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IMPORTANT CHANGES TO ROMANIAN LABOR LEGISLATION IN 2022

1. Law 283/2022 amending the Labor Code

- **Extension of the employer's obligation to inform employees and the adoption of a new template for the standard labor agreement**

Employers will need to give employees more information prior to entering into or amending a labor contract, in addition to the information that already needed to be provided under art. 17 of the Labor Code, including: (i) all the salary components, laid out separately from the base salary, (ii) the terms for performing, compensating or paying overtime, (iii) the terms of the trial period, (iv) matters related to the professional training opportunities. For the employees whose labor contracts date back prior to these changes, such supplemental information must be given by the employer, within maximum 30 working days from receiving the employee's written request to this end. The lack of such request does not exclude the application of the minimal statutory rights.

A new template for the standard labor agreement will be published by the Labor Inspection.

- **Explicit protection for the employees against adverse treatment**

The definition of victimization has been extended to include any adverse treatment related to breaches of the equal treatment and non-discrimination principle and of the employees' statutory rights, as a reaction not just to a grievance or court action, but also to a complaint submitted to the relevant authorities. Employees will be able to request in court compensation, restoration to the initial condition or the annulment of the situation thus created, upon presenting the facts based on which such adverse treatment may be presumed.

- **Supplemental rules regarding the trial period and the employees' access to other vacant positions**

New trial periods may not be established in new labor contracts entered into by the same parties, for the same position and for the same attributions, within 12 months since a previous contract.

Employees with a seniority of at least 6 months at the same employer and which have concluded their respective trial periods have the right to request a move on a vacant position that provides safer and more predictable work conditions. The employer must provide a justified response within 30 days since receiving the employee's request to this end.



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➤ **The caregiver leave and other days off**

The caregiver leave, newly regulated, may be granted for up to 5 working days within a calendar year, and is meant to allow employees to provide care or support to a family member (son, daughter, mother, father or spouse) or to a person who lives in the same household, for serious medical conditions. The actual conditions of granting and other details will be set out in a joint order of the Ministry of Labor and Social Solidarity and of the Ministry of Health.

Also, other free days are regulated for family emergencies due to illness or accident, which require the immediate and indispensable presence of the employees, upon informing the employer and agreeing to make up for such absences until the normal length of the work schedule is fully covered. The employees' absences in such situations may not exceed 10 working days in a calendar year.

➤ **New dismissal prohibitions**

Employees may not be fired for exercising their rights. Also, dismissals may not be performed throughout the duration of the parental leave, of the caregiver leave or during the days off granted due to family emergencies. Dismissed employees may request the employer to present, in writing, the grounds on which such decision is based, beyond the factual and legal justification of the termination that was already mandatory to be provided.

➤ **New requirements for the Internal Regulation**

The Internal Regulation must comprise, in addition to the elements already mandatory, rules related to the termination notices and to the company's general policy on professional training, if one is in place. Also, the Internal Regulation must be acknowledged by the employees during the first day of work, on paper or in electronic format (in the latter case, provided it can be accessed, saved and printed by the employees).

2. Changes regarding the paternal leave

Emergency Ordinance 117/2022 amending Law 210/1999 on paternal leave has increased the duration of the paid paternal leave, from 5 to 10 days. Fathers that have taken a child raising course may extend the duration of the leave with only 5 working days, as opposed to 10 working days, as was the case.

Also, the company's obligation to inform the employees of their right to paternal leave has been introduced and failure to observe such obligation may be sanctioned with a fine of from 4.000 to 8.000 RON.

3. New extra-salary benefits

Starting January 2014, employees benefitting of domestic services provided by individuals that carry out such services occasionally will be able to pay for such services through some special vouchers granted by their employer, under Law 111/2022. There is no need for a written agreement between the provider and the employees benefitting of such services, but the provider may not be a family member.



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The vouchers have a value of RON 15 and may be changed into money within 12 months since their receipt. They may be offered to employees as bonuses, in addition to the regular wage, and the number and their frequency is to be set by the employers, together with the unions or the employees' representatives. Employers that have acquired and granted at least 600 such vouchers to the same employee may benefit, free of charge, of 50 vouchers for the next year, for each employee for which such minimum number of vouchers has been granted.

4. Employees' access to REVISAL

Under Law 144/2022 amending the Labor Code, employers must now register with REVISAL the level and specialty field for the employees' studies.

REVISAL is accessible online for current and former employees as regards their data, their right of access being limited to visualizing, downloading and printing out such data, and to generating and downloading online an extract. Such extract may serve as proof for the employees' seniority at work and in the field of specialty.

Should you need more information on any of the above topics, please do not hesitate to contact us. The information herein does not constitute legal opinion.