

Regular rest periods: Regulations of the labour code

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Working requires rest: this is embedded in the labour code¹ by the Romanian legislative body. This article illustrates in more detail important Romanian regulations on working hours, night work, overtime and rest periods.

Working hours

The normal working hours of a full-time employee amount to 8 hours per day, or 40 hours per week. Normally, this means 8 hours a day for 5 days, followed by a rest period of two days.

The daily working time can be more or less than 8 hours. The arrangement of flexible working time within the 40 hour week is established by means of collective bargaining agreements or internal regulations. The labour code intends to meet the needs for a more flexible working time by approving individualized working hours (flexible working schedule) and giving employees working from home the right to choose their own schedule of working hours.

A working schedule of 12 hours a day must be followed by a rest period of 24 hours.

In 2018, a new employers' obligation to exactly record the time the working hours of every employee begins and ends was introduced.

Overtime

Anything exceeding 40 hours a week is considered overtime. Normally, the maximum number of hours worked in a single week must not exceed 48 hours, overtime included².

Overtime must be compensated within 60 calendar days as of its performance through paid leave. If paid leave is not possible, overtime will be subject to additional remuneration³.

Night work

Night work refers to work performed between 22.00 and 6.00 o'clock. If the employee performs at least 3 hours of his daily working time or 30% of the monthly working time during the night, the employer must take the following into consideration:

- For days with at least 3 working hours a night, the working schedule must be reduced by an hour without altering the remuneration; otherwise the employee is entitled to additional payment.
- The regular working time must not exceed the average of 8 hours per day, over a period of maximum 3 months.

If the employer makes frequently use of night work, he must inform the labour inspectorate thereof.

Rest periods

¹ Labour Code, Law 53/2003

² In order to manage peak periods, derogations are allowed if the average working time in a certain reference period does not exceed 48 hours.

³ At least 75% of the basic salary in addition to the salary per hour.

The rest period is regarded as the time in which no work is performed, including lunch breaks, daily and weekly rest periods⁴.

Employees have the right to **lunch breaks** if their working schedule exceeds 6 hours a day (in the case of underage workers: 4.5 hours). Breaks are not regarded as working time, unless this had been regulated to the contrary by a collective bargaining agreement or the internal regulations.

The **daily rest period** is considered to be the period between 2 working days. It must consist of at least 12 consecutive hours (8 for shift work).

The **weekly rest period** is the time in which the employee does not work at all, which consists of a minimum of 48 linked hours, usually on Saturday and Sunday. If granting this off duty time during the weekend damages the public interest or the activity of the employer, the weekly resting time may also be granted on another two consecutive days, which must be established in the collective bargaining agreement or the internal regulations. In this case the employees concerned have the right to an additional remuneration (the value of which is not established by the law)⁵.

With the authorization of the work inspectorate and the approval of the trade unions or employees' representatives, the activity can continue, as an exception, for 14 uninterrupted calendar days. In this case, the rest period is granted on a cumulative basis, so that after 14 consecutive working days, the employee would have the right to 96 consecutive hours of rest. He also has the right to an additional remuneration which may not fall below 150% of the base salary.

Penalties

Not observing the provision regarding employees' right to rest periods will be sanctioned by the authorities with a fine ranging between 1,500 to 3,000 RON.

Conclusion

Recovering the ability to work helps not only to increase one's productivity, but also health and safety at the workplace; the physical and spiritual wellbeing of an employee is one of the requirements that need to be met for a company to be successful. The labour law provides the above mentioned rules for good reason. The work inspectorate carries out extremely strict controls over working hours and rest periods, so taking notice of the regulations is essential in practice.

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⁴ Vacations are not included here.

⁵ And therefore negotiable.