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NEW LABOR LEGISLATION CHANGES IN ROMANIA

Government Emergency Ordinance 42/2003 (“**GEO 42/2003**”) amends both the Labor Code and Law 367/2022 on social dialogue. Its provisions, with few exceptions, apply starting with the publication date (May 25, 2023). Its declared objective is to remedy the gaps and discrepancies in the existing legislation, to avoid possible incorrect practices, as well as an increase of disputes.

Thus, most changes relate to such technical corrections or confirm some recent interpretations from practice. Below are some of the key-aspects.

1. Changes to the Labor Code

- GEO 42/2003 confirms the authority of tribunals to resolve labor conflicts and the appeal deadline of 10 days from the delivery date of the court decision.
- Also, it confirms that the free days off paid by employer as part of the caregiver leave account as seniority.

2. Changes to Law 367/2022 on social dialogue

- An employer may be affiliated to multiple employers’ organizations, according to its registered business object, but, at sector-level collective bargaining, only one such organization (or, respectively, one federation of confederation) may represent that employer.
- The deadline for summoning all parties entitled to participate in collective bargaining increases from 5 to 15 calendar days, and, within such deadline, the employer must organize the first negotiation session.
- Collective bargaining contracts at sector or national level must contain specific clauses applicable to each category of SMEs (small and medium enterprises).
- The matters discussed at the meetings of the board (or of a similar body) to which representative union organizations must be invited now include problems of economic interest.
- The order of the entities entitled to participate in the collective bargaining at company-level is confirmed: (i) representative union organizations; (ii) representative union federations at sector-level, at the request and based on the mandate from affiliated non-representative unions at company-level; (iii) non-representative union federations, members of representative union confederations at the request and based on the mandate from affiliated non-representative unions at company-level; (iv) all non-representative unions at company-level; (v) employees’ representatives. It is now clear that employees’ representatives may participate in the collective bargaining only if there are no unions at company-level, even non-representative.

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