

Harassment at work - Legislative Amendments

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By Government Decision no. 27/2025 (published in Romania's Official Gazette no. 97 of 03 February 2025) amendments were adopted to the Methodology on preventing and combating harassment on the basis of sex and moral harassment at work (hereinafter the "**Methodology**"). The modifications come after the Methodology had been adopted by GD no. 970/2023 only on October 17th 2023.

Harassment at the workplace - concept

Harassment involves any behaviour exercised towards an employee by another employee (his hierarchical superior, a subordinate and/ or a hierarchically comparable employee), in relation to the employment relationship, which has as its purpose or effect a deterioration of working conditions by harming the rights or dignity of the employee, by affecting his physical or mental health or by compromising his professional future, endangering his work or degrading the working climate.

As a rule, harassment involves the existence of several incidents and/ or actions of a repetitive, systematic nature, which can be represented by physical, verbal and nonverbal conduct. Stress and physical exhaustion fall under the incidence of moral harassment at work.

Legislative amendments

➤ **Applicability**

Following the new amendments, the scope of the methodology was extended, so that it is currently mandatory for central and local, civil and military public administration institutions and authorities, higher education institutions, pre-university education units, as well as private companies.

➤ **Expert advice and support for victims**

GD 27/2025 imposes on employers the obligation to provide victims with detailed information about the available administrative procedures as well as assistance and guidance in going through these procedures, including through specialized advice and support in managing the situations that arise.

➤ **Victim's rights – anonymous complaints**

A major amendment introduced by GD 27/2025 allows the submission of a written complaint **without a handwritten signature** or even **anonymous complaints**. If the complaint does not include the name, surname, or contact details of the victim, it must be examined and resolved if it contains data and information relating to acts of harassment on the basis of sex or moral harassment.

While allowing complaints under anonymity is a procedural safeguard to encourage reporting, making it easier to report cases of harassment without fear of retaliation, the anonymous nature of the complaint can make it difficult to investigate the case, as the lack of essential details

regarding the affected person or the context of the incident may limit the employer's ability to verify the facts and adopt protection and support measures for the victim of harassment.

In any case, the admission of anonymous complaints involves numerous practical difficulties. Inter alia, solutions to guarantee data security and the protection of the identity of the implied persons are required. Possible options may include secure online platforms, boxes for physical complaints, dedicated telephone lines for victims of harassment, or email addresses through which employees can submit complaints through a temporary or anonymous email account.

➤ **Reporting obligation**

Central and local public administration institutions and authorities, civil and military, higher education institutions, as well as pre-university education units must prepare annual reports on the implementation of the provisions of the methodology, which will be sent to ANES (National Agency for Equal Opportunities between women and men, a body subordinated to the Government and coordinated by the Prime Minister, through the Prime Minister's Chancellery).

The persons responsible for managing harassment cases within each entity (public and private) are compelled to monitor and report to the management the manner of compliance with the application of the provisions of the methodology, by the end of the first quarter of each year, for the previous year. Such reporting must include the number of incidents recorded and the way in which they were resolved, as well as the recommendations outlined.

Conclusions

Each employer must develop its own guide on preventing and combating harassment based on sex, as well as psychological harassment at work, adapted to specific working conditions, in compliance with the deadlines and principles provided in the annex to the Methodology.

Although during the last year, the majority of employers have implemented these rules, the amendments entered into force on February 3rd, 2025 might again require the revision and modification of their internal policies regarding the prevention and sanctioning of harassment at the workplace.

The lack of internal policies and the omission to implement the measures provided for in the methodology constitutes a contravention and is sanctioned with a fine ranging from 30,000 to 50,000 lei.

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