

Significant changes in Romanian labour law *by Carmen Rădulescu, Avocat (Attorney at law RO)*

As of 22.10.2022, Romanian labour law was significantly amended by Law 283/2022. All employers must observe and, if the case, implement this if necessary. The law transposes European directives.

The most important changes are summarised below:

1. Amendment of employment contracts

New contractual elements have been introduced **that must be present in each individual employment contract**. The following, among others, are required:

- a. whether the employer provides or finances transport between several workplaces for **mobile workers**;
- b. all salary components (e.g. benefits, bonuses);
- c. the way the salary is granted (payment modalities, etc);
- d. the standard working hours in day and/or hours per week (in the past, both were required);
- e. conditions for the performance and compensation of overtime;
- f. organising shift work;
- g. conditions of the probationary period;
- h. right to education and training provided by the employer;
- i. all cash benefits, especially the assumption of the costs of private health insurance/additional contributions to the employee's voluntary or occupational pension scheme (changes to these benefits thus require the employee's consent).

An updated template of the employment contract, considering the new changes, is expected to be published by November 19th.

The employer has a duty to inform the employee about certain other elements.

In the case of employment contracts already in force, the employee must (only) be informed of the new elements of the contract within 30 working days of the employee's written request.

2. New holidays for the employees

a. Leave for carers

A new **care leave of 5 working days per calendar year** is available to workers who care for or personally support a relative or a person living in the same household for serious medical reasons.

b. Time off due to force majeure

Employees are entitled to absence for a maximum of **10 working days per calendar** year for unforeseeable events caused by family emergencies due to illness or accident. Compensation is required.

c. Paternity leave

There is an entitlement to **paternity leave of 10 working** days upon request. This was already regulated in Act 210/1999 on Paternity Leave.

3. Internal Regulations

Works regulations, which every employer is obliged to draw up, must be supplemented by **two new clauses** concerning the following:

- a. regulations regarding notice periods
- b. information on the general policy for employee training, if available.

The employer must **inform** each employee on the first day of work **about the content of the internal regulations** and prove that this obligation has been fulfilled.

At this point we would like to point out that the obligation to draw up Internal Regulations has been re-introduced also for SMEs.

4. Other amendments

The new Law 282/2022 also introduces changes in relation to working time, workers' rights, probationary period, etc. These include the following:

- a. No probationary period may be agreed in the employment contract if a new employment contract is concluded between the same parties for the same **position and with the same duties within twelve months**;
- b. The previously regulated right of the employee to work for different employers may **not lead to overlapping of working hours**;
- c. The employee may request to be assigned to a vacant post offering more favourable conditions if he has passed the probationary period and has at least 6 months' experience with the same employer, the employer being obliged to provide a written reply in this regard within 30 days;
- d. Flexible working hours are now explicitly defined by the law as the employee's option to adjust working hours, including through the use of remote work, individualized work programs or work programs with reduced working hours. Any refusal of a worker's request for a flexible work program must be justified in writing within five working days;
- e. Employees who believe they have been dismissed for exercising certain rights provided for by the law may request the employer to set out in writing the grounds for dismissal in addition to the dismissal decision.

The amendments already raise a number of practical questions regarding their implementation and consequences. Nevertheless, they clearly show that the recent trend of making industrial relations more flexible and ensuring better protection of workers in the exercise of their legal rights is being maintained and even improved.

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