landmark during the period of more than 15 years of teaching activity, helped me not only to understand certain social values protected by the laws on the matter, but gave me the courage to point out the legislative gaps in the field or to present personal points of view, for improving the legislation and updating the regulatory framework for the new legal, economic, cultural and social reality.

Diversifying the presentation of the law on the whole, adapting the legal system to the developments in the social, political and economic, entails the need of an extensive and interdisciplinary approach to law. The large family of private law which includes labor law interacts and finds itself in indissoluble connection

with the public and international law. The rules of labor law could not protect values as important as "work", "employee", "employer", "salary", "professional training" if we could not relate also to public law rules. These public law rules regulate the forms of state intervention in the labor market; the control of health and safety of employees while they perform the work; the method of initial professional training in the national or private educational system, in order to obtain a qualification / occupation and employment for a job; the ways in which collective negotiation take place and conclusion of collective labor agreements applicable to private work relations or to the settlement of labor disputes.

The relationship between labor law and the other branches of public law is strengthened by the need to follow the rules of fiscalization in the case of the salary taxation by the employee or the need for social assistance and protection to persons in certain needs, which is achieved through the participation of administrative bodies of the state.

Also most forms of liability in the event of conflicts that arise during the course of legal labor relations, either individual or collective, require state intervention in clarifying and resolving the dispute. Thus, patrimonial liability engages only after the contentious procedure before the courts; contravention liability intervenes according to sanctions imposed by the specialized states bodies or criminal liability when again the same entities, both in the criminal investigation phase and also during the trial, put an end to a contentious situations.

Representing the collective interests of employees by organizing them into syndical-type formations and also of employers in patronal-type organism can also be performed in compliance with specific rules derogating from the general law and which are acknowledged by the legislative power especially for defending certain special rights encountered during the course of collective and individual labor relations.

The legal phenomenon is a complex phenomenon influenced by ongoing realities of the life of a society in all its aspects. Because of that, the legal system is in constant dynamics and transformation, which implies continuous research on its forms of materialization and solutions that must be adopted nationally in direct correlation with the international plan.

The labor market, perhaps now more than ever, influences the course of legal labor relations. Competition between national employers and multinational companies, setting salaries through legislation for employees paid from public funds, posting of workers from one employer to another to cover real working needs, do nothing else than oblige the Romanian legislature to draft new regulations to cover these actual situations encountered in practice.

National legislation must face both the European provisions in the matter and also new challenges: the return of Romanian workers in the country after years

of work in other EU countries; exodus of skilled labor from Romania to European countries that offer a high level of social status or much more attractive salaries (eg. Doctors and nurses; teachers; computer scientists; and recently workers from the order and national security system); the wave of migration from North Africa to Europe and establishment of migrants quotas for each EU Member State, with special obligations for these groups, like social inclusion and protection, job offers, education, etc.

The dynamics of this segment of life, represented by labor relations and social protection, require an analysis and a careful and accurate regulation, governed by the principle of social priority and forecast and also future-oriented action, because it affects the climate and social peace in the entire country.

1.1. Continued journalistic activity - Areas of interest

I intend to publish constantly both in national and international journals, listed and indexed in international databases that have a major impact of recognition, using the expression in foreign languages, to disseminate the ideas of the Romanian legal school and thinking in the fields of labor law and civil law.

1.1.1. Labor and social security law

Social peace and harmony in each society is granted primarily by covering certain needs of the members of that society, needs that can be legally covered only through the provision of work by each individual or his assistance by the state during the periods in which the individual can not work in order to make a living.

Social values have in turn an essential component namely, "**work**" as a legal activity generating income in particular and development of any society in general.

The labor market is a sensitive market and directed predominantly towards an imbalance generated by the encounter between demand for labor and the supply of labor on one hand, and antagonistic interests of employers versus the ones of the employees. In this regard employers wish to achieve the economic desideratum for which they were founded with the lowest possible cost, including those relating to labor, and employees wish to obtain the necessary revenue in higher amount, by providing a minimized working activity. These desiderata of the parties involved in the individual employment contract, push these legal relationships towards a delicate balance that can be achieved only through state intervention in the labor market at the level of regulation of labor relations, by controlling the way that the legal rules are complied, rules that state the rights of both contracting parties, especially ensuring the safety and health of workers at the work place and also encouraging the increase of jobs and employment, at the same time with the decrease of unemployment.

State intervention in this market must, however, protect the interests of both parties, but in my opinion it should protect especially the interests of employees that are in legal and economic subordination towards their employer. This action of

the specialized organisms of the State whether legislative, executive, controlling or protective of the general interests that arise from the exercise of legal work relations should be moderate and leave room to free will of the parties willing to enter into an individual contract of employment or a collective contract if that is the case.

1.1.2. The relation between the national rules of labor law and European standards of social security and labor law at European Union level

European labor law at European Union level is a new branch of law which finds its origins in the international law of labor.

The rules of labor law cannot remain isolated at national level but cannot go below certain limits at European Union level.

International Labor Law has emerged as a creation of legislation of the International Labour Organisation materialized by adopting numerous ILO Conventions, which had as main purpose raising awareness of the principle that "labor is not a commodity" and that it is an emanation of the human being which wears out and expires while under the direct influence of different factors, depending or not on the human being, so it must be protected and emancipated in all legal systems.

On the other hand, European labor law came as a superior legal system, found in the European Union where the valuable law schools (both continental type: FRANCE, ITALY, SPAIN and also the common law type: UK) have managed through time to rule with their regulations superior values to labor and social protection law, that reflect the inter human realities of this segment of the life in the old continent.

1.2. Participation in national and international conferences

In the future I intend to diversify the forms of cooperation with higher education institutions nationally and internationally as follows:

- participation in conferences, various educational projects, grants and scientific research projects;

- participation as a member of various committees in the interest of the development of university legal education;

- continue the participation and diversify the activities at summer schools organized by various universities in the country and internationally;

2. Professional career development

2.1 Member of organizations / professional colleges

Over time adoption of legal rules was subordinated to certain economic, political, social and historical national interests of the state. New realities require research in the dynamics of the adoption of the legal rules, and also research in the way these legal rules correspond to the general interests of society.

In this regard, I intend to work with colleagues from other universities more intensively, to attend as many legal activities organized both nationally and

internationally in order to confront views regarding the dynamics of law and the way national laws meets national legal requirements and to create a collective of teachers to meet the needs of the legislative forum of our country for consultations in order to develop legislation drafts.

3. Academic career development

3.1. University teaching activity

I intend to continue professional development in law and in particular in the field of labor law.

For the teaching activities I intend to use modern teaching methods in order to stimulate the students, master students and doctoral students to actively participate in those activities.

I will constantly be concerned with knowing the legislative changes in the field, to correctly inform the students about the regulations applicable to the two areas of law (labor law and social security law); I will also continue to study current publications of authors from specialised national and international literature in the field of labor and social security law, civil procedural law, intellectual property law and civil law.

3.2. Coordinating scientific research initiated by MA / PhD / students

I consider that the professional experience and all the scientific and practical accumulations allow me to coordinate the research activity of master / doctoral students in the training field of the undersigned.

The quality of doctoral supervisor gives me the opportunity to share the teaching experience I gained in over 15 years of teaching career and practice in the legal field and central public administration at ministry and government's general secretariat level.

The teaching career of the undersigned was done in an ascending process, structured on three levels of training:

- Initially, during the period 2000-2002 I conducted teaching activities of guidance for the groups and subunits of students of the Police Academy "Al. I. Cuza";

- Since 2002 I started the academic career, then ascending gradually from graduate assistant to assistant, then lecturer and associate professor;

- Since 2007, acting - first as a lecturer and later as an associate professor, I conducted teaching activities in masters programs, postgraduate courses or membership in committees for license / dissertation exams, gaining the necessary teaching experience for the postgraduate guidance activities.

I believe that the professional maturity and level of theoretical and practical training allow me to contribute to the development of postgraduate training – through doctoral studies – for the specialists in the legal field.

PhD Associate Professor COSMIN CERNAT