Continuation of the Employment Relationship of the Teaching and Research Staff in Higher Education in Romania After the Fulfillment of the Retirement Conditions

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Abstract

Objectives of the study: Law no. 360/2023, provides in art. 46 para. (2) that the persons insured in the public pension system and who meet the conditions for enrollment in the pension may choose between granting the old-age pension and continuing the activity, with the annual agreement of the employer, until the age of 70. Therefore, an employee can continue the employment relationship with the employer as long as he wishes to do so, there is the employer's agreement for the continuation of the employment relationship and the employee does not open his right to retirement. If, however, the employee requests and obtains the old-age pension, it is understood that he does not want to continue the activity. The natural consequence of this state of affairs is the legal termination of the employment contract, and it is not possible to continue an existing employment relationship, regardless of whether the pension is in payment or nottag. In turn, Law no. 199/2023[2]*, which is a special normative act on the analyzed field, provides that "teaching and research staff retire at the age of 65. At the request of the teacher, the status of tenured teacher may be maintained until the end of the academic year in which he/she reaches retirement age." The difference in nuance between the two normative acts can be observed, in the sense that while Law no. 360/2023 explicitly provides for the criteria regarding the "fulfillment of the conditions for enrollment in retirement", in other words the cumulative fulfillment of the standard age condition but also of the minimum internship condition, Law no. 199/2023 only stipulates that "teaching and research staff retire at the age of 65". Research methods used: in this documentation we used the analytical method and the synthesis method. Results and implications of the study: therefore, according to the law on higher education, the priority for the retirement of teaching and research staff is only the criterion of age, not of internship. It is obvious that we are talking about a loophole of the law, because in the situation provided by the higher education law, in relation to the requirements imposed by law no. 360/2023, we cannot talk about a retirement of teaching and research staff without meeting the criterion of minimum contribution period. This is because, on the one hand, these categories of personnel are also insured in the public pension system (therefore they do not benefit from special pensions) and on the other hand, it is discriminatory in relation to the other categories of personnel referred to in this normative act, namely the teaching/research teaching staff and the auxiliary teaching/research staff, where the minimum internship condition and the standard age condition of 65 years are also provided for retirement. The study concludes with the advancement of a proposal for a ferenda law to amend this article.*

Keywords: *continuing employment relationship, teaching and research staff, public pension system.*

JEL Classification: K31, K39

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1. General normative framework regarding the continuation of the employment relationship for a person insured in the public pension system

Law no. 360/2023[3] provides in art. 46 para. (2) that the persons insured in the public pension system who meet the conditions for enrollment in the pension, i.e. the standard retirement age and the minimum contribution period, may choose between granting the old-age pension and continuing the activity, with the annual agreement of the employer, until the age of 70. One of the cases for which an existing individual employment contract is terminated by law is the one provided for in Article 56, paragraph 1, letter c) of the Labor Code[4], respectively *"on the date of cumulative fulfillment of the standard age conditions and the minimum contribution period for retirement or, exceptionally, for the employee who opts in writing for the continuation of the execution of the individual employment contract, within 30 calendar days prior to the fulfillment of the standard age conditions and the minimum contribution period for retirement, at the age of 65; on the date of communication of the pension decision in the case of the third degree disability pension, partial early pension, early pension, old-age pension with reduction of the standard retirement age; on the date of communication of the medical decision on the work capacity in the case of disability of the first or second degree"*. By Law no. 93/2019,[5] art. 56 of the Labor Code was supplemented with para. (4) according to which*, "based on a request made 30 days before the date of cumulative fulfillment of the standard age conditions and the minimum contribution period for retirement and with the approval of the employer, the employee may be maintained in the same position for a maximum of 3 years above the standard retirement age, with the possibility of annual extension of the individual employment contract"*. Therefore, an employee insured in the public pension system can continue the employment relationship based on the same employment contract, based on a request made 30 days before the date of cumulative fulfillment of the standard age conditions and the minimum contribution period for retirement, and of course, with the employer's approval.

Without this agreement from the employer, the employment relationship cannot continue. The employer is free to express or not this agreement and in case of refusal to accept the continuation in the position, this option cannot be interpreted as abusive or the result of discriminatory treatment. However, the employer's right to refuse the employee's request is not discretionary, and an employee can file a complaint with the court if he is convinced that he is able to prove the bad faith of the respective employer[6]. In the situation where there is a discriminatory treatment, the rules of probation specific to this field may be applied, and evidence may be requested and administered according to art. 27 para. (4) of G.O. no. 137/2000[7]. On the other

[3] Published in the Official Gazette number 1089 of December 4, 2023.

[4] Republished pursuant to art. V of Law no. 40/2011 for amending and supplementing Law no. 53/2003 - Labor Code, published in the Official Gazette of Romania, Part I, no. 225 of March 31, 2011, giving the texts a new numbering.

[5] Published in the Official Gazette number 354 of 8 May 2019.

[6] Ion Traian Stefanescu, „Despre înţelesul raţional al art. 56 alin. (4) din Codul muncii" („On the rational meaning of art. 56 para. (4) of the Labor Code"), *Dreptul* no. 8/2019.

[7] Republished in the Official Gazette no. 166 of 7 March 2014. For example, the employee is denied consent based on gender criteria, a certain nationality or minority of any kind, membership in a trade

hand, it is also possible that the employer keeps the employee in activity even if he does not make the request within 30 days before the date of cumulative fulfillment of the standard age conditions and the minimum contribution period, of course provided that he has not requested the opening of the pension right[8] and has obtained the status of pensioner in the public pension system.

Returning to the solution introduced by art. 46 para. (2) of Law no. 360/2023, this amendment allows the employee to remain in activity until the age of 70, at his request and of course with the annual agreement of the employer, *without setting any deadline for formulating the request.*

In the light of these special regulations, I consider that an employer should not be bound by a certain deadline for not expressing its agreement to keep an employee in employment, since he, on the one hand, cannot be obliged to express such an agreement, and on the other hand, he cannot be prevented if the parties wish to maintain the employment relationship after the date of reaching the standard age of retirement.

However, the employee's desire (materialized by the request addressed to the employer) to continue the employment relationship is essential. From a procedural point of view, this possibility of keeping an employee in activity after reaching retirement age is essentially an advantage for the employer, since he can keep the employee under the old individual employment contract, with the following advantages: both the conclusion of a new employment contract and its termination presupposes compliance with certain requirements whose violation may engage the legal liability of the guilty party.

An additional argument for keeping the employee in activity under the old individual employment contract is the fact that it will be much easier for the employer to terminate this employment relationship in the event of a dismissal, for example, because he has at hand the possibility to appeal to a cause for termination of the employment relationship by no longer expressing his annual agreement. Of course, here too, a nuance is required in the sense that for the male employee the legislator provided that there is only *the possibility* of remaining in activity until the age of 70, unlike the female employee, who has the *right* to be kept in activity until the age of 65[9], to which the employer cannot oppose.

Subsequently, after reaching the age of 65, for the female employee this right is also transformed into a possibility of maintaining activity until 70 years of age, according to art. 46 para. (2) of Law no. 360/2023. Finally, if it is not desired to keep an employee in activity under the conditions set out above, a new individual employment contract may be concluded, for a fixed period, and its termination will be carried out in accordance with the provisions of art. 56 para. (1) letter i) of the Labor Code. In this case, the employer cannot be obliged to keep the employee in activity even under the conditions of art. 56 para. (4) of the Labor Code and of art. 46 para. (2) of Law no. 360/2023. It is obvious that art. 46 para. (2) of Law no. 360/2023 provides

union organization, etc. Discrimination on the basis of age is also possible compared to an employee in a similar situation, given that one is refused the agreement and another is approved to continue the employment relationship.

[8] At the competent Pension House.

[9] According to art. 56 para. (1) letter c) of the Labor Code.

for an option between granting the old-age pension and continuing the activity, which means that after the employee has requested the continuation of the activity and the employer has agreed, *he cannot apply for and obtain the old-age pension by continuing the employment relationship.* But what happens to an employee who can retire in the public pension system earlier than reaching the standard age of 65, because he has benefited from working conditions[10] for which the reduction of the standard retirement age is granted? Can he still continue the employment relationship?

Here too, the solution is nuanced, in the sense that, if the employee requests and obtains the old-age pension with the reduction of the standard retirement age, it is understood that he does not want to continue the activity, the consequence being the legal termination of the employment contract, and it is not possible to continue the existing employment relationship. In this regard, the provisions of art. 19 para. (2) letter c) of the Norms[11] for the application of Law no. 360/2023, which does not give the possibility to the respective employee to cumulate the old-age pension with the continuation of the activity[12].

However, the situation is different if the respective employee, who, even if he benefits from working conditions for which the standard retirement age is reduced, does not request the opening of the pension right (he does not take advantage of this benefit), meaning that he can opt to continue the activity under the conditions of art. 46 para. 2 of Law no.360/2023[13]. In the public sector, for a position that has become vacant as a result of the non-continuation of the employment relationship of the incumbent under the conditions set out above, his/her occupation within public institutions and authorities and at other budgetary units may be done only through competition or examination.

2. The special normative framework imposed by the law on higher education

Regarding the retirement of teaching and research staff in higher education, Law no. 199/2023, the law on higher education, represents the special normative framework, which derogates from the common law provisions of the Labor Code.

We note, however, that this normative act speaks about *the retirement* of teaching and research staff in higher education, while the Labor Code provides in Article 56, paragraph 1, letter c of the Labor Code[14] *a case of legal termination* of an individual employment contract, respectively *"on the date of cumulative fulfillment of the standard age conditions and the minimum contribution period for retirement or, exceptionally, for the employee who opts in writing for the continuation of the*

[10] For example, special conditions for which the retirement age is reduced by 6 months and 4 months respectively.
[11] Published in the Official Gazette number 171 of March 1, 2024.
[12] With the annual agreement of the employer, until the age of 70.
[13] In this regard, see Civil Decision no. 292 of November 18, 2024 of the Court of Appeal of Constanta, Civil Section I; Civil Decision no. 3743 of November 14, 2024 of the Court of Appeal of Alba Iulia, Civil Section I.
[14] Republished pursuant to art. V of Law no. 40/2011 for amending and supplementing Law no. 53/2003 - Labor Code, published in the Official Gazette of Romania, Part I, no. 225 of March 31, 2011, giving the texts a new numbering.

execution of the individual employment contract, within 30 calendar days prior to the fulfillment of the standard age conditions and the minimum contribution period for retirement, at the age of 65; on the date of communication of the pension decision in the case of the third degree disability pension, partial early pension, early pension, old-age pension with reduction of the standard retirement age; on the date of communication of the medical decision on the work capacity in the case of disability of the first or second degree".

From a practical point of view, the retirement of an employee involves going through certain stages, not being similar to the legal termination of an employment contract.

In order to acquire the status of pensioner, the applicant must constitute the pension file, then it is submitted to the territorially competent pension fund, the analysis of the submitted documents and the issuance of the retirement decision when the conditions for acquiring the status of pensioner are met.

There is also the possibility that following the analysis of the submitted retirement file, the retirement decision will not be issued because the conditions imposed for acquiring the quality of pensioner are not met.

Thus, according to Article 56 letter c) of the Labor Code, the legal termination of an individual employment contract occurs on the date of cumulative fulfillment of the standard age conditions and the minimum contribution period for retirement. The standard retirement age is 65 years for both men and women[15]. Reaching this age is achieved by increasing the standard retirement ages, according to the staggering provided in Annex no. 5 of Law no. 360/2023. The minimum contribution period is 15 years, both for women and men.

Regarding the retirement of teaching and research staff, Article 219 of the Higher Education Law provides that they *"retire at the age of 65."* If the teacher reaches the age of 65 during the academic year, at his request, the quality of tenured teacher can be maintained until the end of the academic year in which he reaches the retirement age.

Analyzing the retirement conditions provided by the two normative acts, we notice that, in comparison with the provisions of the Labor Code, which explicitly stipulates that the institution of the legal termination of the individual employment contract regulated by art. 56 of the Labor Code is based on the existence of a right to a pension[16], Law no. 199/2023 on higher education provides that teaching and research staff retire at the age of 65. The difference between the two regulations is obvious, in the sense that while the Labor Code speaks of cumulative age and internship conditions, *the higher education law does not provide for the fulfillment of cumulative or additional conditions, but only the age condition of 65 years.*

This means that if, according to the Labor Code, the standard age condition or the minimum internship condition is not met, *the employment contract cannot be terminated by law.* On the other hand, for teaching and research staff, this minimum internship condition is not required, meaning that the determining criterion for retirement is the age criterion, respectively the age of 65.

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[15] Art. 47 of Law no.360/2023.

[16] A right in the absence of which the employer cannot ascertain the legal termination of the individual employment contract.

What happens if the teaching and research staff concerned has not completed the minimum contribution period of 15 years? Can he still be retired as provided by Article 198, in the sense that the respective norm is a mandatory one?

And here it must be qualified, in the sense that, if, according to the Labor Code, upon fulfilling the two conditions (age and minimum internship) the employment contract terminates by law, regardless of the will of the parties, in the situation imposed by the special rule of Law no. 199/2023, the employment contract does not terminate by law, *but only the legal premises are created for the teaching and research staff to be able to open their right to a pension.*

As mentioned above, the opening of the pension right involves going through stages, unconditional for a certain period of time. We cannot speak of the pension, as a mandatory provision, in the sense of what is provided by art.219 ".... *retire at the age of 65", as* long as the conditions for acquiring the status of pensioner are not met. The pensioner is the person who benefits from one of the categories of pensions[17] provided by the law on the public pension system. You cannot be a pensioner according to Article 219 of Law no. 199/2023 if you have only met the age criterion (65 years old) and do not have the minimum contribution period, just as you cannot be a pensioner according to Law no. 360/2023 if you have met only the age condition or only the internship condition. Teaching and research staff *are also insured in the public pension system* and will benefit from one of the pensions provided for by Law no. 360/2023.

Teaching and research staff do not benefit from "special pensions", based on pension systems that are not integrated into the public pension system, with separate mechanisms for quantifying the more advantageous pension, and then the non-imposition of a minimum internship condition for retirement will inevitably lead to the impossibility of opening the pension right[18]. If the condition of minimum contribution period by teaching and research staff is not met, *it is obvious that they cannot retire and their employment contract cannot be terminated by law*. As long as the current regulation does not explicitly provide that teaching and research staff terminate their employment contract by right upon reaching the age of 65 and the completion of the minimum contribution period, it remains a possibility within their reach to open their right to a pension (if they also meet the minimum internship condition) and not an obligation.

Specifically, Article 219 provides that *"Teaching and research staff retire at the age of 65. At the request of the teacher, the status of tenured teacher may be maintained until the end of the academic year in which he reaches the retirement age".*

According to the provisions of Article 198 of the Law on Higher Education, *"the staff in higher education is made up of teaching staff and administrative staff in education."*

The category of teaching staff includes *teaching/research teaching staff and auxiliary teaching/research staff* from higher education institutions, university libraries, central university libraries and university sports clubs. For the purposes of the law, teaching/research teaching staff means staff who legally hold one of the university

[17] Respectively the old-age pension; early retirement; disability pension; survivor's pension.

[18] In other professional categories, the age criterion and the minimum contribution period criterion are not required to be met cumulatively, but only the criterion of seniority in service is sufficient, age not being essential.

teaching or research positions provided for by Law 199/2023. Also, the teaching/ research teaching staff must belong to a higher education institution and must carry out teaching and/or research activities. Another classification of the teaching staff takes into account the criterion of the employment relations established with the higher education institution, a criterion according to which the teaching staff can be tenured[19] or associated. In relation to the participation in the teaching process and the degree of professional training, the teaching staff can be: teaching staff, research staff and auxiliary teaching staff.

From a first point of view, I consider that the wording of Article 219 is deficient in terms of accepting the thesis that upon reaching the age of 65 there is the legal termination of the individual employment contract of the teaching and research staff with the consequence of retirement. Even if Law no. 199/2023 uses the retirement term in art. 219, I consider that it is not equivalent to the legal termination of the employment relationship in relation to art. 56 para.1, letter c), because the norm is not applied by analogy and the provisions of art.56 para.1 letter c) of the Labor Code are strictly applicable for the situations and conditions expressly provided for by the Labor Code. Both the provisions of the Labor Code and those of Law no. 360/2023 provide for cumulative conditions (age and internship) for acquiring the quality of pensioner. Then, in another aspect, the second sentence of Article 219 regulates the hypothesis according to which, at the request of the teacher (but the research staff are omitted), the status of tenured teacher can be maintained until the end of the academic year in which he reaches the retirement age.

And here we have a nuance, in the sense that the law distinguishes only with regard to the *maintenance of the status of tenured teacher* (of course at the initiative of the person concerned because he makes the request to remain in this capacity) until the end of the academic year in which he reaches retirement age. However, nothing prohibits him or her and cannot condition the right of the respective teacher to continue his or her activity in higher education, *as an associate teacher*[20]. Obviously, the continuation of the activity on his part must be subscribed to a request from the "holder". The refusal to continue the activity can be considered at least discriminatory in the event of assimilating Article 219, paragraph 1 with that of the legal termination of the individual employment contract and in the light of the provisions of Article 219 paragraph 5 which provide that *"The auxiliary teaching staff shall retire at the time of fulfilling the conditions regarding the standard retirement age and the minimum contribution period, provided by Law no. 360/2023 on the public pension system. Upon request, the auxiliary teaching staff may continue their activity until the end of the academic year in which they reach retirement age."*

Thus, if for auxiliary teaching staff both conditions are required to be met, i.e. both age and internship[21] in order to benefit from a pension, for teaching and research staff only the age condition is required, given that the category of teaching staff also

[19] Tenured teaching staff means the teaching staff who occupy a teaching position in a higher education institution, obtained through competition, for an indefinite period, as well as the teaching staff maintained in the teaching position, according to the provisions of art. 219 para. (3). Tenured teaching staff is also the teaching staff who benefit from job reservation, under the conditions of the law. Teaching and research staff employed for a fixed period have the status of associate teaching and research staff.

[20] According to art. 200 of Law no.199/2023.

[21] Similar to any other employee insured in the public pension system.

includes *teaching/research staff and auxiliary teaching/research staff.*

Obviously, here too we have an escape from the law, a gap that cannot be interpreted in a discriminatory way and that would disadvantage the category of teaching staff in relation to that of teaching staff and auxiliary research staff.

On the other hand, certainly the teaching and research staff who do not have a minimum internship of 15 years, will not benefit from a pension in relation to the auxiliary teaching staff or an employee outside the system, who have contributed for a period of at least 15 years to the public pension system. Basically, the right to work is limited to the category of teaching and research staff, given that they are also insured in the public pension system and the conditions for retirement must be the same as in the case of all insured persons in this public system. Discriminatory would be the solution of legal termination of the individual employment contract only on the criterion of age (as provided for in Article 219 paragraph 1 in the current regulation) and in the light of the provisions of Article 2 paragraph (2)(a) of Directive 2000/78/EC[22] establishing a general framework for equal treatment in employment and occupation if the conditions relating to the legitimate aim and the appropriate and necessary means for achieving the aim[23] laid down in Article 6 of the Directive are met.

Of course, a proportionality of the measure of legal termination of employment relationships can also be supported by the fact that the rights of older workers are not excessively affected, since they are entitled to an old-age pension, but only when they meet the conditions imposed by the legislation (all the conditions, not only the age condition as in our case) to retire. A possible reduction in the amount of the pension is not capable of affecting the proportionality of the measure terminating an individual employment contract, *but a termination of an employment contract on the age of 65 when the teaching staff does not also meet the condition of a minimum contribution period, is disproportionate and unjustified by an objective and legitimate aim within the meaning of the directive.*

As long as the legislation in force of our state allows you to continue the employment relationship until the age of 70, the mere completion of the age of 65 without having fulfilled the minimum contributory period must not lead to the termination of an employment contract of the teaching and research staff in higher education. Also questionable is the claim of an author according to which "national *law regulates protection measures for people who do not earn income, establishing, for example, the right to a minimum inclusion income[24], we can consider that the lack of the right to a pension, by itself, is not decisive for that the legal termination of the employment relationships of the teaching and research staff in university education is considered inadequate, respectively discriminatory on the basis of age"[25],* for the

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[22] Published in the Special Edition of the Official Journal number 0 of January 1, 2007

[23] That is also the case with the CJEU judgment of 26 September 2013 in Case C-388/08 Age Concern England v. SECRetary of State for Business, Enterprise and Regulatory Reform, paragraph 63, OJ C 102, 1.5.2009, p. 6.

[24] According to Law no. 196/2016 on the minimum inclusion income, published in the Official Gazette with number 882 of November 3, 2016.

[25] Elena Daniela Oprescu, „Încetarea de drept a contractului individual de muncă al personalului didactic din învățământul superior. Compatibilitatea art. 219 alin. (1) din Legea nr. 199/2023 cu Directiva 2000/78/CE" („Termination of the Individual Employment Contract of the Teaching Staff in Higher Education. The compatibility of art. 219 para. (1) of Law no. 199/2023 with Directive 2000/78/EC"),

following reasons:

- as stipulated in Article 1 of Law no. 196/2016, *"the provisions of this law regulate the minimum inclusion income, social assistance benefit granted to families and single persons in difficulty, in order to prevent and combat poverty and the risk of social exclusion."* Or, the situation of difficulty, as defined by the respective normative act, is the situation in which the persons who, at a certain moment, during their lives, due to socio-economic reasons, health and/or resulting from the social living environment, *have lost or have been limited their own capacities for social integration.*

- in the situation of teaching and research staff in higher education who have reached the age of 65 but have not completed a minimum period of 15 years of contribution, we cannot speak of socio-economic, health and/or social causes resulting from the social living environment[26], *causes that would be able to lead to the loss or limitation of their own capacities for social integration.* Reaching the age of 65 must remain an option of teaching and research staff to terminate the individual employment contract and not an obligation (or right) on the part of the employer to terminate the employment relationship with teaching and research staff in higher education.

3. Conclusion

In the situation of assimilating Article 219 paragraph 1 with that of a legal termination of the employment contract for teaching and research staff and acquiring the quality of pensioner at the age of 65, limits the right to work for this category and is discriminatory in relation to auxiliary teaching staff or an employee outside the system, where they are also required to meet the minimum contribution period condition.

In the event that he/she has reached the age of 65 and has not fulfilled the condition of *minimum contribution period,* the university senate of state, private and confessional higher education institutions should decide favourably so that any teaching or research staff in such a situation can continue the activity[27] at least until the minimum contribution period is met.

And from the point of view of the existing normative framework, this is possible and should not be conditional, as long as paragraph 2 of Article 219 provides that the University Senate may decide to continue the activity of a teaching or research staff *after retirement*, based on a one-year fixed-term contract, with the possibility of annual extension according to the university charter, *no age limit.*

Both the provisions of the common law and those of the special laws condition the legal termination of the employment relationship to a *pension right,* and as long as an insured person in the public pension system does not meet the cumulative conditions (age and internship) to be entitled to a pension, he cannot be forcibly "retired" only because he has reached the age of 65. The imposition of the age criterion, in the sense of reaching the age of 65, as the only and sufficient condition for the retirement of teaching and research staff is discriminatory and does not justify a

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[26] Obviously, the lack of the minimum contribution period is not among these causes.

[27] Based on the same individual employment contract until the age of 70, and after this age, the extension of the individual employment contract should no longer be an obligation but only an option of the employer.

legitimate aim for a difference in treatment either in comparison with auxiliary teaching/research[28] staff or with any other employee who is a pensioner in the public pension system.

Judiciously and objectively, this time, the author's claims that *"given that the legislator has not indicated the reason why the conditions for the legal termination of the employment relationships of teaching and research staff must be different from those applicable under ordinary law, respectively according to the specific provisions of certain professional categories, and these reasons are not obvious in the context of national law, We conclude that there is no reasonable justification for the different treatment established by art. 219 para. (1) of Law no. 199/2023"*[29], are pertinent and correct in relation to the general legislative framework specific to employment relations.

Also, the proposal for a ferenda law for the amendment of paragraph 1 of Article 219 from the respective author is timely and welcome, but I believe that the condition of maintaining the status of holder until the end of the academic year in which he reaches retirement age should be excluded and, also, without classifying as an exceptional situation the failure to meet the internship condition for the continuation of the existing employment relationship.

Thus, I propose an amendment to paragraph 1 of Article 219 to the following effect: *"(1) The teaching and research staff shall retire on the date of cumulative fulfillment of the standard age conditions and the minimum contribution period for retirement. At the request of the teacher, the status of tenured teacher shall be maintained until the end of the academic year in which he/she meets the conditions for retirement."*

Bibliography

1. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, OJ L 303, 2.12.2000.
2. Government Ordinance (G.O.) no. 137/2000 on the prevention and sanctioning of all forms of discrimination, published in the Official Gazette no. 166 of 7 March 2014. Republished pursuant to art. II of the Government Emergency Ordinance no. 19/2013 for amending and supplementing the Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, published in the Official Gazette of Romania, Part I, no. 183 of 2 April 2013, approved with amendments and completions by Law no. 189/2013, published in the Official Gazette of Romania, Part I, no. 380 of June 27, 2013, giving the texts a new numbering.
3. Higher Education Law no. 199/2023, published in the Official Gazette no. 614 of July 5, 2023.
4. Law no. 196/2016 on the minimum inclusion income, published in the Official Gazette no. 882 of November 3, 2016.
5. Law no. 360/2023 on the public pension system, published in the Official Gazette number 1089 of December 4, 2023.
6. Law no. 53/2003, the Labor Code, republished pursuant to art. V of Law no. 40/2011 for amending and supplementing the Labour Code, published in the Official Gazette of

[28] From higher education institutions, university libraries, central university libraries and university sports clubs.
[29] Oprescu Elena Daniela, *op. cit.*

Romania, Part I, no. 225 of 31 March 2011, giving the texts a new numbering.
7. Oprescu, Elena Daniela, „Încetarea de drept a contractului individual de muncă al personalului didactic din învăţământul superior. Compatibilitatea art. 219 alin. (1) din Legea nr. 199/2023 cu Directiva 2000/78/CE" („Termination of the Individual Employment Contract of the Teaching Staff in Higher Education. The compatibility of art. 219 para. (1) of Law no. 199/2023 with Directive 2000/78/EC"), *Dreptul* no. 3/2025.
8. Rules for the application of Law no. 360/2023, published in the Official Gazette number 171 of March 1, 2024.
9. Stefanescu, Ion Traian, „Despre înţelesul raţional al art. 56 alin. (4) din Codul muncii" („On the rational meaning of art. 56 para. (4) of the Labor Code"), *Dreptul* no. 8/2019.