CERHA HEMPEL CEE NEWSLETTER
Romania

Amendments to labour legislation

In May, the Romanian Government issued two Government Emergency Ordinances in the labour field: (i) Government Emergency Ordinance No. 36/2021 regarding the use of a qualified or advanced electronic signature in employment relations (GEO 36/2021) and (ii) Government Emergency Ordinance No. 37/2021 amending and supplementing Law No. 53/2003 – Romanian Labour Code (GEO 37/2021). GEO 36/2021 was amended in July by the Romanian Parliament, whereas GEO 37/2021 is still in the process of approval.

These measures are intended to provide employers with opportunities to ensure flexibility when dealing with issues regarding employment, such as signing different employment documents or the transition to teleworking. We present below the key amendments introduced by the new legislation.

Use of an advanced electronic signature or qualified electronic signature

In particular, the amendments enable parties to the employment agreement to use the advanced electronic signature or the qualified electronic signature (E-signature Solutions) to conclude, amend, suspend or terminate the individual employment agreement.

Moreover, GEO 36/2021 brings more flexibility for employers when drawing up other employment documents. In this respect, the employer may choose to use the (simple) electronic signature, the electronic seal of the employer or the E-signature Solutions, under the conditions established by the internal regulation and/or the applicable collective labour agreement.

Symmetric signatures are required when concluding, amending, suspending or terminating the individual employment agreement, as both parties must use the same type of signature, specifically the handwritten signature or the E-signature Solutions.

Employers are not allowed to compel candidates selected for employment or, as the case may be, employees to use the E-signature Solutions, for the conclusion, amendment, suspension or termination of the individual employment agreement. Moreover, employers must inform selected candidates or employees of the procedures for using the E-signature Solutions.

The concepts of electronic signature, advanced electronic signature, qualified electronic signature and electronic seal have the meanings given to them by the provisions of EU legislation.

Exemptions for microenterprises

For microenterprises with nine or fewer employees, GEO 37/2021 introduces a number of exceptions with regard to employment documentation.

The obligation to include the job description in the individual employment agreement has been eliminated; therefore, the duties corresponding to the position held may be specified orally. Nonetheless, employers must communicate the job description in writing, including the job duties, upon the written request of the employee.

The obligation for the employer to draw up the internal regulation has been eliminated.

Moreover, for (i) mobile employees, (ii) employees working from home and (iii) employees of the aforementioned microenterprises, employers are required to keep a record of the working hours performed daily by each employee under the con-

ditions established in a written agreement, depending on the specific activity performed by such employees.

In this respect, the framework template for the individual employment agreement has been updated to reflect the changes mentioned above.

Amendments to teleworking legislation

The definition of teleworking is amended by excluding the threshold of a minimum of one day a month of teleworking. The requirement to mention in the employee's individual employment agreement the place where teleworking is to be performed has also been removed.

The performance of the activity by teleworkers will be verified by the employer, mainly using information and communication technology.

There is a new obligation on the part of employers to ensure conditions for the teleworkers to receive adequate occupational safety and health training, in particular in the form of information and work instructions on the use of display screen equipment, upon their employment and upon the introduction of new work equipment/any new working procedure.

For more information

Mirela Anelise Nathanzon
Partner Romania
mirela.nathanzon@cerhahempel.com
Tel: +40 37 151 71 87

Media owner and publisher: **CERHA HEMPEL Rechtsanwälte GmbH**, Parkring 2, A-1010 Vienna | Tel: +43 1 514 350 Fax: +43 1 514 35 35 | email: office@cerhahempel.com | Although this newsletter was created with the greatest of care, we nevertheless do not accept any responsibility whatsoever for its content being correct, complete or up to date **| Visit us at www.cerhahempel.com | CERHA HEMPEL** Austria Belarus Bulgaria Czech Republic Hungary Romania Slovak Republic