

# NewsAlert

## Employment

### RECENT AMENDMENTS OF LAW NO. 53/2003 – LABOUR CODE (THE “LABOUR CODE”)

- I. The Labour Code has just been amended by Law no. 283/ 2022 *for amending and supplementing Law no. 53/2003, as well as of Government Emergency Ordinance no. 57/2019 regarding the Administrative Code*, which was published in the Official Gazette of Romania, Part I, no. 1013 of 19 October 2022 (“**Law no. 283/ 2022**”).

Law no. 283/2022 has entered into force on 21 October 2022 and provides for a series of significant amendments to the Labour Code.

The main changes are:

1. Additional information for candidates and employees, to also be reflected in the individual labour agreements

In addition to the information currently provided by employers to candidates or employees, employers will have to inform them also on the following:

- a. if the employee does not have a fixed work location, whether the travel between different workplaces is covered or reimbursed by the employer, as the case;
- b. the salary payment method;
- c. the conditions for performing and compensating overtime and organizing shifts, where applicable;
- d. the trial period conditions;
- e. the benefits in cash or in kind to be granted (e.g., private health insurance, additional contributions to voluntary/ occupational pension schemes, other advantages);
- f. the rights and conditions regarding the vocational training provided by the employer.

The aforementioned provisions must also be included in the employment agreement.

**2. New rules regarding trial period**

It is expressly forbidden to set a new trial period if, within a 12-month period, a new individual employment agreement is executed between the same parties for the same position and responsibilities.

**3. Additional rights for employees to request the transfer to a vacant position**

Law no. 283/2022 provides a new right for employees with at least 6-months of service with the same employer to request a transfer to a vacant position offering more favourable conditions. In response to such right, the employer has the obligation to provide the employee with a written answer within 30 days of the receipt of the employee's request.

**4. New days off for employees**

Employees benefit from the following additional days-off:

- a.** 5 business days per year as carer's leave (i.e., the leave granted if the employee has to offer care or personal support to a close relative or an individual with whom they live in the same household and who has a serious medical condition); failure to observe this obligation may trigger an administrative fine of up to RON 8,000 (approx. EUR 1,600);
- b.** 10 business days per year for unforeseen situations determined by a family emergency caused by illness or accident, which make the immediate presence of the employee indispensable. Such days off work are granted provided that the employer was informed in advance and the employee recovers afterwards the period of absence (as agreed by mutual agreement between the employer and the employee); and
- c.** paternity leave in accordance with the provisions of Law no. 210/1999, irrespective of the period in which the employee's activity has been carried out or the seniority; failure to observe this obligation may trigger an administrative fine of up to RON 8,000 (approx. EUR 1,600).

These days off are considered periods during which work was performed when computing the number of annual leave days.

**5. New elements to be included in the Internal Regulation**

In addition to the current provisions, Law no. 283/2022 provides that the Internal Regulation has to also include:

- a.** rules regarding the prior notice period; and
- b.** information related to the general policy on vocational training if any exists.

The employer has the obligation to inform each employee in respect to the provisions of the Internal Regulation on their first day of work and provide evidence of this. The Internal Regulation may be communicated to the employees in paper or in electronic form, provided that, in the latter case, the document is accessible to the employee and can be stored and printed by them.

- II. Earlier this month, the Labour Code was also amended by Law no. 275/2022 to repeal Government Emergency Ordinance no. 37/2021 to amend and supplement Law no. 53/2003 - Labour Code, which was published in the Official Gazette of Romania, Part I, no. 961 of 3 October 2022 (“**Law no. 275/2022**”).

As per the provisions of Law no. 275/2022, microenterprises with up to 9 employees are no longer exempted from the obligation to:

- a. draft and implement an internal regulation; and
- b. agree with their employees on job descriptions.

Thus, all microenterprises that have chosen to benefit from the applicability of Government Emergency Ordinance no. 37/2021 will now be required to have an internal regulation in place and/or agree on job descriptions with all their employees.

While the internal regulation is an unilateral document issued by the employer (regarding which employees are merely consulted), job descriptions are components of the employment agreements, and any amendment are subject to both parties’ consent through the execution of an addendum to the individual employment agreements.

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#### About GLODEANU & PARTNERS LLC

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