

Labour law: Current EU law with practical relevance

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Labour law has traditionally been largely exempt from harmonisation under EU law, which explains the sometimes considerable differences between Romanian and German labour law, for example.

Nevertheless, there is a clear trend towards Europeanisation: EU legislation is increasingly influencing national regulations. New regulations and practical developments are likely to bring about noticeable changes to everyday working life in companies, in Romania as elsewhere.

Which practical issues are currently shaping the European labour law agenda?

Remuneration transparency directive

Guideline (EU) 2023/970

- Purpose: Strengthening the principle of equal pay for men and women
- In force: 6 June 2023
- Implementation deadline: 7 June 2026
- Affected: Employers of all sizes with 100 or more employees
- Transparency requirements:
 - Salary ranges for positions must be disclosed in the job advertisement.
 - Right of employees to information about their remuneration and average remuneration levels, broken down by gender and employee groups performing the same or equivalent work
 - Regular gender pay gap reporting requirements for larger companies
- Employees' claims for damages and additional payments in the event of a breach
- In addition, deterrent fines
- Burden of proof: in case of doubt, the employer must prove that there has been no discrimination
- Member States must regulate equality bodies and monitoring mechanisms

Platform policy

Directive (EU) 2024/2831 on improving working conditions in platform work

- Purpose: Fair working conditions for people working via digital platforms (ride sharing, delivery, etc.), combating bogus self-employment and lack of transparency in algorithmic management, and data security
- In force: 11 November 2024
- Implementation deadline: 2 December 2026
- Platform workers are considered employees unless proven otherwise, if there are facts that indicate management and control by the platform

- Disclosure requirement regarding the functioning of automated systems (assignment of tasks, blocking, evaluations, etc.). Far-reaching decisions must not be made fully automatically
- Secure communication, legal support in disputes, and health and safety measures for platform workers
- Fines are the responsibility of Member States. However, they must be dissuasive

New EWC Directive

Revision of Directive 2009/38/EC on European Works Councils

- Strengthens the role and rights of European Works Councils (EWCs). EWCs must be established in multinational companies and involved in cross-border matters. The old version had been criticised for being difficult to enforce and for insufficient sanctions, among other things.
- Not yet in force, adopted by Parliament on 9 October
- New regulations:
 - Extension of measures requiring EWC involvement (including purely national measures with an impact on other countries)
 - Consultation becomes more binding: management must provide a reasoned response to the EWC's opinion before a decision is made
 - Deadline for negotiating the EWC agreement reduced to 18 months (after which the EWC is established by law)
 - Meetings to be held more frequently in the future (twice a year)
 - Strengthening the right of experts to participate; information is more difficult to classify as confidential
 - The company bears costs for legal proceedings in connection with EBR
 - Hefty fines in future: up to €20 million or up to 4% of annual turnover (previously often more symbolic)

Minimum wage directive “under scrutiny”

Directive (EU) 2022/2041 on adequate minimum wages has been in force since 19 October 2022 and was to be implemented in 2024 – we have already reported on this.

However, an action for annulment was brought against the directive; the proceedings before the ECJ are at an advanced stage. In his Opinion of January 2025, the Advocate General argued for complete annulment, in principle, on the grounds of exceeding powers.

The ruling is expected in 2025, and is likely to be decisive for the future design of national minimum wage regulations.

Relevant for Romania: Collective bargaining

The Minimum Wage Directive also aims to promote collective bargaining. Member States should take measures to increase collective bargaining coverage, especially where it is below 80% (as in Romania).

Romania has already incorporated such a provision into its Labour Code; a strategy to promote collective bargaining is currently being developed. We expect to see the first practical results shortly.

Conclusion

EU law remains in flux: transparency, accountability, compliance, and enforcement dominate the agenda.

In 2026, companies can expect significantly greater compliance and organisational efforts – partly linked to a paradigm shift, for example in the confidentiality of salaries.

EU law has also long been a decisive factor in labour law: employers should closely monitor upcoming requirements and respond at an early stage.

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