



NEWSFLASH

Important changes in employment law –making use of them requires action

In July 2021, the Romanian legislator introduced some changes, regarding (inter alia) the electronic signature, the mandatory content of employment contracts, the recording of working time and the abolition of some obligations.

In order to benefit from these improvements, it is partly necessary to create or adapt documents.

Electronic signature

An advanced or qualified electronic signature is now sufficient for the conclusion, amendment, suspension or termination of an employment contract. The previous provisions which additionally regulated (qualified) electronic time stamps and a qualified electronic seal were abolished.

For documents other than those above, a simple electronic signature can also be used if this possibility has been specified in the internal regulations or the collective bargaining agreement.

In our opinion, this can lead to considerable simplifications in practice, so that an adaptation of the internal regulations and/ or collective bargaining agreements is advisable.

Time recording

For employees working from a home office, field staff, as well as for all employees of micro-companies in accordance with Law 346/2014, the way of recording the working time can now be agreed in written between the employer and these employees. This is another action we recommend.

Certain microenterprises do not require internal regulations and job descriptions any more

Micro-enterprises under Law 346/2014 are no longer obliged to use internal regulations and job descriptions. Their obligations are limited to inserting a brief description of the specific tasks in the employment contract. However, upon request of the employee, a written job description remains mandatory.

Content of employment contracts

Two amendments have been included in the legal template for employment contracts.

Thus, employment contracts

- (i) with micro-enterprises pursuant to Law 346/ 2014 must include a brief description of the activity instead of the job description;
- (ii) must generally include a reference to joining a privately run pension fund for employees affected by Law 411/2004.

If applicable, the employment contracts samples used should be adapted for these cases.

If you have any questions, please do not hesitate to contact us.

Sincerely,

The STALFORT Legal. Tax. audit. - Team

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