

LABOR MARKET, PROFESSIONAL TRAINING OF THE EMPLOYER AND DISABLED PEOPLE

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Abstract:

The presented material addresses in an etiology of the notion of the labor market, the main functions as well as the principles that govern its activity as well as the connection between the labor market and the state. They will also be presented concisely.

The labor market, like any other market, is a social institution with limits and imperfections, its functioning being dependent on other social institutions, restrictions of the economic environment, mentalities, or behaviors of economic agents. Within this market, seen as a system of social structures and processes, economic services of a technical, organizational, informational nature or, in another sense, are evaluated, then sold, and rented; the services offered by individuals are evaluated and then rented.

The main aspects regarding the professional training of the employee and the disabled will also be presented in a concise manner.

Keywords: *labor market, principles of functioning of the labor market, characteristics of the labor market, vocational training, people with disabilities.*

1. Labor market

1.1 Definition

In accordance with several definitions given by specialized literature, the labor market is the place where supply and demand meet. According to economic theory, this is not an actual place but a self-adjusting mechanism of the interchange. [1, 111]

Some authors believe that the labor market is an economic space where transactions are made between capital holders as buyers (representing demand) and workforce holders as sellers (representing supply). The supply and demand of the workforce are adjusted by means of the price of the workforce, the actual salary, and the unhindered competition between economic agents.

Humans being more than merchandise, the labor market has a special place between economic theory and practice; it is the most regulated market. As a derivative market, the other markets influence it and, at the same time, has an effect on all socio-economic fields. [2, 15]

There are several types of markets: the market of goods and services, the market of capital, the market of national resources, and the labor market. They act simultaneously, effectively ensuring the functioning of the social and economic mechanism and the regulation of its process and frequency. [3, 19]

The labor market, like any other market, is a social institution with limits and imperfections, its functioning depending on other social institutions, on the restrictions of the economic environment, on the mentalities and behaviors of economic agents.

According to several authors, the labor market is a system of social structures and processes that first evaluate, mediate, then sell, and purchase economic services of a technical, organizational and informational nature and, in another sense, the services offered by individuals as work or labor force are evaluated and rented. [4, 3]

1.2 The functions of the labor market

The labor market has important functions, one of them being the productive function, which ensures the meeting of the workforce with the production means that are owned by economic agents.

Another function of the labor market is the distributive one. It takes part in social production through market mechanisms, establishes and distributes the income of every economic agent involved not only in the remuneration of the labor force but also in the other production factors.

The social function is also a function of the labor market. It ensures jobs, improves the quality and security of the work environment, and ensures the social protection of the unemployed and the disadvantaged workforce categories.

The last function of the labor market is the educational and training one, which takes care of the reconversion and requalification and continual training of the workforce. This ensures its mobility, flexibility, and efficiency, resounding heavily both from an economic and social point of view.

1.3 Functioning principles

The labor market is based on the auctioning principle where workforce bidders compete for an existent workplace and employers try to attract and keep the bidder's offers.

According to the definitions mentioned above, it can be seen that the notion of the labor market is simplified and purely scientific, the correct one being the labor force market. Since what it offers for capitalization is not labor, human activity, or its result but the workforce (as a human resource) that performs the labor. [5, 217]

The labor market is comprised of two elements – labor supply and demand. Their confrontation forms the labor market.

The demand for workforce represents the need for paid labor that exists at a certain time in order for the activities of employers to be optimally carried out.

The employer's demand is taken into account based on his duties and the duties attributed by his object of activity.

Labor supply is represented by the labor that members of a society can perform as employees. The labor supply does not include housewives, pupils under 16 years of age, students, military people, people who perform non-wage able activities, or people who refuse to be employed.

In what concerns the labor supply for the employer, it takes into account the work schedule, the amount of overtime, social and labor conditions, employees' needs, and interests as well as the general economic situation at a certain time.

The confrontation between supply and demand within the employer also establishes the amount and dynamics of the nominal salary.

The main tendencies of the labor market are compared to the average salary resulted both from collective and individual negotiation.

1.4 Specific elements and characteristics

As opposed to the other markets that deal with certain categories of material goods and values, the labor market is centered on humans as possessors of physical and intellectual aptitudes, which are components of their labor potential. The individual is mainly a social being not just a production factor who, apart from his existential needs, has a certain value and personality, is conscious of their role in society and family, and is passionate about their job or profession.

Furthermore, according to the Declaration of Philadelphia, enforced by the General Conference of the International Labor Organization of the 10th of May 1944, labor is not merchandise. [6]

The fact that any market functions because of the individual, so because of the use of the labor force, must be taken into account.

The use of the workforce is based on the closing of labor agreements, including state service based on the nomination, confirmation, and election act, on participating in associations. [7, 17]

Among the elements that are specific to the labor market, the specialized literature mentions the following:

- it is an organized and regulated market;
- it is the most sensible;
- the confrontation between supply and demand on the labor market takes place under the interference of state powers (legislative, executive, and judicial);
- it is a contractual market where negotiation and agreement are fundamental instruments for the regulation of the supply and demand of the workforce;
- it has a certain predisposition to conflict, something that determines a fragile balance. [8, 208]

The labor market is characterized by a predisposition to conflict. It cannot exist outside judicial norms that organize and establish the supply and demand of workplaces.

For the well functioning of the labor, the market state's intervention is needed in order to stimulate employment and to enforce the keeping of the special judicial laws and of the employees' rights.

The state interferes in multiple ways to correctly influence the labor market, namely by providing qualification and professional development courses, by mediating labor through individual acts of employment, by contributing to the payment process of the employee by the employer as well as by punishing illegal employment.

The concepts with which the labor market operates in order to define, establish, and evaluate are: [9, art. 5]

Employer - judicial person or individual who offers employment in accordance with the law;

Workplace – the place where the remunerated activity is performed and where the judicial and labor relations materialize;

Person searching for employment – a person who is taking steps in order to find employment by his own means or by registering at the employment agency or any other accredited employment supplier;

Unemployed person – a person who simultaneously meets the following criteria:

- is looking for employment since the age of 16 until meeting pensioning conditions;
- has an adequate mental and physical state and capacity for employment;
- is not employed, has no income, or has an income obtained through authorized activities that are lower than the value of the social reference indicator of insurance for unemployment and the stimulation of employment in force;
- is available for employment immediately if employment is to be found;

Registered unemployed person – a person who meets the aforementioned conditions and is registered at the Employment Agency on the managerial territory on which he resides or to any other provider of employment that functions according to the law in order to be employed;

Long term unemployed person – a person who is unemployed for more than 12 months in the case of people of at least 25 years of age and for 6 months for people between the ages of 16 to 25 years;

The young person with a risk of social marginalization – people with ages between 16 and 26 years that meets the condition of section IV, is registered at the Employment Agency on the managerial territory on which they reside and falls under one of the following categories:

- are or are coming from the child protection system;
- are disabled;
- do not have a family or their family cannot support them;
- have children to support;
- have had one or more imprisonments;
- Are the victims of human trafficking.

NEET youth – people of ages between 16 and 25 years, who are unemployed, do not go to school, and do not participate in professional training activities;

Employed population – includes all people that are performing paid socio – economic activities;

Active population – both employed unemployed people;

The unemployment rate is the report between the number of unemployed people who are registered at the National Employment Agency and the active population;

Measures for stimulating employment are those measures that support people in search of employment and that especially encourages the unemployed to gain employment.

The social indicator reference of insurances for unemployment and the stimulation of employment (also named social reference indicator) – the unit expressed in lei to which are reported the monetary performances paid from the unemployment insurance budget that is granted in order to both ensure the protection of people under unemployment insurance system and to encourage the unemployed to obtain employment as well as employers to hire people looking for a workplace.

The labor market cannot exist outside certain judicial reports that give it the authority to organize the supply and demand of employment. Its functioning requires the state's interference especially in what concerns the stimulation of employment and the keeping of both the judicial norms of the field and employees' rights. [10, 153]

1.5 The relations between the labor market and state

The labor market designates the confrontation between the supply and demand of labor during a certain period and within a certain geographical space, which usually concludes with employment through an individual labor agreement.

The operations for regulating the supply and demand of labor mainly refers to the estimation and evidence of offer or labor demand, orientation, recruitment, and engaging the labor factor within the system of public institutions which operate on different labor markets, the organization of labor and the use of the labor factor, the duration of labor and arrangement of working hours, professional orientation, training and reconversion, diversification of means and ways of employment and labor protections, the quality of labor (labor conditions and hygiene), salary methods and systems, social protection of the unemployed, collective negotiation, etc.

The labor market holds important functions in the development and functioning process of the national economy in the socio-economic, economic, and educational fields. These are:

- Efficiently assigning labor resources to sections, branches, professions, and territories in accordance with the volume of labor demand. In this case, there are a series of mechanisms at work, both from within the labor market (salary, the difference of wages) and from outside (fiscal policies);
- the effects of training and the division of income;
- the meeting and comparison between the labor factor with the means of production;
- the labor market forms and distributes labor income according to criteria established by normative acts or collective labor agreements;
- the social function takes into account the orientation and formation of the labor climate and the insurance of adequate social protection which targets the abolition of poverty and social polarization;
- The educational function supplies information for professional orientation, requalification, and employment.

According to constitutional provisions, the economy of Romania is a market economy based on unhindered initiative and competition; the state must ensure the liberty of commerce, protection of loyal competition, creation of a favorable environment for capitalizing all production factors, and the application of regional development policies. [11, art. 135]

In accordance with the provisions, the state must ensure a favorable environment for economic development and the existence of freedom of commerce for its citizens. Furthermore, the fundamental law also establishes the state's obligation to take economic development and social protection measures to ensure decent living conditions for its citizens. [11, art. 47]

The fundamental law also provides that labor cannot be hindered. The choice of profession, craft, or occupation as well as of the workplace is unhinged. [11, art. 41] The freedom of labor consists of the liberty to work on one hand and the liberty not to work on the other.

The liberty to work implies the right to choose the activity and the workplace; it forbids any kind of discrimination and ensures equality of chance both for employment and for promotion within the workplace.

The liberty to work takes into consideration the right to refuse work, the right to terminate a work relation, the employee having the possibility to terminate an individual labor agreement, with some exceptions.

An important role within the market economy is held by the international judicial norms, which state that every person has the right to work, to freely choose their work, to equitable and satisfactory working conditions as well as protection against unemployment. [12, art. 23]

This declaration emphasizes that a person can freely choose future work according to their expectations, without being restrained.

Likewise, one of the conventions of the International Labor Organization [13] refers to the active policy of employment by approaching aspects regarding the stimulation of economic growth, the improvement of living conditions, the satisfaction of the needs of the labor force, and the solution of the unemployment and underemployment of the labor force. The declarations made during this convention are aiming to elaborate on some active policies for the promotion of free complete and productive employment freely chosen by the work force.

In what concerns the relationship between the state, labor market, and labor relations, we emphasize the important role of the state in keeping unemployment under control and reducing its rate.

The state interferes with labor relations through judicial norms, establishing the general environment for collective negotiation, the stimulation of economic development, and the employment of graduates.

The state's role, through its specialized organs, is to allocate employment and to issue employment permits, to control the keeping of labor legislation, employers' obligations, and employees' rights.

The states interfere in the labor legislation field through general and specific measures regarding those concerned. The state's legal intervention aims for the stimulation of economic development, which gives the state new reasons to get involved in economic activity. [14, 265]

The state can create workplaces by itself by issuing a position within the public field or by encouraging local communities to do so.

Due to the fact that the state's role within the labor market and labor relations is not defined well enough by the doctrine, the state wavers between leaving the labor market alone and enforcing an intervention method limited to certain categories of people or to certain types of lucrative activities.

The first tendency implies that the supply of labor force meets the demand by various means. Thus, those who want a workplace can benefit from it without the state's intervention.

The second tendency implies that the state's intervention is carried out through some well-established general laws; it also takes the responsibility for an eventual imbalance of the labor market.

Thus, it can be said that the labor market is not left unattended; the state has an active role in sustaining the labor force and in the promotion of some workplaces through economic, educational social insurances, etc. policies.

Nowadays the labor market has issues with agricultural employment, the high level of long-term and youth unemployment, the insufficiency of funds and fiscal stimulation measures addressed to employers and employees, and in the field of continuous professional training.

During the past years, some governments try to limit their involvement within labor relations, they being more active during third party consultations.

Within developed countries where the level of social dialogue is higher than that of the enterprise, governments and collective negotiation are on the highest level and continue to have an essential role within the labor market. These countries have preserved the structures of taking relatively centralized decisions where consultation and negotiation frequently interfere. [15,113]

2. Professional training of disabled people

The economic balance of the labor force market approaches the matter from several angles.

A first angle that must be taken into account refers to the structural balance, which deals with the means of distribution of the workforce to sections, branches, activities, professions, and qualifications. This distribution takes place in accordance with the level of technical production and the productivity of labor.

Another angle that must be noted is the functional structure that deals with employment and the growth of labor productivity established by production.

The employer plays an important part in the balance of the labor market. Thus, according to specialized literature, the merchandise market, capital market, and labor market are related. If its producer and the capital by its holder personalize merchandise, the labor force identifies with its possessor and cannot be separated. [16, 256]

The employee, as a workforce holder, cannot be separated from it, cannot stock or substitute it, the offer thusly varying according to the whole population of a profession or field of activity.

The employee is the individual who is bound to perform continuous labor throughout time for and under the authority of an employer, judicial person, or individual, in exchange for wages while keeping the legal dispositions of applicable collective or individual labor agreement and the international regulations.

The full capacity of signing an individual labor agreement is gained at 16 years of age. [17, art. 13, align. 1]

A person can sign an individual labor agreement as an employee since the age of 15, if their parents or legal representatives agree, for activities that are fit for their physical development, skills, and knowledge, if their health, development, and professional training are not endangered. [17, art. 13, align. 2]

For certain jobs, the full capacity to sign an individual labor agreement is granted, by exception, at the age of 18 (administrator, international driver transporting merchandise or people) or at the age of 20 (in the forest field).

Likewise, in order to get better employment, workers often resort to certain courses for professional training.

Professional training is a two stages process: the first one is carried out during school, within the national educational system, and the second one takes place during professional activity.

The second stage, regulated by the labor legislation, is especially important since the technological and scientific processes have greatly evolved fact that determines the need for perfecting, requalifying, and adjusting employees to the new labor conditions.

Professional training can be organized during various periods, according to age and profession.

In what concerns professional training, this can be carried out within the national educational system (initial professional training) or outside it (continuous professional training).

Professional training is a process of continuous learning, of gaining new knowledge, it forms a set of skills that are useful in order to easily adapting to the changing factors of economy and society. [18, 114]

The labor market, through its functions, is strongly involved in this process, especially in the continuous professional training part. This is formed by the main mechanism of labor force supply, of adjusting supply and demand, of influencing the imbalance between the qualification offer of the educational and professional training system and the demand of the productive system, the individual's desires regarding the initial and subsequent professional training. [19, 234]

The population categories that benefit from these qualification classes are the unemployed, the employed people who do not have a qualification, and people who are threatened to be dismissed. The population categories who benefit from qualification classes are established by normative acts.

Professional training can be carried out in many ways, such as:

- by having the employees participate in classes that are organized by the employer within their own headquarters or by the providers of professional training or stages of practice and qualification of national and international institutions; [20, art.10. align.3]
- through stages of professional adjustment to the requirements of the job or workplace, an apprenticeship at the workplace, individual training according to the regulations of the Labor Code;
- through classes, specialized practice stages as well as any other means usually organized by the center's for professional training that function under the territorial employment agencies; [9, art. 5]
- People of ages between 16 to 25 who experience difficulties and risk professional exclusion can benefit from employment from an employer who is approved by the territorial employment agency based on a solidarity agreement; [21, art. 5]

- Likewise, they can also benefit from those legal provisions that aim to support the training of the youth as future managers and administrators by organizing free initiation competitions for management and business administration fields. [22, art. 17, align.4]

The main objectives of professionally training employees are:

- adjusting the employee to the job or workplace conditions;
- acquiring a professional qualification;
- updating knowledge and skills that are specific to a certain workplace and perfecting professional training for the main profession;
- professional reconversion determined by a socio–economic reorganization;
- acquiring advanced knowledge, modern methods, and processes that are necessary for professional activity;
- preventing unemployment;
- Labor promotion and developing a professional career. [17, art. 192]

A national program has been enforced concerning the professional training of disabled people in order to get them employed.

This program aims to increase employment opportunities, the number of disabled people employed through a labor agreement drafted for an unlimited time and the number of people professionally trained for the requirements of the labor market, to develop an informational and consultancy network for disabled people and for economic operators and last but not least to reduce unemployment among disabled people who are not institutionalized.

Disabled people who wish to be employed have access to professional orientation and evaluation free of charge regardless of age or type of disability.

In this regard, any disabled person who is educated and of appropriate age can benefit from professional orientation. Unemployed people, people without professional experience or who, although employed, require professional conversion can benefit from professional integration. [23, art. 73, align.1]

Disabled people who are looking for employment or are employed benefit from: classes of professional training and of reasonable adjustment to the workplace, counseling before and during employment as well as in the trial period by a counselor

that specializes in labor mediation; they also benefit from an exemption of taxes on their salary.

Disabled people who are looking for employment have the right to a paid trial period before employment (of at least 45 working days) a paid notice (of at least 30 working days) granted when the individual labor agreement is terminated by the employer for reasons that do not concern the employee, as well as to the possibility of working less than 8 hours a day in accordance with law if they have a recommendation from the evaluation committee.

Disabled people can be employed according to their professional training and working capacity, certified by the disability certificate issued by the evaluation committee of the county or of Bucharest.

Disabled people who seek employment have the right to enjoy any chance to chose and practice their profession, craft or occupation, to gain employment and professional promotion. [24, 117]

For keeping the aforementioned rights, the public authorities must take the following measures:

- to promote the fact that the employed disabled person is a value to society and to their own community;
- to promote an open, inclusive and accessible work environment for disabled people;
- to make and permanently update a database in order to emphasize the work supply among disabled people;
- to collaborate with the media in order to raise awareness of the potential, abilities, and contributions of disabled people to the labor market;
- to organize, in collaboration with judicial, private, or public figures, projects, and programs for the increase of employment;
- to found and support service bundles comprised of authorized protected units and homes;
- to promote mediation services for disabled people on the labor market;
- to initiate and develop ways of stimulating employers regarding the employment of disabled people;
- to aid by organizing an outlet for the work product of the disabled person;

- to diversify and support social services, namely counseling for the disabled person and their family, informing employers, assisted employment and others;
- To initiate specific programs in order to stimulate the increased participation in the labor market of the groups that risk social exclusion. [23, art.75, alin.2]

According to the level of professional training, regarding employment, people find themselves in one of the following situations: unqualified workers, qualified workers, technicians, master or specialist with higher education. [16, 271]

Based on the mentioned normative acts, the state, through its specialized organs, ensures the necessary institutional organization for professionally training the interested people and supervises this process.

According to professional training programs that ensure initiation, qualification, requalification, perfection, and specialization of people searching for employment, they are carried out by the professional training centers that are subordinated to the employment agencies and are aiming to increase the quality of labor force and to ensure the professional and territorial mobility.

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